



## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/20/2347/OB1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) OF APPROVED PLANNING PERMISSION 4/20/2120/OF1 FOR ERECTION OF 2 DETACHED DWELLINGS FOR MINOR EXTENSIONS AND EXTERNAL ALTERATIONS
3.	<b>Location:</b>	DALELANDS, SANDWITH, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts
6.	<b>Publicity Representations &amp; Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p>SITE AND LOCATION</p> <p>This application relates to the erection of two dwellings to the rear of Dalelands in Sandwith. Planning Permission was approved in full for this development in June 2020 (application reference 4/20/2120/OF1 relates).</p> <p>PROPOSAL</p> <p>This application seeks to vary Condition 2 of application reference 4/20/2120/OF1 to permit some alterations to the details approved by the existing permission. These revisions include the following:</p> <ul style="list-style-type: none"> <li>• The replacement of the boundary wall with a fence and hedgerow at 1.8m in height;</li> <li>• The addition of a detached garage to Plot 1;</li> <li>• Internal alterations to allow the integral garage to be used as a home office including the</li> </ul>	

addition of windows to the side elevation and the replacement of the garage door with a window;

- The addition of a dormer window to the rear;
- The addition of a door to serve the utility room;
- The change of materials for the external surfaces to include a dark grey slate roof, Wienerberger “Hamlet Antique” facing brickwork with St Bees red or buff sandstone surrounds and features for the walls and white or grey UPVC windows.

#### RELEVANT PLANNING APPLICATION HISTORY

Outline application for the erection of 2 dwellings, approved in June 2018 (application reference 4/18/2142/001 relates);

Erection of 2 detached dwellings, approved in June 2020 (application reference 4/20/2120/0F1 relates).

#### CONSULTATION RESPONSES

##### Consultees

Whitehaven Town Council – No objections.

Cumbria Highways – No objections subject to the same conditions imposed on the previous permission.

Local Lead Flood Authority - No objections subject to the same conditions imposed on the previous permission.

##### Public Representation

The application has been advertised by way of neighbour notification letters issued to 8 no. properties.

No consultation 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

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

#### **Other Material Planning Considerations**

#### National Planning Policy Framework 2019 (NPPF)

#### The Planning Practice Guidance (NPPG)

This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).

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.

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.

#### **ASSESSMENT**

The application seeks to vary the previously approved dwelling to be located on Plot 1 of the development. The amendments to the dwelling are considered to be minor and would not affect the

	<p>overall design of the previously approved scheme. The proposed amendments will not have an adverse effect on the neighbouring properties, nor will there be any effect on the overall street scene. The chosen materials will mirror the character of the area with the use of local sandstone that will compliment the materials approved on Plot 2.</p> <p>The addition of a single garage is considered to be satisfactory. It will be located to the south of the site and therefore will not have any adverse effect on the property on Plot 2. It is of a modest scale and height with a low eaves level of 2.2m. The proposed materials will match the proposed dwelling therefore allowing it to blend in.</p> <p>All other details of the previously approved development have remained the same.</p> <p><b>CONCLUSION</b></p> <p>In my opinion, the revised information which seek amendments to the originally approved conditions, satisfy the policy criteria and are considered to be in keeping with the surrounding properties. Overall this is considered to be an acceptable form of development which accords with the guidance set out in the NPPG and the policies within the adopted Local Plan.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve amendment of condition</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before of 25<sup>th</sup> June 2023.</li> </ol> <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> <ol style="list-style-type: none"> <li>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: -</li> </ol> <p>Site Location Plan, scale 1:1250, received 18<sup>th</sup> March 2020;  Existing Site Plan, scale 1:250, drawing number 18/07/938-02, received 18<sup>th</sup> March 2020;  Plot 1 Proposed Plans and Elevations, scale 1:100, drawing number 18/07/934-04, received 15<sup>th</sup> September 2020;  Proposed Plans and Elevations, scale 1:100, drawing number 18/07/938-05, received 12<sup>th</sup> March 2020;  Proposed Site Plan, scale 1:250, drawing number 18/07/938-03 a), received 15<sup>th</sup> September 2020;  Plot 1 – Detached Garage Plans and Elevations, scales 1:50 and 1:100, drawing number 18/07/938-06, received 15<sup>th</sup> September 2020;  Design and Access Statement, received 12<sup>th</sup> March 2020;</p>

Visibility Appraisal, received 12<sup>th</sup> March 2020.

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. Before development commences full details of the surface water drainage scheme, including attenuation measures, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be maintained as such thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site.

4. Prior to their use on the development hereby approved, representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

5. The development must not commence until visibility splays providing clear visibility of (S)33.4m and (N)36.2m measured 2.4metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

6. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

**Informatives**

1) 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)

2) No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team

**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: Sarah Papaleo**

**Date : 06/11/2020**

**Authorising Officer: N.J. Hayhurst**

**Date : 12/11/2020**

**Dedicated responses to:- N/A**