

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/23/2144/DOC
2.	Proposed Development:	DISCHARGE OF CONDITION 3 OF PLANNING APPLICATION 4/19/2440/0F1
3.	Location:	ADJACENT NEWTOWN COTTAGE, SANDWITH, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
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:	<p>Site and Location: This application relates to an existing barn which lies adjacent to Newtown Cottage, located in the south west of Sandwith. The barn has a parking area to the north, Newtown Cottage to the east and an access road to the south and west.</p> <p>Planning permission was granted for the conversion of the barn into a two bedroomed dwelling in June 2020 (application reference 4/19/2440/0F1 relates).</p>

Proposal:

A Planning Condition imposed on application ref. 4/19/2440/0F1 states the following:

3. Prior to the commencement of the development hereby approved, a bat emergence survey must be undertaken and submitted to and approved by the Local Planning Authority. Any mitigation measures suggested must be undertaken and maintained at all times thereafter.

Reason

In order to ensure there is no harm to any protected species on the site.

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

- Application Form
- Survey for Bats, Barn Owls and Breeding Birds

Consultation responses:

Consultee:	Nature of Response:
No consultees required	
Neighbour Responses:	
No 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

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.

Core Strategy (CS):

Policy ST1 – Strategic Development Principles

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP):

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework 2021 (NPPF)

Wildlife and Countryside Act (1981) (as amended)

Conservation of Habitats and Species Regulations (2017) (as amended)

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:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Assessment:

Condition 3 – Bats

The application has been submitted with a supplementary bat report to update and compliment the submitted bat report from May 2019.

The report concludes that the building showed no signs of barn owls or other bird activity. Whilst bat flight was observed outside the barn, none showed an interest in the barn and no presence of bats was discovered inside. The report concludes that there are no changes to the original report submitted in May 2019 and that the barn adjacent to the barn subject to this application has now been converted.

The report mitigates any harm to bats in the area saying that access routes in any of the cavities of walls and eaves should be retained. Mitigation measures are required to be carried out and adhered to for the lifetime of the development, in accordance with Condition 3 of the approved application.

Conclusion

Overall, the information submitted is considered to be acceptable to satisfy condition 3 of planning permission 4/19/2440/0F1 and therefore this condition should be considered to be discharged.



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Council**

8.	Recommendation: Approve discharge of condition 3	
Case Officer: Sarah Papaleo		Date : 13/07/2023
Authorising Officer: N.J. Hayhurst		Date : 14/07/2023
Dedicated responses to:- N/A		