

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/20/2496/OB1	
2.	Proposed Development:	VARIATION OF CONDITION 3 (WATER DRAINAGE SYSTEM) OF APPROVED PLANNING PERMISSION 4/20/2020/0F1 FOR A GENERAL PURPOSE AGRICULTURAL BUILDING	
3.	Location:	LAND ADJACENT TO SCALEGILL ROAD, MOOR ROW	
4.	Parish:	Egremont	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - 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 land adjacent to Scalegill Road, located to the west of Moor Row. The site is greenfield land sited behind an existing allotment site adjacent to a number of residential properties. Relevant Planning History 4/20/2020/0F1 – General purpose agricultural building – Approve Proposal In March 2020, planning permission (ref: 4/20/2020/0F1) was granted for a general purpose agricultural building at this site. This current application seeks permission to vary the following		

condition attached to this planning permission:

3. Full details of the surface water drainage system must be submitted to the Local Planning Authority for approval prior to development being commenced. 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 comments.

Cumbria County Council – Cumbria Highways

Having visited the site Cumbria Highways are content that the drainage built is in line with the plan submitted as part of this application. The Highway Authority and Lead Local Flood Authority has no objection to the variation of condition 3 as part of approved planning permission 4/20/2020/0F1.

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

ST1 – Strategic Development Principles

ST2 – Spatial Development Strategy

ER6 – Location of Employment

ER9 – The Key Service Centres, Local Centres and other small centres

ER11 – Developing Enterprise and Skills

ENV1 – Flood Risk and Risk Management

ENV3 – Biodiversity and Geodiversity

ENV5 – Protecting and Enhancing the Borough’s Landscapes

Development Management Policies (DMP)

DM10 – Achieving Quality of Place

DM22 – Accessible Developments

DM24 – Development Proposal and Flood Risk

DM25 – Protecting Nature Conservation Sites, Habitats and Species

DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Wildlife and Countryside Act 1981.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been 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 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.

In terms of the conditions attached to the previous decision notice (4/20/2020/0F1), 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 condition 2 attached to this permission in order to ensure the development is carried out as per the approved detail.

The current application seeks to vary condition 3 of the original planning approval.

Condition 3 relates to the proposed surface water drainage system for this site. As the development has already commenced on the site the variation of condition 3 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 Cumbria Highway in relation to this amendment.
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 Plan, Proposed Elevations, and Section A.A, Scale 1:100 & 1:2500, Drawing No 1633, received by the Local Planning Authority on the 17th January 2020. - Block Plan, Scale 1:500, Drawing No 1633, Sheet 2, received by the Local Planning Authority on the 17th January 2020. <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> 3. The surface water drainage scheme must be completed and maintained in accordance with the approved plan 'Surface Water Drainage Amended), received by the Local Planning Authority on the 11th December 2020'. <p>Reason</p> <p>In the interests of highway safety and environmental management.</p> <p>Informative:</p> <p>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.</p> <p>Further information is also available on the Coal Authority website at:</p>

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 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 : 27.01.2021

Authorising Officer: N.J. Hayhurst

Date : 29/01/2021

Dedicated responses to:- N/A