

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2347/0B1
2.	Proposed Development:	VARIATION OF CONDITION 2 (PLANS) TO ALLOW FOR MINOR DESIGN AMENDMENTS AND CONDITION 7 (DRAINAGE) REVISED DRAINAGE TO PRIVATE TREATMENT PLANT OF PLANNING APPLICATION 4/23/2020/0F1 PROPOSED DORMER BUNGALOW
3.	Location:	PLOT 2, ARLECDON ROAD, FRIZINGTON
4.	Parish:	Arlecdon and Frizington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location: This application relates to a plot of land situated on Arlecdon Road in Arlecdon. The site has agricultural fields to the west, further plots for development to the north and a residential garden to the south. There are residential properties on the opposite side of Arlecdon Road known as Mona Street. Relevant Planning History The land has previously been subject to an outline approval, approved in 2021 (application reference 4/21/2469/0O1 relates). A subsequent planning application for the was approved in 2023 for a dormer bungalow (application reference 4/23/2313/0F1 relates). Proposal: Planning conditions imposed on application ref. 4/23/2020/0F1 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: -

Proposed site and block plan, scales 1:1250 and 1:500, received 23rd January 2023;

Proposed dwelling floor plans, scale 1:50, drawing number P2AR-KM-004, received 20th April 2023;

Proposed Elevations, scale 1:50, drawing number P2AR-KM-003, received 20th April 2023;

Proposed site drainage plan, scale 1:250, drawing number P2AR-KM-002, received 23rd January 2023;

Design and access statement, drawing number DAS-001, received 23rd January 2023;

Drainage Calculations, written by JDP Limited, received 21st January 2023;

Percolation Results, received 21st January 2023; Visibility Splays, scales 1:500 and 1:1250, drawing number P2AR-KM-001, received 3rd April 2023.

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.

7. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing P2AR-KM-002- Dated 2 Jan 23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with Policies ENV1 and DM24 of the Copeland Local Plan.

This application seeks to vary these conditions to allow the following changes to the application:

- Revised drainage to private treatment plant;
- Rear projection increased by 1.2m;
- Removal of chimney;
- Alteration to rear window.

Consultee:	Nature of Response:
Cumberland Highways/LLFA	<p>The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:</p> <p>Condition 2 - The LHA and LLFA did not recommend this condition therefore we have no comments to make.</p> <p>Condition 7 - The proposed site drainage plan submitted is adequate and satisfies this condition.</p>
Environmental Health	There are no objections to the proposed respective variations from Environmental Health.
United Utilities	Further to our review of the submitted documents, Drawing P2AR-KM-002, Rev B - Dated 2/01/2023, United Utilities has no objection to conditions 2 & 7 being Varied.
Neighbour Responses:	
None received.	

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

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 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Planning approval 4/23/2313/0F1 was determined under the previous Local Plan, however this current variation of conditions application is being considered under the Copeland Local Plan 2021-2039 as this now forms the development plan.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

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 N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

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.

Assessment:

This application seeks to vary conditions 2 and 7 of the planning approval 4/23/2020/0F1 to allow for minor alterations to the development.

It is proposed to increase the projection of the rear sunroom extension by 1.2m to make a total projection of 5.2m. It is considered that the plot is of a suitable scale to accommodate this change and therefore it is acceptable. The plans have also been amended to change the fenestration of the rear windows to bi-fold doors and a double window to serve the home office. This will not be visible from any public viewpoints and does not materially change the development. The removal of the chimney is not considered to alter the development.

The variation of condition 7 amends the drainage from a soakaway to a private treatment plant. This information has been fully considered by the LLFA, Environmental Health and United Utilities and is acceptable.

Conclusively, conditions 2 and 7 are suitable for variation based on the information submitted as part of this application.

Other Planning Conditions

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 necessary to amend the wording of several of the conditions to reflect the details that have already been agreed but which require ongoing compliance. These are summarized below:-

Condition 1 – commencement of development before the expiration of three years of the date

	<p>of the permission – to remain as worded.</p> <p>Condition 2 – plans – to be reworded to include amended plans.</p> <p>Condition 3 – windows – to remain as worded.</p> <p>Condition 4 – parking – to remain as worded.</p> <p>Condition 5 – fences – to remain as worded.</p> <p>Condition 6 – landscaping – to remain as worded.</p> <p>Condition 7 – drainage – to be reworded in accordance with this application.</p>
8.	<p>Recommendation:</p> <p>Approve amendment of condition</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted must be commenced before the 26th April 2026.</p> <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> <p>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> <p>Proposed site and block plan, scales 1:1250 and 1:500, drawing number P2AR-KM-001 B, received 15th October 2025;</p> <p>Proposed dwelling floor plans, scale 1:50, drawing number P2AR-KM-004 B, received 15th October 2025;</p> <p>Proposed Elevations, scale 1:50, drawing number P2AR-KM-003 B, received 15th October 2025;</p> <p>Proposed site drainage plan, scale 1:250, drawing number P2AR-KM-002 B, received 15th October 2025;</p> <p>Design and access statement, drawing number DAS-001, received 15th October 2025;</p> <p>Proposed Foul and Surface Water Drainage Report, report reference FSWDR-001, received 15th October 2025.</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>

Prior to Occupation Conditions

3. Prior to the first occupation of the dwelling hereby approved, any windows on the first floor side elevations that are below 1.7 metres above floor level must be fitted with obscure glazing to a minimum of level 5. Once installed the obscure glazing must be retained at all times thereafter and for the lifetime of the development.

Reason

To safeguard the amenity of the neighbouring dwellings and in accordance with Policy DS4 of the Copeland Local Plan.

4. Prior to the first occupation of the dwelling hereby approved, the access and parking must be fully constructed and brought into use in accordance with the approved plans. The access and parking must be retained as such at all times during the lifetime of the development.

Reason

To ensure a minimum standard of construction in the interests of highway safety and in order to ensure that there is no antisocial parking in accordance with Policy CO7 of the Copeland Local Plan.

5. Prior to the first occupation of the dwelling hereby approved, a 2 metre high, close boarded boundary fence must be erected on the north and south boundaries. The fence must be retained and maintained at all times for the lifetime of the development.

Reason

To ensure that the amenity of the neighbouring dwellings is maintained and in accordance with Policy DS4 of the Copeland Local Plan.

6. Prior to the first occupation of the dwelling hereby approved, full details of hard and soft landscaping must be submitted to and approved by the Local Planning Authority. Once approved, the scheme must be implemented in accordance with the approved plans and retained as such at all times thereafter.

Reason

To ensure a satisfactory appearance in the interests of visual amenity and in accordance with Policy DS5 of the Copeland Local Plan.

Other Conditions

7. The drainage for the development hereby approved, must be carried out in accordance with principles set out in the submitted Proposed Site Drainage Plan P2AR-KM-002 B – received 15th October 2025. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

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 vary conditions in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Sarah Papaleo

Date : 08/12/2025

Authorising Officer: N.J. Hayhurst

Date : 10/12/2025

Dedicated responses to:- N/A