

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2411/0F1
2.	Proposed Development:	PROPOSED GARAGE (RETROSPECTIVE)
3.	Location:	LAND ADJACENT TO 9 EARLS ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	<p>Report:</p> <p>SITE AND LOCATION</p> <p>The application site comprises land forming a garage plot, to the north west of a lane positioned to the rear of Earls Road, in Whitehaven. The site is accessed via the lane which joins Brayton Terrace to the north and Earls Road to the south.</p> <p>A row of garages is situated alongside and to the south of the application site. A hard standing parking space is in place to the north of the site. The garages and parking spaces form a group to this part of the lane.</p> <p>PROPOSAL</p> <p>Planning permission is sought for the retention of a detached garage which has been erected on the plot. The garage measures approx. 3.6m x 5.3m, with a height to eaves of approx. 2.25m and overall height of approx. 3.2m. The garage finishes include rendered walls, sheet roof and a garage door.</p> <p>The application is retrospective.</p>	

RELEVANT PLANNING APPLICATION HISTORY

N/A

CONSULTATION RESPONSES

Town Council

No response was received within the consultation period.

Public Representations

The application has been advertised by way of a notice placed at the site and neighbour notification letters issued to adjacent properties.

Two representations have been received in relation to the proposal commenting that garages are being built and not completed which is not pleasant to look at. There are also issues with runoff from roofs running down the lane. Concerns were also raised that the proposal was retrospective and that this was far from satisfactory.

PLANNING POLICIES

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 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 Local Plan as commenced by Copeland Borough Council.

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



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The policies relevant to this application are as follows:-

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on the amenities of the locality and highways safety.

Principle of Development

The application site consists of a garage plot in a residential area, within the settlement boundary of Whitehaven. The development relates to the erection of a single garage upon the plot.

Strategic Policy DS2 of the Copeland Local Plan supports the principle of development within the settlement boundaries identified within the settlement hierarchy, where it accords with the provisions of the Development Plan.

The principle of development is therefore accepted within the context of Strategic Policy DS2 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, be sympathetic to the local character and environment, and should be of an appropriate density and layout.

The proposal relates to the erection of a garage in an area utilised for parking and garaging. The scale, design and proposed finishes of the garage are commensurate with adjacent garage development along the lane. The development is therefore considered to be appropriate for the site and locality.

The application is retrospective. The garage is in place at the site in an unfinished state, with the walls currently exposed in a breeze block finish. Comments have been received in relation to the application referencing the presence of unfinished garages within the locality and the negative impact these have on the visual amenity of the area. Given the unfinished walls of the structure and the potential cumulative harmful impact should the walls remain in

this state, it is considered appropriate to secure that the walls be finished with render by condition, within 3 months of the date of any planning approval.

The proposal therefore complies with Policies DS4 of the Copeland Local Plan in relation to scale and design.

Amenity

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

The development site is situated within an area used by local residents for parking. The proposed garage is situated alongside existing garage development and is of a comparable scale and design to those adjacent. The proposed garage would not, therefore, have an adverse impact upon the visual amenity of the locality.

The application site and garage are considered sufficiently separated from neighbouring properties so as not to have an adverse impact upon adjacent residential amenity. It is considered appropriate to secure the garage be used for domestic purposes only, to ensure the use of the site remains in keeping with the surrounding residential uses and to prevent any amenity issues arising from commercial activities.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan in relation to maintaining amenity levels.

Highway Safety

Policy DS4 of the Copeland Local Plan requires that all new development not give rise to severe impacts on the highway network.

The proposal is accessible via a lane which is of a suitable width to accommodate vehicular traffic, and which currently provides access to parking along the lane. The proposed access to the application site is therefore considered suitable, with the development not having any significant adverse impact on the highway network.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan in relation to maintaining highways safety.

Flood Risk

Strategic Policy DS6 of the Copeland Local Plan looks to ensure flood risk is reduced and mitigated through appropriate measures within development.

Comments have been received in relation to the proposal indicating that other development has resulted in run off from the roofs running down the lane. The applicant has advised that surface water will be the same as a former garage of the same footprint on the site, which was to ground.

Although the proposal does not incorporate additional drainage measures, given that the proposal would not result in any further run off beyond the former garage at the site, the



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	<p>development would not increase flood risk at and beyond the site.</p> <p>The proposal therefore complies with Policy DS6 of the Copeland Local Plan in this regard.</p> <p><u>Biodiversity Net Gain</u></p> <p>Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a Biodiversity Net Gain of 10%, to ensure a development would result in more or better quality natural habitat than there was before development.</p> <p>Guidance states that development that does not impact priority habitat and impacts less than 25 square metres of on-site habitat are exempt from Biodiversity Net Gain (BNG) rules. The area for development is a hard standing with a footprint of less than 25 square metres. As a result, BNG is not required within the development.</p> <p>Planning Balance and Conclusion</p> <p>The proposed garage is of an appropriate scale and design which would preserve the amenities of the locality and existing highways conditions.</p> <p>The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: Application Form, received 13th December 2024 Site Location Plan, scale 1:1250, Drawing 101, received 13th December 2024 Plans and Elevations, scale 1:100, Drawing 102, received 13th December 2024 Email dated 23rd January 2025 relating to drainage <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> <ol style="list-style-type: none">2. Within three months of the date of this permission, the rendered finish shall be applied to the walls. <p>Reason</p>

To safeguard the visual amenity levels of the locality, in accordance with Policy DS4 of the Copeland Local Plan.

3. The garage hereby permitted shall solely be used for domestic purposes and shall at no time be used for commercial or business purposes whatsoever.

Reason

To safeguard the residential amenity levels of the locality, in accordance with Policy DS4 of the Copeland Local Plan.

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Statement

The Local Planning Authority has acted positively and proactively in determining the application and averting the potentially necessity and expediency for pursuit of enforcement proceedings. The proposal was assessed against, primarily, the development plan policies, any duties applicable and also all material considerations, including emerging Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received and subsequently it was determined to grant planning permission.

Case Officer: L. White

Date : 27/01/2025

Authorising Officer: N.J. Hayhurst

Date : 28/01/2025

Dedicated responses to:- N/A