

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2236/0B1
2.	Proposed Development:	VARIATION OF CONDITIONS 2 (PLANS), 3 (GLAZED SCREEN) AND 4 (GLAZED SCREEN) OF PLANNING APPLICATION 4/23/2302/0F1 - PROPOSED BALCONY, RAISE EXISTING PATIO, NEW WINDOW & DOOR OPENINGS & INTERNAL ALTERATIONS
3.	Location:	1 CLIFF VILLAS, BANK YARD ROAD, PARTON
4.	Parish:	Parton
5.	Constraints:	ASC Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change, Key Species - POTENTIAL AREA for the Small Blue PROWs - Public Right of Way
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location: This application relates to the dwelling at 1 Cliff Villas, a semi-detached property located off Bank Yard Road in Parton. The property is accessed from a private driveway which adjoins	

Bank Yard Road. There is an attached residential dwelling to the north with fields to the north and east and the coastline to the west.

Relevant Previous Planning Permission:

Proposed balcony, raise existing patio, new window and door openings and internal alterations, approved in January 2024 (application reference 4/23/2302/0F1 relates).

Proposal:

Planning conditions imposed on application ref. 4/23/2302/0F1 state the following:

Condition 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: -

Application form, received 30th November 2023;

Site Location Plan and Block Plan, scales 1:1250 and 1:500, drawing number 1CVEM-005, received 19th October 2023;

Proposed Floor Plans, scale 1:50, drawing number 1CV-EM-002A, received 5th December 2023;

Proposed Elevations, scale 1:50, drawing number 1CV-EM-004A, received 5th December 2023;

Proposed Drainage Plans, scales 1:500 and 1:150, drawing number 1CV-EM-006, received 19th October 2023;

Design and Access Statement, drawing number DAS-001 Rev A, received 30th November 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.

Condition 3

Prior to the first use of the raised patio hereby approved, the fully obscured 2m high glazed screen on the boundary between 1 Cliff Villas and 2 Cliff Villas must be erected and made operational in accordance with the approved plans. The screen must be retained as such at all times thereafter.

Reason



Cumberland Council

In order to ensure that there are no overlooking or privacy issues as a result of the development in accordance with Policy DM18 of the Copeland Local Plan.

Condition 4

Prior to the first use of the first floor balcony hereby approved, the fully obscured 2m high glazed screen on the boundary between 1 Cliff Villas and 2 Cliff Villas must be erected and made operational in accordance with the approved plans. The screen must be retained as such at all times thereafter.

Reason

In order to ensure that there is no overlooking or privacy issues as a result of the development in accordance with Policy DM18 of the Copeland Local Plan.

This application seeks to vary these conditions in order that the details of the glazed screens can be amended to a 2m high balustrade, consisting of a 1m high solid wall with 1m high factor 5 obscure glazed panel above. The proposed balcony at first floor level is also to be replaced by a Juliet balcony.

Consultee:	Nature of Response:
Parton Parish Council	No response received.
The Coal Authority	The application site falls partly within the defined Development High Risk Area. Our information indicates that a coal seam is conjectured to outcrop close to the site boundary which may have been subject to unrecorded mining activity in the past. In addition, the potential zone of influence of an off-site mine entry (adit) encroaches marginally into the north eastern part of the site. Whilst the application site falls within the DHRA, the Coal Authority was not consulted on planning application 4/23/2302/0F1 to which this condition discharge application relates. We assume that this was on the basis that the LPA correctly identified that the original application for householder development constituted an exemption under Part A of our published Exemptions List (exempt by type of application) and therefore did not need to be supported by a Coal Mining Risk Assessment or require consultation with ourselves. In light of the above, we have no comments to make regarding the

	current variation of condition application to enable development to proceed in accordance with revised details. However, we would expect the relevant informative note, as set out in our published guidance, to be included on any new planning permission decision notice issued.
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Neighbour Responses:

Notification letters were sent to the occupiers of the adjoining properties. One Comment was received which requested clarity around materials.
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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 application which seeks to vary the planning conditions previously imposed is being considered under the Copeland Local Plan 2021-2039 as this now forms the adopted development plan.

The following policies are relevant:-



Cumberland Council

Strategic Policy DS1: Settlement Hierarchy
Strategic Policy DS2: Settlement Boundaries
Policy DS4: Design and Development Standards
Policy DS5: Hard and Soft Landscaping

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, 3 and 4 of the planning approval 4/23/2302/0F1 to allow for minor alterations to the development.

The approved plans include a 2m high obscurely glazed balustrade to surround the patio. The amendment proposed under this application seeks to change this to a 1m high wall with a 1m high obscured Perspex or glazed panel on top. It is considered that the proposal will not materially change the existing permission, providing the same level of protection to amenity for the neighbouring properties.

The balcony on the first floor has also been removed from the proposed plans and this is to be replaced with a Juliet balcony. This will reduce the potential for overlooking and overall is considered to be betterment.

One letter was received from a neighbour to clarify the choice of materials and ensure that their privacy was maintained. Following clarification from the Applicant's Agent, no further comments were received.

	The fundamental details of the development will remain the same. Conclusively, conditions 2, 3 and 4 are suitable for variation based on the information submitted as part of this application. <u>Other Planning Conditions</u> 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 of the permission – to be amended to reflect the initial three-year period. Condition 2 – plans – to be reworded to include the amended plans. Condition 3 – glazed screen – to be reworded to reflect the amended design and materials. Condition 4 – screen on first floor balcony – to be removed as the balcony has been amended to a Juliet balcony.
8.	Recommendation: Approve amendment of condition
9.	Conditions: 1. The development hereby permitted shall be commenced before 25th January 2027 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: - Application form, received 27th July 2026; Site Location Plan and Block Plan, scales 1:1250 and 1:500, drawing number 1CV-EM-005, received 19th October 2023; Proposed Ground and First Floor Plan, scale 1:50, drawing number 1CV-EM-002 B, received 27th July 2026;



Cumberland Council

Proposed Elevation Plans, scale 1:50, drawing number 1CV-EM-004 C, received 27th July 2026. Proposed Drainage Plans, scales 1:500 and 1:150, drawing number 1CV-EM006, received 19th October 2023;
Design and Access Statement, drawing number DAS-001 Rev A, received 30th November 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.

3. Prior to the first use of the raised patio hereby approved, the fully obscured 2m high screen on the boundary between 1 Cliff Villas and 2 Cliff Villas must be erected and made operational in accordance with the approved details. The screen must be retained as such at all times thereafter.

Reason

In order to ensure that there is no overlooking or privacy issues as a result of the development in accordance with Policy DS4 of the Copeland Local Plan.

Informative

Coal Mining Legacy

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 an amendment of 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 : 10/09/2026
Authorising Officer: N.J. Hayhurst	Date : 23/09/2026
Dedicated responses to:- N/A	