

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2341/OB1
2.	Proposed Development:	VARIATION OF CONDITION 4 (WINDOWS) OF PLANNING APPROVAL 4/14/2388/OF1 (CONVERSION OF BARN TO SINGLE DWELLING) TO ALLOW A GREY PAINTED FINISH
3.	Location:	ROTHERY BARN, KEEKLE GROVE, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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:	<p>SITE AND LOCATION</p> <p>This application relates to the barn conversion known as Rothery Barn, situated at Keekle Grove in Cleator Moor.</p> <p>PROPOSAL</p> <p>This application relates to the previously approved planning permission for the conversion of the barn to a single dwelling (approved in December 2014, application reference 4/14/2388/OF1 relates).</p> <p>Planning Permission is sought to vary Condition 4 of application reference 4/14/2388/OF1 to allow the painting of the fitted timber windows in gravel grey, as opposed to them being stained.</p>

RELEVANT PLANNING APPLICATION HISTORY

Conversion of traditional barn to form a single dwelling, refused in October 2006 (application reference 4/06/2630/0 relates). Application allowed on appeal;

Proposed amendments to application 4/06/2630/0 – Conversion of traditional barn to form a single dwelling, approved in December 2014 (application reference 4/14/2388/0F1 relates).

CONSULTATION RESPONSES

Consultees

Conservation and Design Officer – No objections as the proposal does not entail any harm to the heritage asset.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 no. properties.

No responses have been received as a result of this advertisement.

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

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

Other Material Planning Considerations

National Planning Policy Framework 2019 (NPPF)

The Planning Practice Guidance (NPPG)

	<p>This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).</p> <p>This outlines that an application can be made under Section 73 of the Town and Country Act 1990 to vary a condition associated with a permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.</p> <p>The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission which remains intact and unamended. To assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.</p> <p>ASSESSMENT</p> <p>This application seeks a variation of the condition relating to the submitted plans in order that the timber windows can be painted grey as opposed to being stained.</p> <p>As the barn is a traditional building, the Council's Conservation and Design Officer was consulted on the application in order to ensure that the change to the finish of the windows would retain the overall character. The Officer considered that the RAL colour swatch provided was acceptable and that the proposal does not entail any harm to the heritage asset.</p> <p>All other details of the previously approved development have remained the same.</p> <p>CONCLUSION</p> <p>In my opinion, the revised information which seeks an amendment to the originally approved condition, satisfies the policy criteria and is considered to be in keeping with the surrounding properties and maintains the character of the traditional barn. Overall this is considered to be an acceptable form of development which accords with the policies within the Copeland Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Condition(s):</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>

	<p>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: -</p> <p>Site block plan & location plan Scale 1:500 & 1:1250 Drawing No RB05 received 03 September 2014; Proposed elevations 1:100 Drawing No RB07 received on 25 November 2014; Proposed plans 1:100 Drawing No RB03 received on 25 November 2014; Existing ground floor plan 1:100 Drawing No Proj/KH/03/02 received on 03 September 2014; Existing elevations 1:100 Drawing No Proj/KH/03/03 received on 03 September 2014; Paint swatch RAL 7032 – Kieselgrau for windows, received 14th September 2020.</p> <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> <p>3. Prior to the first occupation of the dwelling hereby permitted, the roof of the dwelling must be finished in natural slate. The slate roof must be retained at all times thereafter.</p> <p>Reason</p> <p>To safeguard the traditional appearance of the barn conversion in the interests of visual amenity and in accordance with Policy DM10 and DM15A of the Copeland Local Plan.</p> <p>4. The window frames including roof lights and external doors used within the conversion must be of a timber construction. The window frames shall be coloured dark grey in accordance with the details submitted with the application. Once installed the timber windows and doors shall be maintained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policies DM10 and DM15A of the Copeland Local Plan.</p> <p>5. The existing sandstone walls of the barn to be converted to a dwelling must be retained at all times.</p> <p>Reason</p> <p>To ensure a satisfactory appearance of the building in the interests of visual amenity and in accordance with Policies DM10 and DM15A of the Copeland Local Plan.</p> <p>6. Where alterations to openings in the external walls and the gable wall are required, the</p>
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material to be used in the construction of the external surfaces of the dwelling hereby permitted must match those used in the existing building and be retained as such at all times thereafter.

Reason

In order to retain the traditional character of the barn conversion and in accordance with Policies DM10 and DM15A of the Copeland Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no external alterations, including replacement windows, doors or skylights and roof coverings, or painting or rendering shall be carried out to the converted barn, nor must any building, enclosure, extension, porch, domestic fuel container, pool or hardstanding be constructed within the curtilage without the prior written consent of the Local Planning Authority.

Reason

To safeguard the traditional appearance of the barns in the interests of visual amenity and in accordance with Policies DM10 and DM15A of the Copeland Local Plan.

8. Prior to the first occupation of the dwelling hereby approved, a space must be laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear in accordance with details to be submitted to and approved by the Local Planning Authority. The space must be kept available for use by vehicles at all times thereafter.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM15A and DM22 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

<http://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 : 07/10/2020</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 29/10/2020</p>
<p>Dedicated responses to:- N/A</p>	