

**COPELAND BOROUGH COUNCIL  
DELEGATED PLANNING DECISION**

1.	<b>Reference No:</b>	4/21/2027/OB1	
2.	<b>Proposed Development:</b>	VARIATION OF CONDITION 2 (PLANS) OF PLANNING APPROVAL 4/20/2003/OF1 FOR A MINOR INCREASE IN THE HEIGHT OF THE EXTENSION	
3.	<b>Location:</b>	HOLYWELL COTTAGE, ST LUKES ROAD, HAVERIGG	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Coal - Off Coalfield - Data Subject To Change	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	No
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to a detached property, known as Holywell Cottage, located off St Lukes Road within the west of Haverigg.</p> <p><b>Relevant Planning History</b></p> <p>4/13/2323/OF1 – Construction of a two storey detached dwelling.</p> <p>4/19/2155/OF1 – Installation of 4 roof mounted solar PV panels.</p> <p>4/20/2003/OF1 – Two storey side extension; conservatory extension to rear; porch to the front</p>	

## **Proposal**

In March 2020, planning permission was granted (ref: 4/20/2003/0F1) for the erection of a two storey side extension, rear conservatory extension, and new front porch at this property. This current application seeks to vary condition 2 relating to the submitted plans for this application, in order to increase the height of the two storey side extension by 0.35m to match the main dwelling.

## **Consultation Responses**

### Millom Parish Council

No objections.

### Public Representation

This application has been advertised by way of neighbour letter issued to five people. 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

#### Development Management Policies (DMP)

Policy DM11 – Sustainable Development Standards

Policy DM18 – Domestic Extensions and Alterations

## **Other Material Planning Considerations**

National Planning Policy Framework (2019)

#### 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

	<p>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.</p> <p><b>Assessment</b></p> <p>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.</p> <p>In terms of the conditions attached to the previous decision notice (4/20/2003/0F1), 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 the other condition (3) attached to this permission in order to ensure the development is carried out as per the approved detail.</p> <p>The current application seeks to vary condition 2 of the original planning approval.</p> <p>The proposed amendment to this scheme seeks to raise the height of the proposed two storey side extension by 0.35m. The proposed alteration will enable the applicant to carry out a more practical construction and will improve the first floor accommodation. The increase in height of the side extension will reflect the height of the main dwelling, therefore the alteration is not considered to have a detrimental impact on the character of the existing property or the overall streetscene. The proposed two storey extension is also located to the east of the application site, away from any residential properties, therefore the slightly increase in height is not considered to have a detrimental impact on any residential amenity.</p>
8.	<p><b>Recommendation:</b> Approve</p>
9.	<p><b>Condition(s):</b></p> <ol style="list-style-type: none"> <li>1. –</li> <li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Plans, Elevations, Site Plan, and Location Plan, Scale 1:50, 1:100, 1:200 &amp; 1:1250, Drawing</li> </ul> </li> </ol>

No 01, received by the Local Planning Authority on the 20<sup>th</sup> January 2021.

- Existing Plans and Elevations, Scale 1:50 & 1:100, Drawing No 03, received by the Local Planning Authority on the 7<sup>th</sup> January 2020.
- Section, Scale 1:50, received by the Local Planning Authority on the 7<sup>th</sup> January 2020.
- Flood Risk and Drainage Statement (Amended), received by the Local Planning Authority on the 13<sup>th</sup> March 2020.
- Householder and other minor extensions in Flood Zones 2 and 3, received by the Local Planning Authority on the 7<sup>th</sup> January 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 documents:

- Flood Risk and Drainage Statement, received by the Local Planning Authority on the 7<sup>th</sup> January 2020.
- Householder and other minor extensions in Flood Zones 2 and 3, received by the Local Planning Authority on the 7<sup>th</sup> January 2020.

Once installed these measures must be retained at all times thereafter.

**Reason**

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

**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.

<b>Case Officer:</b> C. Burns	<b>Date :</b> 10.03.2021
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 16/03/2021
<b>Dedicated responses to:-</b>	