

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2338/OG1
2.	Proposed Development:	REMOVAL OF CONDITION 3 (ASSOCIATED PAVEMENTS) OF PLANNING APPROVAL 4/20/2151/OR1 - RESERVED MATTERS APPLICATION RELATING TO LAYOUT, DESIGN, ACCESS & LANDSCAPING FOR THE ERECTION OF A DETACHED HOUSE
3.	Location:	LAND AT BARWISE ROW, BARWISE ROW, ARLECDON
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 a plot of land situated on Barwise Road in Arlecdon. The site is surrounded by agricultural fields, with a playing field on the opposite side of Barwise Road to the south. The land was subject to an outline approval with all matters reserved in April 2018 (application reference 4/18/2092/001 relates) followed by the approval of reserved matters in July 2020 (application reference 4/20/2151/OR1 relates). PROPOSAL This application seeks to remove a condition that was imposed on the Approval of Reserved Matters (condition 3). This condition sought the construction of a pavement across the site frontage prior to	

the first occupation of the dwelling.

This application seeks to remove this condition as the Applicant does not agree that a pavement to the frontage of the development is necessary.

RELEVANT PLANNING APPLICATION HISTORY

Outline application for a single dwelling, approved in April 2018 (application reference 4/18/2092/001 relates);

Reserved matters application relating to layout, design, access and landscaping for the erection of a detached house, approved in July 2020 (application reference 4/20/2151/0R1 relates).

CONSULTATION RESPONSES

Arlecdon and Frizington Parish Council

No response received.

Cumbria County Highways

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Public Representation

The application has been advertised by way of neighbour notification letters issued to 12 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

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

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.

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 or remove 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 which requires the construction of a pavement at the front of the dwelling.

The Agent has stated that the pavement will be the only stretch on this side of Barwise Row and confirmed with Cumbria Highways that it will not be of benefit to the property. There is a pavement

	<p>on the opposite side of the road fronting the Community Centre providing a safe walking route for pedestrians. The consultation response from Cumbria Highways during the application process was positive and there were no objections to the proposal.</p> <p>All other details of the previously approved development are unchanged.</p> <p>CONCLUSION</p> <p>In my opinion, the stretch of pavement proposed is unnecessary due to the provision on the opposite side of the road. The condition should therefore be removed.</p> <p>As none of the planning conditions attached to the previous Approval of Reserved Matters have been discharged it is necessary to repeat them on this permission.</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 removal of condition</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development shall 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> <p>To comply with Section 92 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>Block and Location Plan, scales 1:50, 1:200 and 1:1250, drawing number WB/KT/20/06, received 9th June 2020; Floor Plans, scale 1:100, drawing number WB/KT/20/02, received 10th April 2020; Elevations, scales 1:100, 1:500 and 1:1250, drawing number WB/KT/20/01, received 10th April 2020; Design and Access Statement, document number WB/KT/20/DAS, received 10th April 2020.</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>3. -</p> <p>4. Prior to the first occupation of the development hereby approved, visibility splays of 2.4m x 60m in both directions, as demonstrated on the Block and Location Plan, scale 1:50, 1:200 and 1:1250, drawing number WB/KT/20/06, received 9th June 2020, must be constructed and brought into use. The visibility splays must be retained as such at all times thereafter.</p> <p>Reason</p> <p>To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy DM22 of the Copeland Local Plan.</p> <p>5. Prior to the first occupation of the dwelling hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These works shall include hard surfacing, means of enclosure, finished levels or contours etc. Landscaping must be carried out in accordance with the approved details and retained as such at all times thereafter.</p> <p>Reason</p> <p>To enhance the appearance of the development in the interest of visual amenities of the area and to ensure the amenity of the neighbouring property in accordance with Policy DM10 of the Copeland Local Plan.</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 grant the removal of 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 : 03/10/2022
Authorising Officer: N.J. Hayhurst	Date : 06/10/2022
Dedicated responses to:- N/A	