

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2113/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) TO ENLARGE FOOTPRINT & APPEARANCE OF BUNGALOW APPROVED UNDER PLANNING APPROVAL 4/20/2260/0R1 RESERVED MATTERS APPLICATION FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT & SCALE FOLLOWING APPROVED OUTLINE APPLICATION 4/18/2178/0O1
3.	Location:	PLOTS 4, LAND BETWEEN GILGARRAN PARK AND PINEWOODS, GILGARRAN
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Outer Consultation Zone - Cycliffe 3KM
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 a plot of land in the middle of the settlement of Gilgarran which is currently vacant agricultural land. The land is bound by an existing post and wire fence and fronts onto Gilgarran Park, a private road which leads towards Pinewoods. There is residential development to the south, east and west of the site.</p> <p>Outline Planning Permission was granted for residential development comprising a maximum of 2 properties in June 2018 (application reference 4/18/2178/0O1 relates).</p>

Reserved matters were then granted in October 2020 for two four bedroomed dwellings (application reference 4/20/2260/0R1 relates).

Proposal

This application seeks to vary condition 2 of planning permission 4/20/2260/0R1 to enlarge the footprint and change the appearance of the bungalow.

The application has been submitted with the following information:

- Application form;
- Site Location Plan and Proposed Roof Plan;
- Proposed Floor Plans and Elevations;
- Details of the Proposed Air Source Heat Pump.

RELEVANT PLANNING APPLICATION HISTORY

Outline Planning Permission for residential development comprising a maximum of 2 properties, approved in June 2018 (application reference 4/18/2178/0O1 relates).

Reserved matters for two four bedroomed dwellings, approved in October 2020 (application reference 4/20/2260/0R1 relates).

CONSULTATION RESPONSES

Distington Parish Council

No objections.

Cumbria Highways and Local Lead Flood Authority

It is considered that the proposal will not have a material effect on existing highway conditions. I can therefore confirm that the Local Highway Authority has no objection to the proposal.

As presented on proposed roof plan & maps dwg02 there is still adequate parking and turning facilities within the site. As this application site is located on a private road you will need to ensure that the proposed 1200mm high fence will not obstruct visibility from the access.

United Utilities

No response received.

Environmental Health

1st Response



Cumberland Council

No objections.

2nd Response

There are no objections to the amended proposed plans and elevations (dated May 2024) from Environmental Health. It is noted that an air source heat pump (ASHP) is proposed to be sited on the external gable elevation of the garage. It would be useful to have the noise rating of the proposed ASHP, to ensure that it meets industry guidelines on noise transmission to neighbouring dwellings.

3rd Response

No objections.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 6 no. properties.

One letter of support has been received.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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

Emerging Copeland Local Plan (ELP).

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Report is awaited.

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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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



Cumberland Council

- 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

Other Material Planning Considerations

National Planning Policy 2023 (NPPF)

Strategic Housing Market Assessment 2023 (SHMA)

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 enlarge the property with the addition of a rear protrusion, additional floor space on the side elevation but to lower the overall roof height by 100mm and raise the eaves by 900mm. The changes will result in the addition of 47.53m² floor space.

Whilst the proposal will be larger in scale overall, it still sits neatly within the plot with ample amenity, parking and turning space. There will be no changes to the previously approved scheme in terms of overlooking or privacy.

The proposal now includes an air source heat pump which is to be sited on the side elevation of the property. Environmental Health reviewed the submitted details and considered that this would not have a negative effect on the neighbouring properties in terms of noise.

The proposal retains the overall character of the previously approved scheme, being a modern design with a projecting gable.

Overall, these minor changes will not result in a material change to that which was previously approved. No objections to the proposal have been received.

All other details will remain the same.

CONCLUSION

In my opinion, the revisions are modest and will not change the overall character of the proposed property. On this basis, it is considered to be acceptable to vary condition 2. All other aspects of the application will remain the same. In accordance with the guidance set out in the PPG the conditions attached to the original permission should be carried over to this variation to ensure that the outstanding issues are considered prior to the occupation of the dwelling.

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.

8.	<p>Recommendation:</p> <p>Approve amendment 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>Application form, received 8th April 2024;</p> <p>Site Location Plan, scale 1:1250, drawing number 230 01003 03, received 22nd September 2020;</p> <p>Plot 4 Site Location Plan and Proposed Roof Plan, scales 1:1250, 1:250 and 1:50, drawing number DWG02, received 8th April 2024;</p> <p>Site Plan, scale 1:500, drawing number 230 01004 02, received 22nd September 2020;</p> <p>Plot 3 Plans and Elevations, scale 1:100, drawing number 230 04003 01, received 14th July 2020;</p> <p>Plot 4 Proposed Plans and Elevations, scales 1:50 and 1:100, drawing number DWG01, received 15th May 2024;</p> <p>Proposed Air Source Heat Pump, received 12th June 2024.</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>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</p>

accordance with the approved details and so maintained thereafter.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DM10 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 : 27/06/2024

Authorising Officer: N.J. Hayhurst

Date : 02/07/2024

Dedicated responses to:- N/A