

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2499/OB1
2.	Proposed Development:	AMENDMENT OF CONDITIONS 2 (PLANS) AND 4 (LANDSCAPING DETAILS) & REMOVAL OF CONDITION 3 OF PLANNING APPROVAL 4/20/2489/OR1 FOR DETACHED DWELLING
3.	Location:	PLOT 2, LAND AT GILGARRAN PARK, GILGARRAN
4.	Parish:	Distington
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: SITE AND LOCATION <p>This application relates to Plot 2 situated on the land at Gilgarran Park, Gilgarran. The site is adjoined by agricultural fields to the north and south, residential dwellings to the east and the road to Distington to the west.</p> <p>The land has been subject to an outline approval, along with Plot 1. This was approved in 2018 (application reference 4/18/2177/001 relates). Reserved Matters was subsequently approved in January 2021 for the plot (application reference 4/20/2489/OR1 relates).</p> PROPOSAL <p>This application relates to the previously approved Reserved Matters permission for the erection of a dwelling with integral garage. The application was approved in January 2021 (application reference</p>	

4/20/2489/OR1 relates).

Permission is sought to vary Conditions 2 and 4 and remove condition 3 of the approval reference 4/20/2489/OR1 to permit some alterations to the existing permission. These include the following:

- Re-design of the dwelling;
- Change of landscaping scheme to accommodate the proposed dwelling;
- Remove condition 3 which is no longer necessary (relating to a window on the west elevation).

The dwelling has been re-designed to the specification of the plot owner. It will be of an “L shape” configuration extending to 15.8m in length and 8m in width, with a further projection towards the road of 4.2m. It will have an eaves height of 4.2m and an overall height of 7.8m. There will be large feature windows on the projecting gable frontage and the rooms in the roof will be utilized with a bay window on the first floor.

The dwelling will consist of a 4 bedrooms and 2 bathrooms on the first floor with an open plan living/dining room, living room and integrated garage on the ground floor.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for residential development comprising two maximum properties, approved in June 2018 (application reference 4/18/2177/001 relates);

Approval of reserved matters relating to access, appearance, landscaping, layout and scale following approved outline application, approved in January 2021 (application reference 4/20/2489/OR1 relates).

CONSULTATION RESPONSES

Distington Parish Council

No objections.

Cumbria County Highways

It is noted that the access has been relocated to the opposite side of the plot to what was approved under 4/20/2489/OR1. As the proposed dwelling(s) is on a privately maintained road, we do not feel that this alteration will significantly impact the condition of the publicly maintained highway.

Arboricultural Officer

1st response

Request the applicant submit a detailed tree and hedge planting specification, indicating the species

of the 9x trees shown on the plan and species mix of hedge plants. The applicant should also submit a detailed specification for the planting and aftercare requirements of the trees and hedges to ensure they survive.

2nd response

If implemented in full, this landscape scheme should help to screen the proposed development from the adjacent buildings. We consider this landscaping scheme fulfils the requirements of planning condition 4.

Environmental Health

No objections.

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

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 DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan

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.

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

Amendments to dwelling design (condition 2)

Comprehensive discussions were undertaken with the Applicant's Agent to ensure that the new design would not have an adverse effect on the current street scene or create amenity issues for the surrounding properties.

The dwelling has been redesigned, however it will retain the original design principles namely, single storey with rooms in the roof and utilizing an integral garage. The dwelling has been designed to take the change of levels across the site into consideration and will be dug in to ensure the overall height is not greater than the properties approved on the two adjoining plots. Although the bulk is slightly greater than previously approved this will not be excessively visible when viewed from the highway in this part of Gilgarran.

The access will be resited to the opposite side of the plot, however parking and turning will be

	<p>retained and no objections were received from the Cumbria Highways Department.</p> <p>Overall, the principles of the previously approved dwelling remain the same, with some alterations that are considered to be acceptable in this situation.</p> <p>All other details of the previously approved development are unchanged.</p> <p><u>Removal of condition 3 – window on the west elevation</u></p> <p>The revised design includes a blank elevation to the west of the dwelling, therefore the condition to ensure that the window is at least 1.7m above the floor level is obsolete.</p> <p>The condition can therefore be removed, as requested.</p> <p><u>Amendment of landscaping (condition 4)</u></p> <p>The previously approved landscaping scheme was designed for the previously approved scheme and therefore required amendment to accommodate the revised design. The Arboricultural Officer initially requested further information in order to ensure any landscaping scheme would help the dwelling to fit into its surroundings.</p> <p>The Agent provided a simple landscaping scheme with the majority of the front and back gardens to be lawned and surrounded by a 1.8m close boarded fence. The addition of clusters of silver birch or rowan trees, mostly at the roadside of the plot will help to soften the impact of the development.</p> <p>Overall, it is considered to comply with Policies ENV5 and DM26 of the Copeland Local Plan and condition 4 can be amended to incorporate the revised landscaping scheme.</p> <p>CONCLUSION</p> <p>In my opinion, the revised design which seeks amendments to the originally approved plans, is acceptable and would be in keeping with the surrounding properties. It is therefore considered that conditions 2 and 4 can be amended and condition 3 can be removed.</p> <p>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>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. The development must be carried out in accordance with the plans submitted and in accordance with the conditions attached to the outline planning permission.</p> <p>Reason</p>

To comply with Section 92 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: -
(List title, scale, no, date received...)
Site/Block Plan, scale 1:100, drawing number 210803-02C, received 3rd February 2022;
Plans and Elevations, scale 1:100, drawing number 210803-01F, received 25th January 2022;

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. -

4. Prior to the first occupation of the dwelling hereby approved, the hard and soft landscaping must be carried out in accordance with the Site/Block Plan, drawing number 210803-02C, scale 1:100, received 3rd February 2022.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policies ENV5 and DM26 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, the proposed 1.8 metre high close timber boarded fence must be erected according to the approved plans and retained at all times thereafter.

Reason

In order to ensure a suitable standard of amenity for the dwelling and the surrounding properties in accordance with Policy DM10 of the Copeland Local Plan.

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 : 02/03/2022
Authorising Officer: N.J. Hayhurst		Date : 04/03/2022
Dedicated responses to:-		