



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2480/OB1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS - TO CHANGE POSITION OF DWELLING ON PLOT) OF PLANNING APPROVAL 4/20/2173/0F1 FOR A DETACHED DWELLING
3.	Location:	LAND ADJACENT TO SCHOOL CROFT, SANDWITH, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location <p>This application relates to an area of agricultural land that is located to the east and adjacent to School Croft in Sandwith. The plot is served by shared driveway which leads from the Rottington to Sandwith road (Rottington Road). The land has vacant agricultural fields to the north with School Croft to the west, The Old School to the east and parking and access for School Croft to the south.</p> <p>School Croft includes a former garage which was converted into a hairdressing business premises, run by the Applicant. The Applicant's parents live in and own School Croft and the site proposed for development.</p> <p>Full planning permission was approved for a detached dwelling on the site in July 2020 (application reference 4/20/2173/0F1 relates).</p>	

Proposal

This application seeks to vary condition 2 of planning permission 4/20/2173/0F1 to amend the positioning of the dwelling within the plot to the far north west of the red line area. This allows the dwelling to be further away from both School Croft and The Old School which adjoins the site.

The application has been submitted with the following information:

- Application form;
- Site Block Plan.

RELEVANT PLANNING APPLICATION HISTORY

Detached dwelling, approved in July 2020 (application reference 4/20/2173/0F1 relates).

CONSULTATION RESPONSESWhitehaven Town Council

No objections.

Cumbria Highways

No objections

Local Lead Flood Authority

No objections, provided that a condition relating to surface water discharge is included in any approval notice.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 2 no. properties.

One letter of support has been received requesting that the original conditions are transferred to the revised location.

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

Policy SS2 – Sustainable Housing Growth

Policy ENV1 – Flood Risk and Risk Management

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 2021 (NPPF)

Strategic Housing Market Assessment 2019 (SHMA)

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.

The policies relevant to this proposal are as follows:

- Strategic Policy DS1PU - Presumption in favour of Sustainable Development
- Strategic Policy DS2PU - Reducing the impacts of development on Climate Change
- Strategic Policy DS3PU - Settlement Hierarchy

- Strategic Policy DS4PU - Settlement Boundaries
- Strategic Policy DS5PU - Planning Obligations
- Policy DS6PU - Design and Development Standards
- Policy DS7PU - Hard and Soft Landscaping
- Strategic Policy DS8PU - Reducing Flood Risk Policy
- Policy DS9PU: Sustainable Drainage
- Strategic Policy H1PU - Improving the Housing Offer
- Strategic Policy H2PU - Housing Requirement
- Strategic Policy H3PU - Housing delivery
- Strategic Policy H4PU - Distribution of Housing
- Strategic Policy H5PU - Housing Allocations
- Policy H6PU - New Housing Development
- Policy H7PU - Housing Density and Mix Strategic
- Policy H8PU - Affordable Housing
- Strategic Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2PU - Local Nature Recovery Networks
- Strategic Policy N3PU - Biodiversity Net Gain
- Strategic Policy N6PU - Landscape Protection

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 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

Policy DM12 of the CS and DS6PU of the ELP seek to ensure that development retains suitable separation distances so as to protect the amenity of all occupiers and ensure there are no issues relating to overlooking or overshadowing. Policy DM10 of the CS and DS6PU of the ELP ensure that developments maintain high standards of design.

The proposal is to relocate the proposed dwelling within the existing red line area to the far north

	<p>west of the plot. This will allow for greater separation distances between the proposed dwelling and School Croft and The Old School. Whilst the dwelling will be located further into the open field, it will still be located within the approved red line area and therefore within the approved plot. Furthermore, the eastern extreme of the property will not protrude further than the eastern elevation of The Old School, therefore retaining the building line and respecting the built form in this part of the settlement.</p> <p>A one metre gap will be retained to the west and north of the property allowing for building maintenance and the storage of bins to the rear of the dwelling.</p> <p>Overall, this minor change will result in betterment – increasing the separation distances between the proposed dwelling and the surrounding neighbours.</p> <p>CONCLUSION</p> <p>In my opinion, the revision is modest and as it will provide betterment, it is considered to be acceptable to vary condition 2 of the original planning permission. All other aspects of the application will remain the same.</p> <p>In accordance with the guidance set out in the PPG the conditions attached to the original permission should be repeated on the decision notice for this development as they have, as yet, to be formally discharged. This will ensure that the outstanding issues are considered prior to the occupation of the dwelling.</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 and emerging Local Plans.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be commenced before the 7th July 2023. <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> <ol style="list-style-type: none"> 2. 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>Site Location Plan, scale 1:1250, received 21st April 2020; Block Plan, scale 1:500, received 14th December 2022;</p>

Ground Floor Plan, scale 1:50, drawing number 1 of 5, received 21st April 2020;
First Floor Plan, scale 1:50, drawing number 2 of 5, received 21st April 2020;
Sectional Drawing, scale 1:50, drawing number 3 of 5, received 21st April 2020;
Front and Rear Elevations, scale 1:50, drawing number 4 of 5, received 21st April 2020;
Side Elevations, scale 1:50, drawing number 5 of 5, received 18th June 2020;
Supporting Statement, received 21st April 2020.

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.

3. Prior to the first occupation of the development hereby approved, full details of the foul and surface water drainage schemes, including attenuation measures and prevention from runoff to the highway, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must become operational before the development is brought into use and must be so maintained thereafter.

Reason

To ensure a satisfactory scheme of surface water disposal from the site in accordance with Policies ENV1 and DM11 of the Copeland Local Plan.

4. Prior to their first use on the development hereby approved, representative samples of the materials to be used on the external surfaces must be submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy DM10 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, the ground floor window in the side elevation (facing east) must be glazed with obscure glass and maintained as such at all times thereafter.

Reason

To ensure the amenity of the adjacent property in accordance with Policy DM12 of the Copeland Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity in accordance with Policy DM10 of the Copeland Local Plan and to ensure the amenity of the neighbouring properties in accordance with Policy DM12 of the Copeland Local Plan.

7. Prior to the first occupation of the development hereby approved, the parking and turning provision shown on the Block Plan and Side Elevations, scales 1:500 and 1:50, drawing number 5 of 5, received 18th June 2020 must be constructed and brought into use. The parking and turning provision must remain available at all times thereafter.

Reason

To ensure highway safety and the amenity of the dwelling known as School Croft and in accordance with Policy DM22 of the Copeland Local Plan.

Informative

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

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 a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo	Date : 02/02/2023
Authorising Officer: N.J. Hayhurst	Date : 08/02/2023
Dedicated responses to:- N/A	