

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2112/OB1
2.	Proposed Development:	AMENDMENT OF CONDITION 2 (PLANS) OF PLANNING PERMISSION 4/21/2135/0F1, REDUCING DOUBLE GARAGE TO SINGLE GARAGE
3.	Location:	CASTLE LEA, FLATT WALKS, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, 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: INTRODUCTION <p>The application site is located at Flatt Walks within the settlement of Whitehaven with the host property forming that of a 2 storey semidetached house with gardens to both the front and rear of the host property.</p> RELEVANT PLANNING APPLICATION HISTORY <p>Outline planning permission was granted in August 2020 under the reference 4/19/2226/001 for the demolition of existing building and for the erection of up to 20 new dwelling houses on the land to the west of this site.</p> <p>Planning permission was approved in May 2021 for the partial demolition of an existing side extension and garage building and the erection of a new single storey side extension and detached</p>	

double garage (4/21/2135/0F1 relates).

PROPOSAL

This application seeks to amend the previously approved scheme to a single garage, reduced from the previously approved double garage.

The garage approved under 4/21/2135/0F1 was to be 7m x 6.1m and have an overall height of 4.5m. The garage as now proposed is to be reduced to a single garage measuring 6.1m x 3.1m with an overall height of 4m. It will have a single up and over door on the front elevation and a pedestrian door and single window on the side elevation.

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Electricity North West

We have considered the above pre planning application submitted on the 10th March 2022 and find it could have an impact on our infrastructure.

The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets.

Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-you-dig>

It is recommended that the applicant gives early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 3 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)

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM18 – Domestic Extensions and Alterations

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Emerging Copeland Local Plan (ELP)

	<p>The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft 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.</p> <p><u>The Planning Practice Guidance (NPPG)</u></p> <p>This web based resource was launched in March 2014 by the Department for Communities and Local Government (DCLG).</p> <p>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.</p> <p>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.</p> <p>ASSESSMENT</p> <p><u>Amendment to scale of detached garage (condition 2 – plans)</u></p> <p>The garage will be reduced in size from a double to a single garage. This will create less impact and be betterment for the development.</p> <p>All other details of the previously approved development are unchanged.</p> <p>CONCLUSION</p> <p>In my opinion, the revision is minimal and will reduce the scale of the garage. It is considered to be acceptable to vary condition 2.</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: Approve</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted must be commenced before the expiration of three years from the 24th May 2021.</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>Site Location Plan Scale 1:1250 received 6th April 2021; Proposed Side Extension floor Plan, Scale 1:50, received 6th April 2021; Proposed Side Extension Side Elevation, Scale 1:50, received 6th April 2021; Proposed Side Extension Front Elevation, Scale 1:100, received 6th April 2021; Block Plan, floor plan and elevations, scales 1:500 and 1:50, dated February 2022, received 4th March 2022.</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>Informatives</p> <ol style="list-style-type: none"> <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. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Electricity North West has advised that where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Land Rights & Consents, Frederick Road, Salford, Manchester M6 6QH.</p>
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	<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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.</p>
<p>Case Officer: Sarah Papaleo</p>	<p>Date : 25/04/2022</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 28/04/2022</p>
<p>Dedicated responses to:- N/A</p>	