

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2473/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/20/2155/OR1 TO AMEND DWELLING TYPE FOR PLOT 49 TO SINGLE STOREY IN HEIGHT
3.	Location:	PLOT 49, BIRKS ROAD, CLEATOR MOOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report.
7.	Report:	<p>Site and Location:</p> <p>This application relates to an area of land extending to 3.15 hectares located to the east of Birks Road, Cleator Moor.</p> <p>The land comprises a former horticultural nursery and an area of agricultural land.</p> <p>Industrial uses associated with a quarry and a railway line have previously existed on the land.</p> <p>In 2018, Outline Planning Permission with some matters reserved was granted subject to planning conditions for residential development on the land (application ref. 4/16/2315/001).</p> <p>Again in 2018, Reserved Matters Approval was granted for Phase 1 of the development (9 units) subject to planning conditions (application ref. 4/18/2336/OR1).</p> <p>In 2019, Reserved Matters Approval was granted for Phase 2 of the development (9 units) subject to planning conditions (application ref. 4/19/2123/OR1).</p> <p>Again in 2019, Reserved Matters Approval was granted for Phase 3 of the development (9 units) subject to planning conditions (application ref. 4/19/2359/OR1).</p>

In 2020, Reserved Matters Approval was granted for Phase 4 of the development (10 units) subject to planning conditions (application ref. 4/20/2155/OR1).

Again in 2020, Reserved Matters Approval was granted for Phase 5 of the development (23 units) subject to planning conditions (application ref. 4/20/2273/OR1).

Proposal:

This application is made under Section 73 of the Town Planning Act 1990 (as amended) and seeks to vary Planning Condition 2 of approved application ref. 4/20/2155/OR1.

It is proposed to change the design of the dwelling on Plot 49 from a two storey dwelling to a single story high dwelling.

The proposed dwelling comprises a dormer bungalow finished externally with facing bricks complemented by stone surrounds and detailing to the elevations under smooth grey concrete tiled covered roof structures. Grey uPVC windows and doors are proposed.

Private garden areas are proposed to the front and rear of the dwelling. A paved off highway parking area is proposed to the front (northeast).

Close-boarded timber fencing is proposed to the boundaries.

Consultee:	Nature of Response:
Town Council	No comments received.
Cumbria County Council – Highways and LLFA	No objection to the proposed development as it is considered that the proposal will not have a material affect on existing highway conditions nor does it increase the flood risk on the site or elsewhere.
Neighbour Responses:	
The application has been advertised by way of a planning application site notice and neighbour notification letters issued to 2no. neighbouring dwellings.	
No written representations have been received in respect of the proposals.	

Development plan policies:

Development Plan:

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ER9 – The Key Service Centres, Local Centres and other smaller centres

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy SS5 – Provision and Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards for New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposals and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

National Design Guide (NDG).

National Planning Practice Guidance (NPPG).

Cumbria Development Design Guide (CDDG).

Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA).

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment:*Principle*

In 2018, Outline Planning Permission with some matters reserved was approved subject to planning conditions for residential development on the land (application ref. 4/16/2315/001).

The relevant pre-commencement planning conditions have subsequently been discharged.

The development has commenced.

Application ref. 4/16/2315/001 remains lawfully extant. Application ref. 4/16/2315/001 was approved on the 2nd March 2018. Planning Condition 2 requires the submission of reserved matters before the 2nd March 2021.

Application ref. 4/20/2155/OR1 approved reserved matters for Phase 4 of the development (10 units) subject to planning conditions, which is also lawfully extant.

This application made under Section 73 of the Town Planning Act 1990 (as amended) seeks to vary Planning Condition 2 of approved application ref. 4/20/2155/OR1.

The amendment proposes to change the design of the dwelling on Plot 49 from a two storey dwelling to a single storey dwelling. The proposed development is not substantially different to the development approved under application ref. 4/20/2155/OR1.

The principle of the development is acceptable subject to site specific matters.

Design and Landscape Impact

The proposed dwelling is consistent in design with approved dwellings on the wider development and incorporates consistent materials/finishes.

The finished floor level of the proposed dwelling is consistent with the previously approved dwellings adjacent.

Highways Impacts

Access was approved at outline stage under application ref. 4/16/2315/001.

Off highway vehicle parking for 2no. vehicles is proposed to the dwelling with informal visitor parking existing on the public highway and in defined visitor spaces as approved under application ref. 4/20/2155/OR1.

The proposal accords with the provisions of the CDDG.

Residential Amenity

The distance between Plot 49 and Plot 46 falls below the DM12 requirement of 21m. Plot 49 and Plot 46 are single storey in height; therefore, the potential exists to erect boundary structures to prevent overlooking.

A planning condition is proposed to prevent the extension of the proposed dwelling without the requirement for planning permission to prevent adverse impacts through overlooking etc. through permitted development.

Planning Condition 7 of application ref. 4/20/2273/OR1 states:

7. In the event that a dwelling of two full storeys in height is erected on Plot 49 identified on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020, the dwelling identified as Plot 46 on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020 shall not be erected.

Reason

To ensure a minimum standard of residential amenity when the development is brought into use in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

The erection of the proposed dwelling would permit the erection of the dwelling identified as Plot 46 on Phase 5 - Site Plan – Drawing No. 15/11/869-57a) received 23rd November 2020.

Planning Conditions Review/Update - Application Ref. 4/20/2155/OR1

The approval of an application under Section 73 of the Town Planning Act 1990 (as amended) has the effect of creating a new planning permission that sits alongside the original planning permission. It is therefore necessary to include all relevant planning conditions imposed on approved application ref. 4/20/2155/OR1.

The relevant planning conditions are considered/revised below:

Planning Condition	Amendment Required
1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.	None Required.
2. The development hereby permitted shall be carried out in accordance with the	Amended to refer to Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23 rd

	<p>following approved plans and documents:</p> <ul style="list-style-type: none"> - Planning Application Form received 9th April 2020 - Site Location Plan – Drawing No. 15/11/869-01 received 9th April 2020 - Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 - Cross-Section Thro’ Plot 55 – Drawing No. 15/11/869-56 received 9th April 2020 - The Thirlmere – Plans and Elevations – Drawing No. 15/11/869-55 received 9th April 2020 - The Ennerdale – Plans and Elevations – Drawing No. 15/11/869-05 received 9th April 2020 - The Buttermere – Plans and Elevations – Drawing No. 15/11/869-09 received 9th April 2020 - The Bassenthwaite – Plans and Elevations – Drawing No. 15/11/869-06 received 9th April 2020 - The Wastwater – Plans and Elevations – Drawing No. 15/11/869-10 received 9th April 2020 - Design and Access Statement – Doc Ref. 15/11/869-DAS/4 received 9th April 2020 - External Material Schedule – Ref. 15/11/869-EM received 9th April 2020 	<p>November 2020</p> <p>Dwelling design consistent with The Bassenthwaite – Plans and Elevations – Drawing No. 15/11/869-06 received 9th April 2020; therefore, no revision required.</p>	
	<p>3. No dwelling hereby approved shall be occupied until the vehicular access and parking requirements serving that dwelling has been constructed in accordance with the approved plan and brought into use. The vehicular access and parking requirements shall be retained and capable of use at all times at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.</p>	<p>None required.</p>	

	<p>4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):</p> <ul style="list-style-type: none"> - no roof extensions or dormer windows shall be constructed; and, - no extensions shall be constructed on the west (rear) elevation of the dwellings identified as Plot 55 and Plot 55a on Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 without the express permission of the Local Planning Authority. 	Updated Site Plan Ref.
	<p>5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.</p>	None required.
	<p>6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):</p> <ul style="list-style-type: none"> - no roof extensions or dormer windows shall be constructed; and, - no extensions shall be constructed on 	Introduced new condition re. permitted development rights to Plot 49.

	<p>the southwest (rear) elevation of the dwelling identified as Plot 49 on Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 without the express permission of the Local Planning Authority.</p>	
	<p><i>Conclusion</i></p> <p>The dwelling proposed is consistent with the layout and the design of the dwellings approved under application ref. 4/20/2155/OR1</p> <p>No unacceptable impacts will result subject to the planning conditions proposed.</p> <p>The development accords with the provisions of the Development Plan.</p>	
8.	<p>Recommendation: Approve</p>	
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. The development shall be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission. <p>Reason</p> <p>To comply with Section 92 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"> 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: <ul style="list-style-type: none"> - Planning Application Form received 9th April 2020 - Site Location Plan – Drawing No. 15/11/869-01 received 9th April 2020 - Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 - Cross-Section Thro’ Plot 55 – Drawing No. 15/11/869-56 received 9th April 2020 - The Thirlmere – Plans and Elevations – Drawing No. 15/11/869-55 received 9th April 2020 - The Ennerdale – Plans and Elevations – Drawing No. 15/11/869-05 received 9th April 2020 - The Buttermere – Plans and Elevations – Drawing No. 15/11/869-09 received 9th April 2020 - The Bassenthwaite – Plans and Elevations – Drawing No. 15/11/869-06 received 9th April 2020 	

- The Wastewater – Plans and Elevations – Drawing No. 15/11/869-10 received 9th April 2020
- Design and Access Statement – Doc Ref. 15/11/869-DAS/4 received 9th April 2020
- External Material Schedule – Ref. 15/11/869-EM received 9th April 2020

Reason

For the avoidance of doubt and in the interests of proper planning.

3. No dwelling hereby approved shall be occupied until the vehicular access and parking requirements serving that dwelling has been constructed in accordance with the approved plan and brought into use. The vehicular access and parking requirements shall be retained and capable of use at all times at all times thereafter and shall not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy DM22 – Accessible Developments of the Copeland Local Plan 2013-2028.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):
 - no roof extensions or dormer windows shall be constructed; and,
 - no extensions shall be constructed on the west (rear) elevation of the dwellings identified as Plot 55 and Plot 55a on Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 without the express permission of the Local Planning Authority.

Reason

The safeguard the residential amenity of neighbouring dwellings in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

	<p>Reason</p> <p>To safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy DM26 of the Copeland Local Plan 2013-2028.</p> <p>6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification):</p> <ul style="list-style-type: none"> - no roof extensions or dormer windows shall be constructed; and, - no extensions shall be constructed on the southwest (rear) elevation of the dwelling identified as Plot 49 on Phase 4 – Site Plan – Drawing No. 15/11/869-54b) received 23rd November 2020 without the express permission of the Local Planning Authority. <p>Reason</p> <p>The safeguard the residential amenity of neighbouring dwellings in accordance with Policy ST1 of the Copeland Local Plan 2013-2028.</p> <p>Informative</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <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>
Case Officer: Chris Harrison	Date : 11.02.2021
Authorising Officer: N.J. Hayhurst	Date : 15/02/2021
Dedicated responses to:- N/A	