

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2038/OB1
2.	Proposed Development:	REMOVAL OF CONDITION 3 (MATERIALS TO BE USED ON EXTERNAL SURFACES) OF PLANNING APPROVAL 4/19/2067/0F1 SECOND FLOOR EXTENSION OVER THE GROUND FLOOR SINGLE STOREY SECTION OF THE HOUSE
3.	Location:	STATION HOUSE, SKELSCEUGH ROAD, WINDER, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - 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 This application relates to Station House, a detached property located off Skelsceugh Road and on the outskirts of Winder. PROPOSAL Planning Permission was approved to erect an extension on top of the existing single storey projection on the southern elevation of the existing dwelling to provide a further bedroom and bathroom at first floor level in 2019. The plans included the addition of a new porch with covered canopy over the front entrance at ground floor level and works to strengthen the existing ground floor to accommodate the alterations (application reference 4/19/2067/0F1 relates). The works were undertaken without the discharge of condition 3 for the approval of the materials for the external surfaces. This application therefore seeks to remove this condition as the prior use	

condition cannot be complied with.

RELEVANT PLANNING APPLICATION HISTORY

Second storey extension over the ground floor single storey section of the house, approved in 2019 (application reference 4/19/2067/0F1 relates).

CONSULTATION RESPONSES

Parish Council

No comments received

Cumbria County Highways

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

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 remove the condition relating to providing details of the external facing materials for the previously approved extension. The Applicant did not apply for the discharge of this condition prior to the development being undertaken, therefore it can no longer be complied with.

In accordance with the details provided during the application process for the extension (application reference 4/19/2067/0F1), the external surfaces have been constructed from wet dash render with Cedar board cladding. The Applicant has provided photographs of the works and the materials are considered to be as agreed and satisfactory for this development.

All other details of the previously approved development are unchanged.

As the development has commenced there is no need for any time limit condition. It is appropriate to repeat condition 2 from the original permission to ensure that the development accords with the previously approved plans and details.

CONCLUSION

In my opinion, the materials used are acceptable and provide a well-designed development. The condition should therefore be removed.

	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.	
8.	Recommendation: Approve removal of condition	
9.	Conditions: <ol style="list-style-type: none"> 1. - 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>Location plan, block plan and existing floor plans, scales 1:2500, 1:500 and 1:100, drawing number 19/0231/01, received 22nd February 2019;</p> <p>Elevations as existing, scale 1:100, drawing number 19/0231/02, received 22nd February 2019;</p> <p>Proposed floor plans, scale 1:50, drawing number 19/0231/03, received 22nd February 2019;</p> <p>Proposed elevations, scale 1:100, drawing number 19/0231/04, received 22nd February 2019;</p> <p>Cross sectional elevation, scale 1:50, drawing number 19/0231/07, received 22nd February 2019.</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>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 remove the condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p> 	
Case Officer: Sarah Papaleo		Date : 14/03/2022
Authorising Officer: N. J. Hayhurst		Date : 22/03/2022
Dedicated responses to:- N/A		

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