

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2161/0F1
2.	Proposed Development:	ERECTION OF DETACHED GARAGE AND CREATION OF FORECOURT AND NEW VEHICULAR ACCESS ONTO HIGHWAY
3.	Location:	LAND ADJOINING 37 MAIN STREET, PARTON
4.	Parish:	Parton
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - POTENTIAL AREA for the Small Blue, Key Species - Known Site for the Small Blue
6.	Publicity Representations &Policy	See report.
7.	Report: Site and Location The application site relates to Land adjoining to 37 Main Street, Parton. The land is separate to the application dwelling 56 Main Street, Parton. It is understood that the site as a whole previously comprised a Public House which was subsequently converted into a dwelling. The land that this application relates to was once the car park for the Public House and it was sold separately from the dwelling to the applicant. The site is currently overgrown and disused and is bound with herras fencing. Proposal The proposal involves the erection of a detached garage with forecourt area and new	

vehicular access to the front of the site.

The garage will be 2.4m in width and 5.25m in length. It has been designed with a sloping roof with an overall height of 2.6m sloping down to 2.2m. It includes a window on the rear elevation, a small access door on the east side elevation, and a garage door on the front elevation.

The garage is of simple construction and would be finished with render, sheet metal roofing and upvc windows and doors.

The proposal includes a 2.4 metre x 43 metre visibility splay to facilitate the new access onto Main Street.

Relevant Planning History

4/89/0349/2 ONE DWELLING AND GARAGE. – Approve

4/07/2147/0 2 NO. NEW DWELLINGS – Approve

4/10/2391/0F1 APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE AN EXISTANT PLANNING PERMISSION IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION FOR 2 NO. NEW DWELLINGS – Approve

Consultation Responses

Parton Parish Council

No comments received to date.

Cumberland Council Ecologist

First response

Rejection: This development falls within scope for the Biodiversity Gain Condition for the following reasons:

- From Google Street View imagery, existing habitat on site consists of what looks like Open Mosaic Habitat on Previously Developed Land, and what looks like bramble scrub;
- The turning circle and garage will replace more than 25m² of natural habitat;
- This is not a householder application.

Therefore, documentation to support Biodiversity Net Gain will be required for this application to progress, namely in the form of the statutory biodiversity metric and a baseline report.

Second response



Cumberland Council

The Council Ecologist has reviewed the latest drawings and confirms that the development is exempt from the Biodiversity Gain Condition.

Highways & LLFA

First response

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows: The proposed access intends to join the public Highway U4007 which operates a 30mph speed limit from the private site. The required visibility splay for a 30mph speed road should be 60m at the minimum in both directions back by 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen.

Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership. It should be noted that in order for a garage to be considered a parking space for a vehicle, it should be a minimum size of 3m x 7m or 21m².

The Environment Agency surface water maps indicate that the site lies within Flood Zone 3. The applicant is therefore advised to consult the Environment Agency and provide a Flood Risk Assessment.

Any works within or in close proximity to the public highway must be authorised by the Council. No works shall be undertaken on any part of the highway, including verges, until an appropriate permit has been obtained from the LHA Streetworks Team.

Informative: It is advised that the Local Planning Authority where possible seeks the applicant to use permeable paving for paved surfaces and driveways and other forms of permeable discharge to ground and surface water reuse/retention.

In light of the above, additional information and amended plans are required. Upon receipt, the Local Highway Authority will be able to provide a full response; otherwise an objection may be recommended.

Second response

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

The flood risk to the proposed garage is from the sea, and since the Environment Agency (EA) is the primary risk management authority responsible for coastal/sea flooding, the suitability of the FRA and assessment of flood risk is a matter for them.

In terms of surface water drainage proposals, this falls under the threshold for the LLFA to

assess and the Standing Advice should apply as set out in the SLA. Anything stored in the garage (near the ground) could be at flood damage risk. The LLFA has no objection to the proposal and will take the EA's lead on the matter.

The visibility splays are acceptable to the LHA.

Environment Agency

First response

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused. Reason The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in Flood Risk and Coastal Change planning practice guidance.

Second response

We objected to this proposed development in our response dated 5 June 2026 due to the absence of an adequate Flood Risk Assessment (FRA) and maintained our objection in our subsequent response dated 22 June 2026. An amended FRA dated June 2026 has now been submitted.

We have reviewed the updated FRA insofar as it relates to our remit and we consider that it is appropriate to the nature and scale of the change of use. We are therefore satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. We can now remove our objection. The applicant, as owners of the existing property, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Environmental Health

From the perspective of Environmental Health, there are no objections to this proposed development.

In order to limit noise disturbance to neighbours during the construction phase, we would request that working hours are limited as per the following condition –

- Noise from Construction Works

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 08.00 – 13.00 and at no 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 surrounding occupiers during the construction of the development.

Coal Authority

First response

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. The Coal Authority response: Material Consideration I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that the application site falls marginally within the defined Development High Risk Area (DHRA).

The Coal Authority's information indicates that the south eastern corner of the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the DHRA is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application. However, we note that the proposed garage and forecourt lie outside of the DHRA i.e. falls within the Development Low Risk Area. The Coal Authority's Planning & Development Team therefore does not consider that a Coal Mining Risk Assessment is required to support the proposal in this particular case, and we DO NOT OBJECT to this planning application.

Second response

The Coal Authority response: Material Consideration

We last commented on this application in a letter to the LPA dated 2nd June 2026. In this letter, we noted that the proposed garage and forecourt lie outside of the Development High Risk Area (DHRA) i.e. falls within the Development Low Risk Area. We therefore raised no objection to the application. We understand that the LPA is now in receipt of amended plans and information. However, we note that it remains the case that the proposed garage and forecourt lie outside of the DHRA i.e. falls within the Development Low Risk Area. In light of the above, the Coal Authority's Planning & Development Team wishes to raise no further comments regarding the application. We do however consider that our previous comments, set out in our initial consultation letter dated 2nd June 2026 remain valid and relevant to the decision making process.

Public Representations

The application has been advertised by way of a site notice and neighbour notification letters issued to 1 properties.

No representations have been received in response to this consultation.

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 2001- 2016.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy DS6: Reducing Flood Risk

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Wildlife and Countryside Act 1981

Assessment

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety, flood risk and ecology and biodiversity net gain.

Principle of Development

Parton is identified in Strategic Policy DS1 as a Sustainable Rural Village, a settlement which offers a limited number of services but could support a limited amount of growth to maintain communities. It is stated that the focus will be to support the retention and small scale growth of existing services and businesses. Small scale housing allocations, windfall and infill development will be supported in principle.

The settlement boundary for Parton is defined in Strategic Policy DS2.

The application site is located within the Parton settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Policy DS4 of the Copeland Local Plan indicates that all new developments should meet high quality standards. This application relates to Land adjoining 37 Main St, Parton. Planning permission is sought for the erection of a garage with forecourt area and new vehicular access on this land.

The principle of the development is therefore accepted within the context of Strategic Policies DS1, DS2 and Policy DS4 of the Copeland Local Plan.

Impact Of The Development; Siting, Scale, Design, and Residential Amenity

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposal would result in the siting of a detached garage with forecourt area and new vehicular access on the land to adjoining 37 Main Street, Parton for storage.

The garage is of simple construction and will be 2.4m in width by 5.25m in length. It has been designed with a sloping roof with an overall height of 2.6m sloping down to 2.2m.

It includes a window on the rear elevation, a small access door on the east side elevation,

and a garage door on the front elevation.

Given the location of the proposal in a predominantly built-up residential area, the garage is considered to be of an acceptable scale and design that would not conflict with the character of the application property or those adjacent.

The garage would be finished with render, sheet metal roofing and upvc windows and doors. The proposed materials are suitable for their use and reflect the character of the street scene and locality.

No objections have been raised as a result of the site notice and neighbour consultation; however, a planning condition is proposed to ensure that the garage remains domestic in nature and is not subdivided, occupied or sold as a separate, independent unit in order to safeguard the residential amenity.

Environmental Health have also recommended a condition to restrict audible construction activities to specific times in order to limit noise disturbance to neighbours during the construction phase

The proposal is therefore considered to be acceptable and unlikely to create any visual or residential amenity issues.

It is therefore considered that alongside the proposed planning condition stated above, the proposal would not negatively impact upon the character and appearance of the surrounding area, nor would it adversely affect the neighbouring properties or wider residential area and therefore complies with Policy DS4 of the Copeland Local Plan.

Highway Safety

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

The proposal would introduce new parking provisions for the site.

Following comments from the Highway Authority, it is proposed to include a 2.4 metre x 43 metre visibility splay to facilitate the new access onto Main Street. The retention/maintenance of the splays can be secured by the use of an appropriately worded planning condition.

The proposal therefore complies with Policy CO7 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.

The application site is located within flood zone 2 and 3, and therefore a FRA has been submitted with the application. The FRA confirms that the garage is non-habitable and therefore flood impacts are limited to potential water ingress and damage to stored items.

As a precaution, finished floor levels (FFL) will be set at or slightly above existing ground level, and where practicable, the slab may be raised up to 200 mm above existing ground to



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reduce ingress, however, given the use, flood resilience is the primary strategy.

The garage will incorporate durable construction (concrete slab, blockwork, cement-based finishes), raised electrical sockets and equipment well above predicted flood levels, and no low-level storage of hazardous materials.

The 20 m² footprint slightly increases impermeable area; runoff will be managed on site. Roof water to discharge to a garden soakaway (subject to infiltration testing), or to the existing surface-water system at a controlled rate. Any new hardstanding to be permeable or drained to the soakaway and no runoff will be directed onto neighbouring land or the highway.

The use of an appropriately worded Planning condition can secure the Flood resilience measures outlined above and within the FRA. On this basis, it is not considered that the proposal will cause any additional flood risk on site or elsewhere as a result.

The Lead Local Flood Authority (LLFA) and the Environment Agency also raised no objections to the proposal.

The proposal is therefore considered to achieve the requirements of Policy DS6 of the Copeland Local Plan.

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 except from these BNG requirements.

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 the application site is proposed to be less than 25 square metres, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

In addition, the application site is identified as being an area for the Small Blue Butterfly. However, the application is not supported by any ecology details as the site is located within a built-up residential area and the majority of it is covered with hard standing/gravel. On this basis it is considered that it would not be necessary to seek a protected species survey for

	this minor application, as it is not considered that the development will not disturb any habitats. The Councils Ecologist confirmed that the proposal is exempt from BNG/Ecology. On the basis of the above it is considered that the proposal is not likely to affect onsite habitat and so it would not be necessary to seek an ecological survey for this minor application. Based on the above, 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> The application seeks permission for the construction of a garage with forecourt and associated vehicular access. The proposed development is considered to be appropriate in scale and design and will not harm residential amenity subject to the imposition of 2 planning conditions restricting the use, and hours of construction. The proposal will not have any detrimental impacts upon Highway safety subject to the use of a Planning condition which secures the proposed visibility splays. The application is not supported by an ecology details, and is exempt from BNG as per confirmation with the Councils Ecologist. A suitable FRA has been submitted to support the application, details of which can be secured with the use of a Planning condition. On balance, the proposed works represent an acceptable form of development which accords with the policies set within the Copeland Local Plan and the guidance in the NPPF.
8.	Recommendation: Approve (commence within 3 years)
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 1st June 2026;
- Site Location Plan, scale 1:1250 drawing 01001, received 1st June 2026;
- Block Plan (amended), scale 1:200, received June 2026;
- BNG Exemption Statement, received 1st June 2026;
- Proposed Plans & Elevations (amended), scale 1:50 drawing 04001 Rev 02, received June 2026;
- Flood Risk Assessment, received June 2026;
- Supporting Statement - Flood Risk & Planning Justification, received June 2026;
- Visibility Splays (additional), received July 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.

3. The garage shall be used for the housing / parking of private vehicles and domestic equipment only in association with the residential property known as 56 Main Street and for no commercial or business purposes whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area.

4. The development shall not be brought into use until visibility splays providing clear visibility delineated by straight lines extending from the extremities of the site frontage with the highway to a point 2.4m x 43m have been provided in accordance with the 'Visibility Splay' drawing received by the Local Planning Authority in July 2026.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) relating to

permitted development, no structure, vehicle or object shall be erected, parked or placed, and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splays.

Reason

To ensure the provision of adequate visibility splays in the interests of highway safety.

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 8.00 – 18.00 and
 - Saturday 08.00 – 13.00 and at no 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 amenity of surrounding occupiers during the construction of the development.

6. Before the garage is brought into use, the flood resilience and mitigation measures must be carried out in accordance with Flood Risk Assessment received by the Local Planning Authority in June 2026. The flood resilience and mitigation measures must be maintained thereafter.

Reason

To protect the site and surrounding area against flood damage in accordance with Policy DS6 of the Copeland Local Plan 2021-2039.

Informative Notes



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Coal - Development Referral Area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

<http://www.groundstability.com>

Biodiversity Net Gain – 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. Applicable exemption: De Minimus development Highway Permit Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. https://www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements/street-licences-and-permits/street-permit-and-licence-fees-and-charges Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times. 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 : 05/08/2026
Authorising Officer: N.J. Hayhurst	Date : 07/08/2026
Dedicated responses to:- N/A	