

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2492/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 5 (PRE COMMENCEMENT) AND CONDITION 12 RELATING HIGHWAY SURFACE WATER DRAINAGE OF THE PREVIOUSLY APPROVED PLANNING APPLICATION REFERENCE 4/20/2154/OF1 FOR A DETACHED DWELLING	
3.	Location:	LAND ADJACENT TO 2 WYNDHAM PLACE, EGREMONT	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Coal - Off Coalfield - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
	This application relates to Plot 2 Wyndham Place, located within the eastern part of Egremont. The site is low lying with the A595 running along the rear boundary. The land is bounded to the north and south by existing residential dwellings.		
	Relevant Planning History		
	4/20/2154/OF1 – Detached dwelling with parking – 08/10/2020 - Approve		
	4/19/2285/OF1 – Detached dwelling with parking - 27/11/2019 – Refuse		

4/15/2422/0F1 – New dwelling (resubmission of 4/12/2559/0F1) – 16/11/2015 - Approve

4/12/2559/0F1 – Erection of single dwelling - 09/01/2013 - Approve

4/12/2430/0F1 – Erect two three bedroomed dwellings - 30/10/2012 - Refuse

Proposal

In October 2020, planning permission (ref: 4/20/2154/0F1) was granted for a single detached dwelling with parking at this site. This current application seeks permission to vary the following conditions attached to this planning permission:

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions must be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

The development hereby permitted must be carried out only in accordance with the approved drainage scheme and shall be so maintained thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

12. Full details of the highway surface water drainage system must be submitted to and approved by the Local Planning Authority in writing. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

Consultation Responses

Egremont Town Council

No objections.

Cumbria County Council – Cumbria Highways and LLFA

No objections to the proposed surface water drainage methods as shown on either Proposed Drainage Strategy Plan 1 or Proposed Drainage Strategy Plan 2.

United Utilities

Further to a review of the submitted drainage strategy which proposes surface water into a soakaway, the plans are acceptable in principle to United Utilities.

Copeland Borough Council – Flood and Coastal Defence Engineer

Initially, the Council's Flood and Coastal Defence Engineer asked for additional evidence to prove the suitability of the proposed drainage method. Following the submission of this information the Officer has stated that the submitted detail satisfies condition 5. In relation to condition 12, there is no highway drainage as such, just the drive drainage, which is collected in a channel drain and directed into the surface water system for the property, which is satisfactory.

Environment Agency

No comments received.

Public Representation

This application has been advertised by way of neighbour notification letters issued to three properties. No comments have been received in relation to the statutory notification procedure.

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Interim Housing Policy

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but 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 National Planning Policy Framework.

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the

	<p>issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that 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.</p> <p>In terms of the conditions attached to the previous decision notice (4/20/2154/0R1), development has commenced on site therefore, it is not necessary to repeat the condition relating to timescales. It has however been deemed necessary to repeat the other conditions (2, 3, 4, 6, 7, 8, 10, 11, 13 and 14) attached to this permission in order to ensure the development is carried out as per the approved detail. Furthermore condition 9 attached to the original outline planning approval seeks to removed permitted development rights from the gable elevations of the dwellings. It is deemed necessary to repeat this condition as this ensures that the additional windows will not be inserted causing overlooking of the adjacent dwellings.</p> <p>The current application seeks to vary condition 5 and 12 of the original planning approval.</p> <p>Condition 5 relates to the proposed surface water drainage scheme for this site. As the development has already commenced on the site the variation of condition 5 allows works to be completed without breaching the planning approval whilst ensuring that a satisfactory drainage scheme is achieved at this site. No objections have been received from United Utilities or the Council's Flood and Coastal Defence Engineer in relation to this amendment.</p> <p>Condition 12 relates to the proposed highway safety water drainage system for this site. As the development has already commenced on the site the variation of condition 12 allows works to be completed whilst ensuring that a satisfactory drainage scheme is achieved at this site. No objections have been received from Cumbria Highways in relation to this amendment.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Condition(s):</p> <ol style="list-style-type: none"> 1. - 2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: - <ul style="list-style-type: none"> - Site Location Plan, Drawing No DS/TP/4/20, received by the Local Planning Authority on the 21st April 2020. - Block Plan, Scale 1:100, Drawing No DS/TP/P/2/20, received by the Local Planning Authority

on the 21st April 2020.

- Draft Planning Detail, Scale 1:50 & 1:100, Drawing No DS/TP/P/1/20, received by the Local Planning Authority on the 21st April 2020.
- Flood Risk Assessment (Amended), Prepared by the R.G.Parkins & Partners Ltd on the 16th July 2020, received by the Local Planning Authority on the 20th July 2020.
- Topographical Survey, Scale 1:100, Drawing No CDL-008-001, received by the Local Planning Authority on the 4th August 2020.
- Memorandum Report – 2 Wyndham Place, Prepared by R.G.Parkin & Partners Ltd on the 16th September 2020, received by the Local Planning Authority on the 17th September 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. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:

- Flood Risk Assessment (Amended), Prepared by the R.G.Parkins & Partners Ltd on the 16th July 2020, received by the Local Planning Authority on the 20th July 2020.
- Memorandum Report – 2 Wyndham Place, Prepared by R.G.Parkin & Partners Ltd on the 16th September 2020, received by the Local Planning Authority on the 17th September 2020.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

For the avoidance of doubt and to ensure that adequate measures are incorporated to protect the occupiers from flooding.

4. The finished floor level for the development hereby approved must be 45.178 AOD as set out in the submitted Memorandum Report – 2 Wyndham Place, Prepared by R.G.Parkin & Partners Ltd on the 16th September 2020, received by the Local Planning Authority on the 17th September 2020. Any variation to the finished floor levels must be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development must be completed in accordance with the approved details and retained at such at all times

thereafter.

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.

5. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the following approved documents:
- Proposed Drainage Strategy, Scale 1:100, Drawing No: K37297/A1/100, Rev B, received by the Local Planning Authority on the 11th December 2020.
 - UU Pre-Development Enquiry Form, received by the Local Planning Authority on the 11th December 2020.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

6. Foul and surface water must be drained on separate systems.

Reason

To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

7. The self-contained accommodation approved as part of this development must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved and shall not be let or sold as a separate permanent dwelling.

Reason

The annexe is not considered appropriate for use as a separate residential unit.

8. The windows here by permitted within the North West elevation of the dwelling shall be fitted with obscure glazing in accordance with the approved plan Draft Planning Detail, Scale 1:50 & 1:100, Drawing No DS/TP/P/1/20, received by the Local Planning Authority on the 21st April 2020, and must be retained as such at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties.

9. 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 additional windows can be installed within the north east or north west gable elevations of the extension hereby approved without the prior written approval of the Local Planning Authority.

Reason

To safeguard the character and appearance of the development in the interests of visual amenity.

10. Prior to the occupation of the dwelling hereby approved the boundary treatment along the North East must be erected in accordance with the detail shown on the approved plan Block Plan, Scale 1:100, Drawing No DS/TP/P/2/20, received by the Local Planning Authority on the 21st April 2020. This boundary treatment must be retained and maintained as such at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To safeguard the amenity of neighbour properties.

11. Any access gates installed within the property must be of a style which do not open onto the highway and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

12. The development must be carried out in accordance with and implement all of the details and

mitigation measures specified within the following approved documents:

- Proposed Drainage Strategy, Scale 1:100, Drawing No: K37297/A1/100, Rev B, received by the Local Planning Authority on the 11th December 2020.

The development must be maintained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and environmental management.

13. Any existing highway fence/wall/ boundary must be reduced to a height not exceeding 1.0 metre above the carriageway level of the adjacent highway and must not be raised to a height exceeding 1.0 metre thereafter.

Reason

In the interests of highway safety.

14. The dwelling hereby approved must not be occupied until the access and parking requirements have been constructed in accordance with the approved plan Block Plan, Scale 1:100, Drawing No DS/TP/P/2/20, received by the Local Planning Authority on the 21st April 2020. The approved access and parking provisions must be retained and be capable of use when the development is completed and must not be removed or altered without the prior written consent of the Local Planning Authority.

Reason

To ensure a minimum standard of access provision when the development is brought into use.

Informative(s):

1. If the applicant intends to obtain a water supply from United Utilities for the proposed development, UU strongly recommend they engage with them at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.
2. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

3. It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.
4. Details of the proposed crossing should be agreed with the Highway Authority and work should not commence until the crossing has been constructed in accordance with the agreed details.

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

Case Officer: C. Burns

Date : 05.03.2021

Authorising Officer: N.J. Hayhurst

Date : 05/03/2021

Dedicated responses to:- N/A