

**COPELAND BOROUGH COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/22/2442/OG1	
2.	Proposed Development:	VARITATION OF CONDITION 1 (PLANS); CONDITION 2 (REINSTATEMENT OF THE HIGHWAY FENCE/WALL) & CONDITION 4 (APPROVED PARKING ARRANGEMENTS) OF PLANNING APPROVAL 4/18/2169/OF1 - MATERIAL CHANGE OF USE OF THE PROPERTY FROM A RESIDENTIAL DWELLING (C3) TO A GUEST HOUSE (C1) WITH PROVISION OF ADDITIONAL PARKING (RETROSPECTIVE)	
3.	Location:	KELD GREEN, THE BANKS, SEASCALE	
4.	Parish:	Seascale	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
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 large detached property, known as Keld Green, which fronts onto The Banks within the west of Seascale.	

Relevant Planning History

4/18/2169/OF1 – Material change of use of the property from a residential dwelling (C3) to a guest house (C1) with provision of additional parking (retrospective) – Approve

4/21/2505/OF1 – Formation of new car parking area on front forecourt of guest house including new vehicular access to highway – Withdrawn

4/22/2153/0B1 – Amendment of condition 4 (parking provision) of planning approval 4/18/2169/OF1 material change of use from residential dwelling (C3) to a guest house (C1) with provision of additional parking (retrospective) – Withdrawn

Proposal

In April 2019, retrospective planning permission (ref: 4/18/2169/OF1) was granted to change the use of the property from a residential dwelling to a guest housing with provision of additional parking. As part of this retrospective planning approval the area to the rear of the property was to be used for parking provision for the guest house, with the existing detached garage to be demolished to accommodate five off street parking spaces. As part of the original proposal for this site a parking area was to be created at the front of the property however following concerns raised with the layout from Cumbria Highways this was removed from the proposal and the boundary wall along the front of the site was to be reinstated.

This current application seeks to vary conditions 1, 2 and 4 attached to this original planning approval (ref: 4/18/2169/OF1) which state the following:

1. 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:-
 - Site Location Plan, Block Plan, Existing Floor Plans & Proposed Elevations (Amended), Scale 1:100, 1:300 & 1:800, received by the Local Planning Authority on the 11th March 2019.
 - Proposed Floor Plans & Sections, Drawing No 1555, Sheet 2, received by the Local Planning Authority on the 19th April 2018.
 - Design & Access Statement (Amended), received by the Local Planning Authority on the 3rd April 2019.

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.

2. Within two months of this permission hereby granted the highway fence/wall boundary along the road frontage shall be reinstated to a height not exceeding 1.05m above the carriageway

level of the adjacent highway in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. This boundary shall not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

4. Within two months of this permission hereby granted the proposed parking provision shall be altered in accordance with the approved plan, Site Location Plan, Block Plan, Existing Floor Plans & Proposed Elevations (Amended), Scale 1:100, 1:300 & 1:800, received by the Local Planning Authority on the 11th March 2019. The approved parking spaces shall be retained and available for use in connection with this building at all times thereafter.

Reason

For the avoidance of doubt and in the interest of highway safety.

Following ongoing operations at the site it has been deemed that the access to the rear parking area approved under the original planning approval (ref: 4/18/2169/0F1) is too narrow for vehicles to enter and leave the site, causing damage to the building. This application therefore seeks to amend condition 1 of the original planning approval (ref: 4/18/2169/0F1) to close the rear courtyard off for vehicles and to create an off-street parking area within the front of the site for four vehicles. This application also seeks to vary conditions 2 and 4 on the original planning approval as they have not been complied with within the specified timescales and to take into account the changes to the parking provisions at this site.

Consultation Responses

Seascale Parish Council

10th December 2022

No objections.

1st February 2023

The consultation paper was viewed and could not find any changes to the original application. Therefore SPC reiterates its earlier comment: No Objection.

Cumbria County Council – Cumbria Highways & LLFA

29th November 2022

Condition 1 & 4 - The application proposed three parking bays to the front of the property whilst closing off the access lane to the rear of the property. There is a forecourt exceeding 11m which provides sufficient space for vehicles to manoeuvre within the site boundary. Drawing Number 04002

02 states the parking area will be resurfaced in a bound material such as tarmac and there will be an ACO channel drain to prevent surface water discharging on and off the highway. I can confirm the LHA have no objections to the variation of these conditions in accordance with Drawing Number 04002 02. It should be noted that the applicants will need to obtain a streetworks licence before carrying out the works creating the access and dropping the kerb.

Condition 2 - The same plan as mentioned above states the boundary will be reinstated to a height of 600mm which is acceptable to the LHA as it will allow for pedestrian visibility. A streetworks licence may be required again for the highway reinstatement works.

31st January 2023

Condition 1 & 4 - The application proposes four parking bays to the front of the property whilst closing off the access lane to the rear of the property. There is a forecourt exceeding 6m which provides sufficient space for vehicles to manoeuvre within the site boundary. Drawing Number 04002 04 states the parking area will be resurfaced in a bound material such as tarmac and there will be an ACO channel drain to prevent surface water discharging on and off the highway. I can confirm the LHA have no objections to the variation of these conditions in accordance with Drawing Number 04002 04. It should be noted that the applicants will need to obtain a streetworks licence before carrying out the works creating the access and dropping the kerb.

Condition 2 - *Previous response still applies* The same plan as mentioned above states the boundary will be reinstated to a height of 600mm which is acceptable to the LHA as it will allow for pedestrian visibility. A streetworks licence may be required again for the highway reinstatement works.

Cumbria County Council – Resilience Unit

11th November 2022

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

20th January 2023

No further comments in addition to the email response below sent on the 11th November 2022.

Public Representation

This application has been advertised by way of neighbour notification letters issued to five properties. One letter of objection has been received which raises the following concerns:

- This is another property administered over by the Mawson family business probably under the company of Ryecorn. This company appears to go beyond what any approval has been given on planning applications. The developer knew he could get away with it as he has done with the property that was Abbyfield.
- I agree the wall needs to be re-instated. Plus any extra dropped curbs that have been installed.
- There needs to be a specific number of parking bays which Will need to be at the rear of the property therefore no parking in the drive way. It has been the additional parking that has caused the problems. The amount of bedrooms for use as a guest house must be in the DN. It is the abuse of the number of bedrooms as a HMO that created the need for so much parking. knocking down of the wall and using that dreadful lumpy aggregate that was spread along the pavement.
- Please do not leave the developer any loopholes to interpret the approval to something other than what he has applied for.

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

ST1 – Strategic Development Principles

ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy ER10 – Renaissance through Tourism

Policy T1 – Improving Accessibility and Transport

Development Management Policies (DMP)

Policy DM9 – Visitor Accommodation

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF. Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved.

The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

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: 4/18/2169/0F1) condition 3 will be repeated to ensure that works are carried out as per the approved details.

Condition 1 relates to the plans for the original planning approval (ref: 4/18/2169/0F1). As the access

	<p>to the previously approved rear car parking is now deemed unusable, the scheme is now to include a car parking area to the front of the site The original plans for this application are therefore to be amended to reflect this. Cumbria Highways have reviewed this amended proposal and have confirmed that they have no objection to the variation of this condition.</p> <p>As part of the original planning approval (ref: 4/18/2169/0F1) conditions 2 and 4 required the front boundary wall to be reinstated and the rear parking area created within two months of the approval. These works were not carried out within the required timescale therefore these conditions are to be amended to overcome this current breach of planning conditions and to reflect the changes to the parking provisions within the site. Cumbria Highways have confirmed that they have no objections to the variations of these conditions. The conditions will be amended to ensure that works are completed in accordance with the approved plans within a reasonable timescale agreed with the agent for this application.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. 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:- <ul style="list-style-type: none"> - Existing Plans and Elevations (Amended), Scale 1:100, Drwg No: 04003, Rev 02, received by the Local Planning Authority on the 21st March 2023. - Proposed Floor Plans & Sections, Drawing No 1555, Sheet 2, received by the Local Planning Authority on the 19th April 2018. - Design & Access Statement (Amended), received by the Local Planning Authority on the 3rd April 2019. - Location Plan, Scale 1:1250, Drawing No: 01002, Rev: 01, received by the Local Planning Authority on the 10th November 2022. - Block Plan (Amended), Scale 1:500, Drwg No: 01003, Rev: 02, received by the Local Planning Authority on the 7th March 2023. - Block Plan (Amended), Scale 1:200, Drawing No: 04002, Rev: 05, received by the Local Planning Authority on the 7th March 2023. - Plans as Existing, Scale 1:50, Drawing No: 01001, Rev: 01, received by the Local Planning

Authority on the 10th November 2022.

- Plans as Proposed (Amended), Scale 1:50, Drawing No: 04002, Revision: 04, received by the Local Planning Authority on the 20th December 2022.
- Cover Letter, received by the Local Planning Authority on the 10th 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.

2. The boundary wall/fence to the front of the site must be reinstated in accordance with the approved document 'Plans as Proposed (Amended), Scale 1:50, Drawing No: 04002, Revision: 04, received by the Local Planning Authority on the 20th December 2022' by the 24th June 2023. The front boundary wall/fence must be retained as such at all times thereafter.

Reason

In the interests of highway safety.

3. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

4. The parking area to the front of the site hereby approved must be altered and completed in accordance with the approved document 'Plans as Proposed (Amended), Scale 1:50, Drawing No: 04002, Revision: 04, received by the Local Planning Authority on the 20th December 2022' by the 24th June 2023. The approved parking area must be retained as such and available for use in connection with this building at all times thereafter.

Reason

For the avoidance of doubt and in the interest of highway safety.

Informative:

1. Any works within or near the Highway must be authorised by Cumbria County Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team –

westst@cumbria.gov.uk

2. The Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.
3. In view of the fact that this application, if granted, will increase the number of persons in the area it is requested that the applicant should liaise with the Office of Nuclear Regulation to allow for further discussion to ensure residents are aware of the appropriate information.

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 : 22.03.2023

Authorising Officer: N.J. Hayhurst

Date : 23.03.2023

Dedicated responses to:-