

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2388/OB1	
2.	Proposed Development:	APPLICATION TO VARY CONDITION 2 (PLANS) & CONDITION 8 (MATERIALS) OF PLANNING APPLICATION 4/21/2109/OR1 - RESERVED MATTERS APPLICATION FOR DETACHED DWELLING WITH DETAILS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING FOLLOWING OUTLINE APPROVAL 4/19/2208/001	
3.	Location:	LAND ADJ TO POOLSIDE/WHITRIGGS DRIVE, POOLSIDE, HAVERIGG	
4.	Parish:	Millom	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to a greenfield site located to the north of Haverigg. The field is bounded to the south by Poolside Road, to the north by open countryside, and to the east and west by residential properties, including a new build property.		
	Relevant Planning History		
	4/17/2043/0F1 – Creation of new agricultural access – Approved.		
	4/19/2208/001 – Outline application for a single residential development with full details of access – Approved.		

4/21/2109/OR1 – Reserved matters application for detached dwelling with details of layout, scale, appearance, and landscaping following outline approval – Approved.

4/21/2507/DOC – Discharge of condition 5 of planning approval 4/19/2208/001 – Approved.

4/21/2508/DOC – Discharge of condition 3 of planning approval 4/21/2109/OR1 – Approved.

Proposal

In June 2021, reserved matters planning permission was granted (ref: 4/21/2109/OR1) for a detached dwelling with details of layout, scale, appearance, and landscaping following outline approval 4/19/2208/001 at this site. This current application seeks to vary condition 2 and 8 of the Reserved Matters application which state the following:

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-
 - Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09c, received by the Local Planning Authority on the 12th May 2021.
 - Proposed Block Plan and Front Elevation (Amended), Scale 1:200, Drawing No: 20.18.08d, received by the Local Planning Authority on the 6th May 2021.
 - Design and Access Statement, received by the Local Planning Authority on the 19th March 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.

8. Prior to the erection of any external walling relating to the development hereby approved representative samples of the materials to be used on the external surfaces of the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

The application seeks to amend the plans for this application in order to incorporate the following amendments to the scheme:

- Addition of solar panels on front elevation;

- Removal of window in front elevation and gable; and
- Additional door in rear of garage.

Consultation Responses

Millom Town Council

27th October 2022

No objections in principle to this application.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to ten 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 ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

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 DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP):

Saved Policy TSP8 - Parking Requirements

Proposals Map including settlement boundaries.

Other Material Planning Considerations

National Planning Policy Framework (2019)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2019 (SHMA)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

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

	<p>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.</p> <p>In terms of the conditions attached to the previous decision notice (4/21/2109/OR1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. Condition 3 will be amended to reflect the details approved under application reference: 4/21/2508/DOC when this condition was discharged. It is also deemed necessary to repeat conditions 4, 5, 6, and 7 to ensure works are carried out as per the approved detail.</p> <p>The current application seeks to vary condition 2 of the original planning approval. The proposed alterations relate to the external appearance of the dwelling, including the installation of solar panel of the front roof slope and an additional door in the rear of the garage, and the removal of a window within the front elevation and east gable. The alterations are not considered to have a significant adverse impact on the character of the dwelling or the surrounding streetscene and are not considered to have an adverse impact on any neighbouring properties.</p> <p>The application also seeks to vary condition 8 of the original planning approval. Whilst the development has now commenced, only the internal structure of the building has been erected therefore no external materials have been used within the development. The variation of this condition allows the works to be completed whilst securing a satisfactory finish for the development. Based on the submitted details for this application, the schedule of materials for this development is considered acceptable.</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 must be carried out in accordance with them:- <ul style="list-style-type: none"> - Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09h, received by the Local Planning Authority on the 7th November 2022.

- Proposed Block Plan and Front Elevation, Scale 1:200, Drawing No: 20.18.08f, received by the Local Planning Authority on the 7th November 2022.
- Design and Access Statement, received by the Local Planning Authority on the 19th March 2021.
- Materials Schedule, received by the Local Planning Authority on the 7th November 2022.

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 Commencement Conditions

3. The development hereby approved must be carried out in accordance with the Foul and Surface Water Drainage Scheme approved as part of condition 3 of permission 4/21/2109/OR1, as detailed within correspondence dated 18th February 2022 (ref: 4/21/2508/DOC). Development must be carried out in accordance with the approved details and so maintained thereafter.

Reason

In the interests of highway safety and environmental management.

Prior to Occupation Conditions

4. Prior to the first occupation of the dwelling hereby approved the proposed landscaping must be carried in accordance with the approved document 'Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09h, received by the Local Planning Authority on the 7th November 2022'. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme.

5. Prior to the first occupation of the dwelling hereby approved the proposed windows within east and west gable of the dwelling must be fitted with obscure glazing in line with the approved documents:

- Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and

Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09h, received by the Local Planning Authority on the 7th November 2022

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

6. Prior to the first use of the first floor balcony hereby approved, obscure glazed screens must be erected along the east and west edges of the balcony, in accordance with the approved document:

- Sketch Proposals Revised Configuration: Site Location Plan, Site Plan, Proposed Elevations, and Proposed Floor Plans (Amended), Scale 1:100, 1:200 & 1:1250, Drawing No: 20.18.09h, received by the Local Planning Authority on the 7th November 2022

The screens must be maintained at all times and thereafter retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings.

7. The obscure glazed screens along the east and west edges of the first floor balcony hereby approved must be fitted with grade 5 obscure glazing, unless otherwise agreed in writing by the Local Planning Authority. The screens must be maintained at all times and thereafter retained in perpetuity.

Reason

To protect the residential amenity of neighbouring dwellings

Prior to Erection of External Walling Conditions

8. The development hereby approved must be carried out in accordance with the schedule of materials set out in the approved document:

- Materials Schedule, received by the Local Planning Authority on the 7th November 2022.

The development must be retained in line with these approved details at all times thereafter.

Reason

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

Informatives:

1. Prior to the commencement of this development, the requirements of Planning Conditions 5 of Outline Planning Approval Ref: 4/19/2208/001 are required to be submitted and approved in writing by the Local Planning Authority.
2. The development hereby approved must be carried out in accordance with conditions 4, 6, 7, 8, 9 and 10 of Outline Planning Approval Ref: 4/19/2208/001.

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 : 22.11.2022

Authorising Officer: N.J. Hayhurst

Date : 24.11.2022

Dedicated responses to:- N/A