



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2121/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 4 OF PLANNING APPLICATION 4/21/2383/0R1
3.	Location:	BRANDLE HOW, GILGARRAN
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Key Species - Bounds of Sensitive Area for Hen Harriers, Outer Consultation Zone - Cycliffe 3KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location:	<p>This application relates to the land to the north of the dwelling known as Brandle How in Gilgarran. It is currently unused space. The site has residential dwellings to the west, open fields to the south, an access road to the north and residential garden to the east.</p> <p>The land has been subject to an outline approval approved in 2018 (application reference 4/18/2461/001 relates) and reserved matters approval for access, appearance, landscaping,</p>

layout and scale for a single dwelling in 2022 (application reference 4/21/2383/0R1 relates)

Proposal:

A Planning Condition imposed on application ref. 4/21/2383/0R1 states the following:

4. Prior to the first use of the development hereby approved, full details of both hard and soft landscape works must be submitted to and approved in writing by the Local Planning Authority. These works must include hard surfacing and means of enclosure as a minimum. Landscaping must be carried out in accordance with the approved details and retained as such at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 of the Copeland Local Plan.

This application seeks to discharge the details of this condition with the submission of the following information:

- Application Form
- Site plan including hard and soft landscaping

Consultation responses:

No consultation responses have been received.

Development plan policies:

Copeland Local Plan 2013-2028 (Adopted December 2013):

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



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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.

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM26 – Landscaping

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Emerging Copeland Local Plan (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight

can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The policies relevant to this application are:

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Assessment:

Condition 4 – Landscaping

A site plan including details of the hard and soft landscaping was received. Whilst the proposal is generally acceptable with a grassed area, patio and permeable block paving for the access and parking, concerns were raised with the Agent regarding the proposed close boarded timber fence.

During the application process, objections were raised from the neighbours with relation to the potential for overlooking. In order to mitigate these concerns, it is considered that a fence with no gaps should be erected at a height of 1.9m to ensure a solid boundary. An amended plan was received from the Applicant to show this detail and was considered to be acceptable.

The boundary to the south will be a stock proof pot and wire fence with the hedge retained to the east. These boundary treatments are considered to be acceptable and suitable for the semi-rural location.

Conclusion and planning balance

Overall, the information submitted is considered to be acceptable to satisfy condition 4 of planning permission 4/21/2383/0R1 and therefore this condition should be considered to be discharged.

8. **Recommendation:**
Approve



**Cumberland
Council**

Case Officer: Sarah Papaleo	Date : 08/06/2023
Authorising Officer: N.J. Hayhurst	Date : 09/06/2023
Dedicated responses to:- N/A	