

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2128/0F1
2.	Proposed Development:	FIRST STOREY EXTENSION AND SMALL TERRACE OVER EXISTING GROUND FLOOR IN PLACE OF EXISTING LARGE FIRST FLOOR TERRACE
3.	Location:	BEACH VILLA, DRIGG ROAD, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report.
7.	Report: Site and Location The application site relates to Beach Villa a semi-detached property located off Digg Road within Seascale. The property is set back from Drigg Road and benefits from a modest sized curtilage with flat roof terrace to the front/side. PROPOSAL Planning permission is sought to construct a first-floor extension over part of the existing	

ground floor terrace to the side elevation. A smaller roof terrace to the front of the property will remain.

The proposed extension will be 5.1m in length and 5.1m in width and has been designed with a dual pitched roof with an overall height lower than the main dwellings eaves.

The extension will be finished with render, slate roof tiles to match the existing property, and a mixture of upvc and aluminium windows and doors.

The proposal includes the erection of a set of new external painted steel stairs to allow access to the roof terrace and new master bedroom.

RELEVANT PLANNING APPLICATION HISTORY

No previous applications at this site.

CONSULTATION RESPONSES

Seascale Parish Council

No objections.

Highways & LLFA

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) 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. The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2&3. The applicant should consult with the Environment Agency regarding a flood risk assessment.

Resilience Unit

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

There are no objections to the proposed works. However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the



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area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 5 no. properties – 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 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 2001- 2016.

The policies relevant to this application are as follows:-

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy H14: Domestic extensions and alterations

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO6: Countryside Access

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

The Countryside & Rights of Way Act 2000

Wildlife and Countryside Act 1981

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Assessment

The key issues raised by this proposal are the principle of development, its scale design and the potential impacts on amenity, Flood Risk, impact on PRow, and ecology and biodiversity net gain.

Principle of Development

The application relates to a residential dwelling within the Seascale Area. The development will provide a first-floor extension to the property, above an existing ground floor roof terrace.

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

Scale, Design and Impacts on Amenity

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, street scene or wider surrounding area.

Policy DS4 of the Copeland Local Plan seeks to create high quality developments which respond positively to the character of the site and the wider setting and states that all new development should maintain high levels of amenity.

Section 12 of the NPPF seeks to safeguard high standards of amenity for existing and future users. Developments should add to the overall quality of the area, should be sympathetic to the local character, and should establish and maintain a strong sense of place.

Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

This application seeks permission to construct a first-floor extension over part of the existing ground floor terrace to the side elevation. A smaller roof terrace to the front of the property will remain, which is considered modest in overall scale given what already exists on site, and does not change the outlook in terms of amenity for the adjoining property Hill Garth.

The proposed first-floor extension will be 5.1 m x 5.1m in size and has been designed with a dual pitched roof with an overall height lower than the main dwellings eaves, which mimics the design of the main dwellinghouse roof.



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The proposal is considered to be of an acceptable scale given the width is dictated by the existing ground floor extension.

The extension will be finished with render, slate roof tiles to match the existing property, and a mixture of upvc and aluminium windows and doors. The proposal also includes the erection of a set of new external painted steel stairs to allow access to the roof terrace and new master bedroom. The proposed materials are considered to be acceptable for their use which are not considered to adversely alter the existing building or wider street scene.

Whilst 2 side elevation windows are proposed to the new master bedroom at first floor level, one of which is an en-suite bathroom and will be obscure glazed. The proposed windows also overlook the parent property garden and are located approx. 21m away from the rear elevation windows of the adjacent property 19 Wasdale Park. On this basis, the separation distance is considered to be acceptable and no additional overlooking concerns are considered as part of this proposal.

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

Flood Risk

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.

Upon further investigation, the application site is not shown to fall within FZ2 or 3 – the extent of the flood zone lies within the beach area which is significantly lower than the application site. The application is therefore not supported by a Flood Risk Assessment. Given that the proposal relates to a first floor extension over an existing extension, it is not considered that this will increase flood risk on site.

The LLFA raised no objections to the proposal.

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

Impact on PRoW

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access. On this basis, as the Public Right of Way FP 426011 is within the 50m buffer zone of the applicant site, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

A site visit confirmed that PRoW 426011 runs approx 40m North of the site between 1 Sea View and Fox Parke, linking Drigg Road with Wasdale Park. It is unlikely that the proposal will be seen from the footpath, however, even in this instance, the PRoW is not directly adjacent to the host dwelling and therefore will not be affected as a result of the works.

	<u>Ecology and Biodiversity Net Gain</u> Policy N1 outlines how the Council will protect and enhance the biodiversity and geodiversity within the Borough 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 except from these BNG requirements. In this instance the development is considered exempt from BNG as this is a householder application. The application site is also identified as a potential area for natterjack toads. Whilst the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposal is for the erection of a first floor extension on an area that is already located on hard surfaces on an existing residential site, located within a built up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor 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. <u>Planning Balance and Conclusion</u> This application seeks permission for the extension of a first floor extension over an existing ground floor terrace to the side elevation. It is considered that the proposal is of an appropriate scale and design for the site and locality, which would preserve the amenities of the area. It would not increase the flood risk on site or elsewhere and is not subject to BNG requirements. The proposal is therefore considered an acceptable form of development which complies with the policies of the adopted Local Plan.
8.	Recommendation: Approve (commence within 3 years)



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9.	Conditions: 1. The development hereby permitted shall 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. 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 24th April 2026; - Site Location Plan, scale 1:1250, received 24th April 2026; - Proposed Block Plan, scale 1:200, received 24th April 2026; - Existing Plans, sections & Elevations, scale 1:100, received 24th April 2026; - Proposed Plans, scale 1:50, received 24th April 2026; - Proposed Elevations, scale 1:50, received 24th April 2026; 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. Informative Notes BNG – Exemption Applies 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.
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	Applicable exemption: Householder development. Detailed Emergency Planning Zone (DEPZ) The location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site. In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@westmorlandandfurness.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site. 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 : 17/06/2026
Authorising Officer: N.J. Hayhurst	Date : 18/06/2026
Dedicated responses to:- N/A	