

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2182/OB1	
2.	Proposed Development:	AMENDMENT OF CONDITION 2 (PLANS - TO ALTER HEIGHT OF SILLS TO GROUND FLOOR BAY WINDOW & REMOVAL OF WINDOW ON NORTH EAST ELEVATION) & CONDITION 4 (SIZE OF OBSCURE GLASS TO BE REDUCED) OF PLANNING APPROVAL 4/21/2266/0F1 ERECTION OF DETACHED DWELLING	
3.	Location:	PLOT 5, LAND ADJACENT TO WEST LAKES HOTEL, GOSFORTH, SEASCALE	
4.	Parish:	Gosforth	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to an area land to the south-west of the West Lakes Hotel, at Gosforth. The parcel of land is grassland and 0.4 hectares in area. The site adjoins the main grounds of the hotel to the north-east and is bounded to the north-west and south west by agricultural land, and the south east by the B5344.	

Planning History

4/16/2163/0O1 – Outline for erection of five dwellings – Refused but allowed on appeal.

4/18/2254/OR1 – Reserved matters for access, road layout, drainage and plot layout – Approved.

4/18/2270/OR1 – Reserved matters for Plot 1 – Approved.

4/19/2204/OR1 – Reserved matter for Plot 2 – Approved.

4/19/2273/OR1 – Reserved matter for Plot 4 – Approved.

4/20/2035/OR1 – Reserved matters application for new dwelling on plot 3 including details of appearance, landscaping, layout & scale – Approved.

4/21/2266/OF1 – Erection of detached dwelling – Approved.

Proposal

In September 2021, planning permission was granted (ref: 4/21/2266/OF1) for the erection of a detached dwelling at this plot. This current application seeks to vary condition 2 relating to the submitted plans for this application, for the following amendments to the scheme:

- Heighten the front bay windows cills, reducing the size of the window openings within the ground floor of each front facing gable; and
- The removal of one window within the north-east elevation.

This application also seeks to vary condition 4 attached to this previous permission which states that following:

4. Prior to the first occupation of the dwelling hereby approved the first floor and ground floor windows within the front facing gable shall be fitted with obscuring glazing in line with 'Final Proposal Plans, Elevations, Section & Location Plan (Amended), Scale 1:100, Drawing No 05, Rev F, received by the Local Planning Authority on the 20th August 2021'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

Consultation Responses

Gosforth Parish Council

No objections.

Public Representation

This application has been advertised by way of a site notice and neighbour notification letters issued to five properties. No comments have been received in relation to the statutory notification procedure.

Planning Policy

Planning law requires that 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 T1 – Improving Accessibility and Transport

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 of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

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.

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. 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. The NPPG outlines that 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.

In terms of the conditions attached to the previous decision notice (ref: 4/21/2266/0F1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. It is, however, necessary to repeat the other condition attached to this permission, including conditions 3 and 6 in order to ensure the development is carried out as per the approved detail. Condition 5 will also be repeated as this condition requires discharge prior to occupation of the dwelling.

The current application seeks to vary condition 2 and 4 of the original planning approval.

The proposed amendments will increase the height of the proposed window cills and reduce the ground floor window openings within the front facing gables of the dwelling. These proposed alterations will make the ground floor windows more reflective of those to be installed within the

	<p>first floor of the front elevation of the property. It is also proposed to remove a single ground floor window within the north-east gable of the dwelling.</p> <p>Given the nature of the amendments these alterations are not considered to have a detrimental impact on the character of the proposed dwelling, the overall streetscene or any residential amenity.</p> <p>Condition 4 will be amended to reflect the current plans submitted to ensure obscure glazing can be retained within the development as originally conditioned and agreed.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> 1. - 2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Site Plan (Amended), Scale 1:200, Drawing No 04, Rev E, received by the Local Planning Authority on the 29th June 2021. - Additional Information (Amended), received by the Local Planning Authority on the 23rd June 2021. - Stage 4a Building Regulations Elevations and Section, Scale 1:50, Drawing No 07, Rev E, received by the Local Planning Authority on the 26th April 2022. - Stage 4a Building Regulations Floor Plans, Scale 1:50, Drawing No 06, Rev E, received by the Local Planning Authority on the 26th April 2022. - Design and Access Statement, Rev A, received by the Local Planning Authority on the 9th June 2021. - Foul Drainage Layout, Scale 1:200, Drg No 004-004, Rev D, received by the Local Planning Authority on the 6th July 2021. - Utility Service Strip Layout, Scale 1:100, Drg No 004-005, Rev A, received by the Local Planning Authority on the 6th July 2021. - Aco Multidrain M150D/DS 10.0 Channel Installation Detail Drawing, Scale 1:10, Rev F, received by the Local Planning Authority on the 6th July 2021. - GRI Report, Prepared by GEO Environmental Engineering on the April 2018, received by the Local Planning Authority on the 6th July 2021. - Exploratory Holes Location Plan, received by the Local Planning Authority on the 6th July 2021. - Road Setting Out, Scale 1:100, Drg No: 004-001, Rev G, received by the Local Planning Authority on the 26th July 2021.

- Date for Permeable Paviers Exfiltration System, received by the Local Planning Authority on the 6th September 2021.
- SW Surface Areas, received by the Local Planning Authority on the 6th September 2021.
- Materials List, Rev A, received by the Local Planning Authority on the 8th September 2021.

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.

Prior to Use/Occupation Conditions

3. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is occupied/brought into use.

Reason

In the interests of highway safety.

4. Prior to the first occupation of the dwelling hereby approved the first floor and ground floor side facing windows within the front facing gables shall be fitted with obscuring glazing in line with 'Stage 4a Building Regulations Elevations and Section, Scale 1:50, Drawing No 07, Rev E, received by the Local Planning Authority on the 26th April 2022'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system.

Other conditions:

6. The development hereby approved must be finished in strict accordance with the materials set out on the approved document 'Materials List, Rev A, received by the Local Planning Authority on the 8th September 2021', and must be maintained as such at all times thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

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: C. Burns

Date : 25.05.2022

Authorising Officer: N.J. Hayhurst

Date : 25.05.2022

Dedicated responses to:- N/A