

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2518/OB1
2.	Proposed Development:	AMENDMENT OF CONDITION 2 OF PLANNING APPLICATION 4/21/2350/OF1 - ERECTION OF DWELLING WITH DETACHED GARAGE TO PROVIDE REAR EXTENSION INCORPORATING BALCONY
3.	Location:	PLOT 13, COLLIERS WAY, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Key Species - Known Site for the Small Blue, Key Species - POTENTIAL AREA for the Small Blue
6.	Publicity Representations & Policy	<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>Report:</p> <p>SITE AND LOCATION</p> <p>This application relates to Plot 13 located on the Old Whitehaven School Site, now known as Colliers Way in the Kells area of Whitehaven. The dwelling is adjoined by other residential development to the north, east and west with open fields to the south.</p> <p>PROPOSAL</p> <p>This application relates to the previously approved planning permission for the erection of a dwelling with detached garage. The application was approved in September 2021 (application reference 4/21/2350/OF1 relates).</p> <p>Planning Permission is sought to vary Condition 2 of application reference 4/21/2350/OF1 to permit some alterations to the existing permission. These include the following:</p>	

- The extension of the rear of the property to provide a projecting gable;
- The amendment of the design of the balcony on the rear elevation to fully enclose it.

RELEVANT PLANNING APPLICATION HISTORY

Erection of 74 dwellings comprising 31 self build plots, 21 dwellings for sale and 22 dwellings for rent or shared ownership, approved in October 2010 (application reference 4/10/2127/001 relates);

Erection of dwelling with detached garage, approved in October 2021 (application reference 4/21/23500F1 relates).

CONSULTATION RESPONSES

Town Council

No response received.

Cumbria County Highways

No objections.

Local Lead Flood Authority

No objections.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 4 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 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

The proposal is to increase the projection at the rear of the property to include a first floor enclosed balcony, in place of the previously approved open balcony accessed from the master bedroom. The projection has been designed as a gable, which is characteristic of the dwellings on this modern estate and will therefore be in keeping with respect to the design.

The enclosure of the balcony is considered to be an improvement to the previously approved design, reducing the field of vision for the property ensuring there is no overlooking to the properties to the

	<p>east or west.</p> <p>All other details of the previously approved development are unchanged.</p> <p>The conditions which were attached to the original permission have been repeated in accordance with the guidance set out in the NPPG.</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.</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> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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>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>Location Plan, scale 1:1250, drawing number 4A, received 9th September 2021; Proposed Garage elevations and floor plan, scales 1:250 and 1:100, drawing number 3A, received 9th September 2021; Floor plans, scale 1:100, drawing number 2A, received 30th November 2021; Elevations, scale 1:100, drawing number 1B, received 30th November 2021.</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><u>Pre-commencement condition</u></p>

3. The access and parking/turning requirements must be substantially met before any building work commences on site.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users and in accordance with Policy DM22 of the Copeland Local Plan.

Pre-occupation of development condition

4. Prior to the first use of the development hereby approved, full details showing the provision of a vehicle turning space within the site, which allows vehicles to enter and leave the highway in a forward gear must be submitted to and approved in writing by the Local Authority. The turning space must be constructed prior to the occupation of the dwelling and must not be used for any other purpose thereafter.

Reason

To ensure that provision is made for vehicle turning within the site and in the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.

Other conditions

5. Any fence or wall boundary adjacent to the access must remain at a height not exceeding 1.05m above the carriageway level of the adjacent highway.

Reason

In the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan.

6. The access drive must be surfaced in bituminous or cement bound materials or otherwise bound and must be constructed and completed prior to the development being brought into use. This surfacing must extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway and be retained as such at all times.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

7. Access gates, if provided, must be hung to open inwards only away from the highway and be

retained as such at all times thereafter.

Reason

In the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.

8. The detached garage building hereby approved must only be used in association with and ancillary to the residential property known as Plot 13 Colliers Way and must not be used for any commercial or business purposes or as a separate residential unit whatsoever.

Reason

To ensure that non conforming uses are not introduced into the area in accordance with Policies ST1 and DM18 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

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 : 24/01/2022

Authorising Officer: N.J. Hayhurst

Date : 24/01/2022

Dedicated responses to:-