

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2027/0B1
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) TO AMEND DESIGN OF PLANNING APPLICATION 4/22/2278/0F1 ERECTION OF A 2 BED BUNGALOW
3.	<b>Location:</b>	DALELANDS, SANDWITH
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter: NO  Site Notice: YES  Press Notice: NO  Consultation Responses: See report  Relevant Planning Policies: See report
7.	<b>Report:</b>  <b>Site and Location:</b>  This application relates to a plot of land which lies adjacent to the dwelling known as Dalelands in Sandwith. It covers an area of approximately 379 square metres and was previously utilised for residential curtilage.  There are residential dwellings to the north and west, with an access road to the east and south.  <b>Relevant Planning History:</b> <ul style="list-style-type: none"> <li>- Outline application for the erection of two dwellings, approved in June 2018</li> </ul>	

(application reference 4/18/2142/001 relates);

- Erection of two detached dwellings, approved in June 2020 (application reference 4/20/2120/0F1 relates);
- Erection of a two bed bungalow, approved in January 2023 (application reference 4/22/2278/0F1 relates).
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**Proposal:**

This application seeks to vary condition 2 of the planning application reference 4/22/2278/0F1. The variation is sought to allow a revision to both the scale and design of the proposed dwelling.

Condition 2 of the previous planning permission states the following:- :

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: -

Site Location Plan, scale 1:1250, drawing number RC/1/22, received 5th July 2022;

Site Block Plan, scale 1:500, drawing number 18/07/938-22a, received 5th July 2022;

Plans and Elevations, scale 1:100, drawing number 18/07/938-26, received 5th July 2022;

Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), written by Geo Environmental Engineering, received 5th July 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.

Consultee:	Nature of Response:
Whitehaven Town Council	No objections.
Highways and Local Lead Flood Authority	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.
United Utilities	No response received.



## Cumberland Council

### Neighbour Responses:

1 letter of objection has been received raising the following concerns:

- The proposed dwelling is significantly larger than the approved dwelling;
- The conditions on the application state that drainage should be detailed and this has not been done.

### 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 2021-2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:

Strategic Policy DS1 - Settlement Hierarchy

Strategic Policy DS2 - Settlement Boundaries

Strategic Policy DS3 - Planning Obligations

Policy DS4 - Design and Development Standards

Policy DS5 - Hard and Soft Landscaping

Strategic Policy DS6 - Reducing Flood Risk Policy

Strategic Policy DS7 - Sustainable Drainage  
Policy DS8 – Soils, Contamination and Land Stability  
Strategic Policy H1 - Improving the Housing Offer  
Strategic Policy H2 - Housing Requirement  
Strategic Policy H3 - Housing delivery  
Strategic Policy H4 - Distribution of Housing  
Strategic Policy H5 - Housing Allocations  
Policy H6 - New Housing Development  
Policy H7 - Housing Density and Mix Strategic  
Policy H8 - Affordable Housing  
Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity  
Strategic Policy N2 - Local Nature Recovery Networks  
Strategic Policy N3 - Biodiversity Net Gain  
Strategic Policy N6 - Landscape Protection  
Strategic Policy CO4 – Sustainable Travel  
Policy CO5 – Transport Hierarchy

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

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.



## Cumberland Council

	<p><b>Assessment:</b></p> <p>This application seeks to vary condition 2 of application reference 4/22/2278/0F1 to increase the scale and change the design of the previously approved dwelling.</p> <p>Whilst the dwelling will have an increase in floor space, it will remain as a single storey unit which will help to minimize its visual impact on this edge of village location and allow it to blend in with the surrounding residential properties. The plot is ample in size and can comfortably accommodate the dwelling which remains as a 2 bedroomed bungalow.</p> <p>The design is modern and reflects the dwelling previously approved on the site. It is therefore considered to be acceptable.</p> <p>Whilst concerns have been raised regarding the increase in scale, it has been fully assessed and is considered to be consistent with policy. All other details of the application will remain the same.</p> <p><u>Consultee Concerns</u></p> <p>A concern was received with regards to the Applicant having failed to submit the details of drainage with this variation application. Surface water drainage details are subject to a condition which will require an application for discharge at a later date. This condition requires these details to be submitted and agreed by the LPA prior to the first occupation of the dwelling.</p> <p><u>Other Planning Conditions</u></p> <p>In accordance with the guidance set out in the NPPG it is relevant to consider the other conditions that were imposed on the original planning permission. It is sometimes necessary to amend the wording of the conditions to reflect the details that have already been agreed but which require ongoing compliance. These are summarized below:-</p> <p>Condition 1 – commencement of development – to remain as existing.</p> <p>Condition 2 – plans – amended under this application and requires ongoing compliance.</p> <p>Condition 3 – drainage –yet to be discharged, to remain as previously worded.</p> <p>Condition 4 – landscaping – yet to be discharged, to remain as previously worded.</p> <p>Condition 5 – removal of PD rights – to remain as previously worded.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve amendment of condition</p>
9.	<p><b>Conditions:</b></p> <p>1. The development hereby permitted shall be commenced before the expiration of 27<sup>th</sup></p>

January 2026.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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: -  
Site Location Plan, scale 1:1250, drawing number RC/1/22, received 5th July 2022;  
Site Block Plan, scale 1:250, drawing number 18/07/938-03c, received 24<sup>th</sup> January 2025;  
Revised Plans and Elevations, scale 1:100, drawing number 18/07/938-27, received 24<sup>th</sup> January 2025;  
Phase 1: Desk Top Study Report (Preliminary Environmental Risk Assessment), written by Geo Environmental Engineering, received 5th July 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.

3. Prior to the first occupation of the dwelling hereby approved, full details of the surface water drainage scheme, including attenuation measures, 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 and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

4. Prior to the first use of the development 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 must include hard surfacing and means of enclosure as a minimum. Landscaping must be carried out in accordance with the approved

details and retained as such at all times thereafter.

**Reason**

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DS5 of the Copeland Local Plan.

5. 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 external alterations or extensions, conservatories, dormer, or enlargement must be carried out to the dwelling, nor must 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 and in accordance with Policy DS4 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](http://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.

<b>Case Officer: Sarah Papaleo</b>	<b>Date : 18/03/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 21/03/2025</b>
<b>Dedicated responses to:- N/A</b>	