

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2092/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITION 7 OF PLANNING APPLICATION 4/24/2022/0B1	
3.	<b>Location:</b>	LAND TO 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. 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matters relating to access only pursuant to outline planning approval 4/21/2368/0O1 for residential development – Withdrawn.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matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Withdrawn.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) – Approved.

4/24/2043/DOC – Discharge of condition 7 of planning application 4/23/2086/0F1 – Approved (Plot 2).

4/24/2115/0B1 – Variation of condition 2 for amendments to approved dwelling and detached



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garage for plot 2 only of planning application 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 March 2024, a variation of conditions application (ref: 4/24/2022/0B1) was approved to vary conditions 2 to amend the floor & elevation plans for plot 3 only of planning application 4/23/2086/0B1. This current application seeks to discharge condition 7 attached planning approval 4/24/2022/0B1. This condition states:

7. No superstructure must be erected on plots 1 or 3 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, received by the Local Planning Authority on the 26<sup>th</sup> March 2024.
- External Materials Details (Amended), received by the Local Planning Authority on the 30<sup>th</sup> April 2024.
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### **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 ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which



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identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28<sup>th</sup> March 2024. The Planning Inspectors report is 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 advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

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

	<p>Policy H7PU: Housing Density and Mix Strategic</p> <p>Policy H8PU: Affordable Housing</p> <p>Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity</p> <p>Strategic Policy N2PU: Local Nature Recovery Networks</p> <p>Strategic Policy N3PU: Biodiversity Net Gain</p> <p>Strategic Policy N6PU: Landscape Protection</p> <p><b>Other Material Planning Considerations</b></p> <p>National Planning Policy Framework (2021)</p> <p>National Design Guide (NDG).</p> <p>Cumbria Development Design Guide (CDG)</p> <p>Strategic Housing Market Assessment 2021 (SHMA)</p> <p>Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)</p> <p>The Cumbria Landscape Character Guidance and Toolkit (CLGC)</p> <p>Copeland Borough-Wide Housing Needs Survey (2020)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR)</p> <p><b>Assessment</b></p> <p>The current application sees to discharge the materials relating to plot 3 only. A separate discharge of condition application has recently been approved for plot 2. Plot 1 is yet to formally submit an application to discharge this condition.</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 3 only.</p>
8.	<p><b>Recommendation:</b></p> <p>Part approve discharge of conditions.</p>



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<b>Case Officer:</b> C. Burns	<b>Date :</b> 30.04.2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 30.04.2024
<b>Dedicated responses to:-</b> N/A	