

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2273/0F1
2.	Proposed Development:	DETACHED DOUBLE GARAGE
3.	Location:	LANE HEAD GARDENS, LANE HEAD, SANDWITH
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site And Location This application relates to Lane Head Gardens, a detached property off Lane Head in Sandwith. The site is bounded to the north and east by minor roads, with the curtilage for Lane Head Gardens to the west and open fields to the south. The site was previously used as a horticultural nursery but has been closed for some time.	

Planning permission was granted for the erection of a new dwelling in May 2022 (application reference 4/22/2216/0F1 relates), following the approval of a Prior Approval application for the change of use of a commercial building to form a dwelling in 2022 (application reference 4/21/2503/0F1 relates).

Proposal

Planning Permission is sought for the erection of a new detached double garage within the north east corner of the site.

The proposed garage will be 8.6 metres in width and 8.8m in length with an eaves height of 2.6m and an overall ridge height of 3.2m.

The building has been designed with a Upvc double window on the rear elevation and a Upvc pedestrian door on the side elevation. The front elevation will contain a roller shutter door.

Externally the building will be finished with rendered and a grey tiled roof.

Relevant Planning Application History

Market garden with static caravan, approved in March 1990 (application reference 4/90/0107/0 relates);

Portacabin, approved in December 1990 (application reference 4/90/1086/0 relates);

Dwelling, approved in March 1994 (application reference 4/94/0027/0 relates);

Extension of greenhouse and potting shed, approved in August 1993 (application reference 4/93/0423/0 relates);

Dwelling and garage, approved in June 1994 (application reference 4/94/0348/0 relates);

Application for a lawful development certificate for an existing use, approved in November 2015 (application reference 4/15/2419/0E1 relates);

Application to determine if prior approval is required for a proposed change of use from commercial to a dwelling including replacement of main roof, approved in January 2022 (application reference 4/21/2503/0F1 relates);

Erection of a new dwelling in May 2022 (application reference 4/22/2216/0F1 relates).

Consultation Responses

Whitehaven Town Council

No objections.

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



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.

Countryside Access Officer

No comments received.

Public Representations

The application has been advertised by way of neighbour notification letters issued to 4 no. properties.

One neutral comment was received to request clarification on the orientation of the garage. Once this was provided, no further comments were received.

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

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

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.

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.

The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

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

Other Material Planning considerations:

National Planning Policy Framework 2023 (NPPF)

Assessment

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



Cumberland Council

Principle of Development

The proposed application relates to a detached residential dwelling on the edge of Sandwith and close to Whitehaven. The proposal will provide a new detached garage.

Policy DM18 and Policy DS6PU support extensions and additions 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 garage was originally submitted to have an overall height of 4m. Following discussions with the Agent for the application, this height was reduced to 3.2metres in order to lessen any impact on this prominent corner site. Negotiations have also resulted in the resiting of the garage away from the site boundaries to reduce its impact when viewed from out side the site.

Although the proposed garage is considered to be large in overall size, it is to be sited within a large plot and, in its revised position, will be viewed in context with the buildings within the site.

The garage will be finished with render walls, grey roof tiles, a roller shutter door and a UPVC window and pedestrian door. The choice of materials proposed are considered suitable for their use.

The proposed garage is not considered to be excessively prominent within the locality and will respect the character and appearance of the existing property and the wider area.

On this basis, the proposal is considered to meet Policy DM18 of the CS, Policy DS1PU of the ELP 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.

Significant consideration was given to the potential dominance and overbearing impacts of the garage due to its scale. However, the location of the garage within the site is screened by a mature hedgerow and timber fence.

There are no residential properties within close proximity that will be affected by the proposal and it is considered that residential amenity within the area will remain as existing.

	<p>Due to the scale of the garage, it is considered prudent to include a suitably worded planning condition to ensure that a commercial use or use as an independent dwelling is not created. The condition should will ensure that the garage is only used for purposes ancillary to the parent property only.</p> <p>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.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks Planning Permission for the construction of a new detached garage at Lane Head Gardens.</p> <p>The proposed garage, as revised, 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 the wider residential area.</p> <p>A Planning condition will be imposed to ensure that the garage remains domestic in nature to further protect residential amenity.</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>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall 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"> 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: -

Application form, received 6th August 2024;

Site Location Plan, scale 1:1250, drawing number 01002 02, received 6th August 2024;

Proposed Block Plan, scale 1:250, drawing number 04003 07, received 31st October 2024;

Proposed Floor Plan and Section, scale 1:50, drawing number 04101 02, received 6th August 2024;

Proposed Elevations, scale 1:50, drawing number 05101 02, received 18th October 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 detached garage hereby approved must only be used in association with and ancillary to the residential property known as Lane Head Gardens and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 of the Copeland Local Plan.

Informative

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

	<p>Statement</p> <p>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.</p>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 04/11/2024</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 04/11/2024</p>
<p>Dedicated responses to:- N/A</p>	