

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2043/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 7 OF PLANNING APPLICATION 4/23/2086/0B1	
3.	<b>Location:</b>	PLOT 2, LAND TO THE SOUTH OF SOUTHRIGG, NETHERTOWN ROAD, ST BEES	
4.	<b>Parish:</b>	St. Bees	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	No
		Press Notice	No
		Relevant Policies	See Report
		Consultation Responses	See Report
7.	<b>Report:</b>		
	<b>Site and Location</b>		
	<p>The application site relates to an area of agricultural land which fronts onto Nethertown Road on the southern edge of St Bees. The sloping site covers an area of 0.41 hectares, and adjoins the curtilage of the existing dwelling known as Southrigg immediately to the north.</p> <p>The site is located adjacent to the existing settlement boundary for St Bees and is bound to the north and east by residential properties, to the south by open countryside and to the west by Nethertown Road. The properties located to the east of the application site are set at a</p>		

higher level than the application site and the existing properties on Nethertown Road.

### **Relevant Planning History**

4/98/0656/0 – Outline for one residential unit – Refused.

4/01/0841/0 – Outline for one residential unit – Refused.

4/20/2491/0O1 – Outline application for residential development – Approved.

4/21/2368/0O1 – Outline application for a residential development with all matters reserved – Approved.

4/21/2369/0R1 – Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Residential development – Approved.

4/22/2300/0R1 – Reserved matters relating to access only pursuant to outline planning approval 4/21/2368/0O1 for residential development – Withdrawn.

4/22/2377/0B1 – Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Withdrawn.

4/22/2378/0B1 - Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Withdrawn.

4/23/2100/0R1 – Reserved matters application relating to access, road layout & drainage only pursuant to outline planning approval 4/21/2368/0O1 for residential development – Approved.

4/23/2086/0B1 - Variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, & 11 of planning approval 4/21/2369/0R1 – Reserved matters following outline application 4/20/2491/0O1 for residential development – Approved.

4/24/2022/0B1 – Variation of condition 2 to amend the floor & elevation plans for plot 3 only of planning application 4/23/2086/0B1 (variation of conditions 2, 3, 4, 5, 6, 7, 8, 9, & 11 of planning approval 4/21/2369/0R1 – Reserved matters following outline application 4/20/2491/0O1 for residential development) – Ongoing

### **Proposal**

In August 2023, a variation of conditions application (ref: 4/23/2086/0F1) was approved to vary conditions 2, 3, 4, 5, 6, 7, 8, 9, & 11 of planning approval 4/21/2369/0R1. This current



## Cumberland Council

application seeks to discharge condition 7 attached planning approval 4/23/2086/0F1. This condition states:

7. No superstructure must be erected on any plot until samples and details of the materials to be used in the construction of the external surfaces of the development on that plot hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with DM10 of the Copeland Local Plan.

This application seek to discharge the details of this condition in relation to plot 2 only, details for plots 1 and 3 will form part of a separate application.

The information submitted to support this application comprises of the following:

- Application Form (Amended), received by the Local Planning Authority on the 21<sup>st</sup> February 2024.
- Site Plan, received by the Local Planning Authority on the 6<sup>th</sup> February 2024.
- Proposed Elevations, received by the Local Planning Authority on the 6<sup>th</sup> February 2024.
- Garage Plans and Elevations, received by the Local Planning Authority on the 6<sup>th</sup> February 2024.
- Proposed Materials (Amended), received by the Local Planning Authority on the 21<sup>st</sup> February 2024.

### **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**

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 sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited 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.

**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

Emerging Copeland Local Plan 2021 - 2038 (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



## Cumberland Council

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS2PU: Reducing the impacts of development on Climate Change

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Strategic Policy DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

	<p>Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)  The Cumbria Landscape Character Guidance and Toolkit (CLGC)  Copeland Borough-Wide Housing Needs Survey (2020)  The Conservation of Habitats and Species Regulations 2017 (CHSR)</p> <p><b>Assessment</b></p> <p>Clarification has been provided from the applicant that the current discharge of conditions application has been submitted for materials relating to plot 2 only. A separate discharge of conditions application will therefore be required for plots 1 and 3.</p> <p>Amended documents have also been provided by the applicant in order to clarify the materials proposed for the development, which includes names of the materials, photographs and links to suppliers.</p> <p>Based on the details submitted within this application, the Local Planning Authority are satisfied with the information provided and confirm that the materials proposed are acceptable for this site and in the context of the surrounding area. It is therefore confirmed that this condition is discharged in part in relation to plot 2 only.</p>
8.	<p><b>Recommendation:</b>  Part Approve Discharge of Condition.</p>
<b>Case Officer:</b> C. Burns	<b>Date :</b> 04.03.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 05.03.2024
<b>Dedicated responses to:-</b> N/A	