

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2254/0F1	
2.	Proposed Development:	SINGLE STOREY REAR EXTENSION FOR KITCHEN AND DETACHED SINGLE STOREY ARTIST GARDEN STUDIO	
3.	Location:	4 LOW MILL, EGREMONT	
4.	Parish:	Lowside Quarter	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, 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 4 Low Mill, a mid-terrace property, located to the west of Thornhill. The property is located within a small group of dwellings accessed from Dent Road. The property benefits from a shared access to the rear of the site and includes a large rear			

garden.

Relevant Planning History

No relevant planning history.

Proposal

This application seeks planning permission for a single storey extension and detached single storey artist garden studio.

The proposed rear extension will measure 4.61 x 5.29m and will benefit from a flat roof with an overall height of 2.88m. A large roof lantern is proposed. The proposed extension will create a large kitchen and will allow the existing internal space to be utilised as a dining room. Externally the extension will be finished with painted render, and black UPVC windows and doors.

The proposed detached studio will be located within the rear garden. The building will measure 8m x 3.8m and will benefit from a flat roof with an overall height of 2.8m. The proposed outbuilding will accommodate an area for an artist studio, a toilet, utility room, and store. Externally the development will be clad with marley cedar cladding.

Consultation Responses

Lowside Quarter Parish Council

No comments received.

Cumberland Council – Highway Authority

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

There are no objection from a highways perspective.

The application is located within flood zone 2 but is also very close to flood zone 3 adjacent to a 'main' river. As such the Local Planning Authority are advised to consult with the Environment Agency to determine the suitability of the proposal.

This is a small development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be inspected by Building Control.

United Utilities

No comments received.



Cumberland Council

Environment Agency

No comments received.

Cumberland Council – Environmental Health

As far as its remit is concerned, Environmental Health have considered the following aspects of this development.

The site is within a larger area marked on Council mapping as being potentially contaminated land, under Part 2A Environmental Protection Act 1990, due to its industrial legacy as an iron foundry and flax / rope mills.

Most of the mill buildings and the former mill race, together with the iron foundry, were located on the now disused plot of land to the immediate north of 'Low Mill'.

During this period, the adjacent dwelling 'Lowmill House; is shown on historical OS maps.

Given this separation, and the limited scale of the proposed development, the likelihood of significant harm from contamination is deemed as low risk.

There is the potential to encounter contamination hotspots during groundworks, though the development would see the pollution pathway from soil to human receptor broken if there is a solid concrete floor in place in the proposed kitchen extension.

A condition for unexpected contamination, in the event that visual or olfactory evidence is seen, is suggested otherwise.

The drainage for the development is proposed to connect to the combined public sewer present on site and Environmental Health has no objections to this, provided that manhole inspection chambers are not covered over.

A condition to limit construction hours to mitigate the noise impact on neighbours is also suggested.

As such, Environmental Health do not object to this development and suggest that the following conditions are considered if approval is granted: Land affected by contamination – Reporting of unexpected contamination, and Noise from Construction Works.

Public Representation

This application has been advertised by way of neighbour notification letters issued to three properties.

One letter of support has been received offering no objections.

One letter of neutral response has also been received requesting more information relating to how the extension will impact the neighbouring property, the extractor vent and service pipe work, and how the development will be attached to the property.

Confirmation has been provided from the agent on this matter and no further comments

received.

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 5th 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.

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.

Concerns were originally raised regarding the overall scale and height of the proposed rear extension and detached outbuilding. The agent has therefore reduced the overall height of both elements of the proposal.

Whilst the proposed outbuilding is large in scale, it has been designed to accommodate several facilities which cannot be accommodated within the internal space of the existing dwelling. A condition will therefore be utilised to ensure that the use of the outbuilding is restricted to ancillary domestic use.

Based on these amendments the developments are considered to appropriate in terms of scale and design which complement the appearance of the existing dwelling.

On balance this is considered to be an appropriate form of development that is in accordance

with the requirements of Policies H14 and DS4 of the adopted 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.

Concerns were originally raised regarding the impact of the proposed extension on the amenity of the neighbouring property, 5 Low Mill, in particular the proximity to existing windows. The agent has reduced the overall height of the extension to mitigate these impacts.

Whilst the extension will still have some impacts on the neighbouring property due to the proximity to the boundary of the site, a larger extension could be built along the boundary under permitted development rights via the prior approval process for larger house extensions. This fallback position is a material planning consideration.

No objections have been received from neighbouring properties.

A condition to limit construction hours to mitigate the noise impact on neighbours has been requested by Environmental Health.

The amendments ensure the proposal 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 development will not alter the existing parking arrangements for the property and will not increase the need for off street parking at the site.

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. The application is therefore supported by the Environment Agency Householder and other minor extensions in flood zone 2 and 3 form. This form confirms that the floor levels will be no lower than existing and flood proofing will be incorporated into the development.



Cumberland Council

The proposed extension will be located upon an existing hardstanding and will therefore not increase flood risk. The proposed outbuilding will be located on part of the existing grassed garden, however, no objections comments have been received to this development from the LLFA

No comments have been received 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 and artist studio.

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 drainage, or ecology.

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.

8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> - The development hereby permitted must be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. - 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: - Application Form, received by the Local Planning Authority on the 17th July 2025. - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 17th July 2025. - Existing and Proposed Block Plans, Scale 1:200, Ref: DB/4, received by the Local Planning Authority on the 17th July 2025. - Existing Part Ground Flood and Elevation, Scale 1:50, Ref: DB/1 received by the Local Planning Authority on the 17th July 2025. - Proposed Part Ground Floor Plan and Elevation (Amended), Scale 1:50, DB/2A, Ref: DB/2A, received by the Local Planning Authority on the 27th October 2025. - Proposed Extension Side Elevation (Amended), Scale 1:50, Ref: DB/5A, received by the Local Planning Authority on the 27th October 2025. - Proposed Garden Studio Plan and Elevations (Amended), Scale 1:50, Ref: DB/3A, received by the Local Planning Authority on the 27th October 2025. - Environment Agency Householder and Other Minor Extensions in Flood Zone 2 and 3, received by the Local Planning Authority on the 17th July 2025. 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.

Other Conditions:

3. The detached studio hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Low Mill and must not be let or sold as a separate permanent dwelling.

Reason

The annexe is not considered appropriate for use as a separate residential unit in accordance with DS4 of the Copeland Local Plan.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared and be submitted and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

5. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:
 - Monday to Friday 08.00 – 18.00 and
 - Saturday 09.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

	Reason In the interests of the amenities of nearby occupiers during the construction of the development in accordance with DS4 of the Copeland Local Plan. 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 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.
Case Officer: C. Burns	Date : 27.10.2025
Authorising Officer: N.J. Hayhurst	Date : 28/10/2025
Dedicated responses to:- N/A	