

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2115/0B1										
2.	Proposed Development:	VARIATION OF CONDITION 2 FOR AMENDMENTS TO APPROVED DWELLING AND DETACHED 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)										
3.	Location:	LAND TO SOUTH OF SOUTHRIGG, NETHERTOWN ROAD, ST BEES										
4.	Parish:	St. Bees										
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM										
6.	Publicity Representations &Policy	<table><tr><td>Neighbour Notification Letter</td><td>Yes</td></tr><tr><td>Site Notice</td><td>Yes</td></tr><tr><td>Press Notice</td><td>No</td></tr><tr><td>Consultation Responses</td><td>See Report</td></tr><tr><td>Relevant Policies</td><td>See Report</td></tr></table>	Neighbour Notification Letter	Yes	Site Notice	Yes	Press Notice	No	Consultation Responses	See Report	Relevant Policies	See Report
Neighbour Notification Letter	Yes											
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Relevant Policies	See Report											
7.	Report: Site and Location	 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 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.

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



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4/24/2092/DOC – Discharge of condition 7 of planning application 4/24/2022/0B1 – Approved (Plot 3).

4/24/2071/0R1 – Application for approval of reserved matters relating to appearance, layout, and scale for a detached dwelling and detached garage following outline approval 4/21/2368/0O1 for a residential development with all matters reserved – 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 and elevation plans for plot 2 only of planning approval 4/23/2086/0B1. This current application seeks to vary condition 2 relating to the submitted plans for this development to allow for a change in house type for plot 2.

Consultation Responses

St Bees Parish Council

No objections.

Cumberland Council – Highway Authority & LLFA

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed variation of condition 2 for the above development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

United Utilities

No comments received.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to forty-two properties. 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

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 identified the next steps for the examination.



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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 28th 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

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 (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

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)

Assessment

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.

In terms of the conditions attached to the previous decision notice (ref: 4/23/2086/0B1), condition 1 will be left blank as works on site have already commenced. Conditions 6, 10, 11, 12 and 15 will be repeated to ensure that works are carried out as per the approved details.

Condition 7 will be updated to reflect that this condition has been discharged in part for plot 3 only. An additional condition will be added to ensure that Plot 3 is carried out in accordance with the materials approved under the discharge of conditions application. Conditions 3, 4, 5, 8, 9, 10, 13, and 14 will also be amended to reflect the updated plans as submitted within this current S73 application.

Condition 2 relates to the approved plans for this application. This application seeks to vary



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	<p>this condition in order to accommodate the following amendments to the approved housetype for plot 2:</p> <ul style="list-style-type: none">- Piers on balcony increased from 440mm to 650mm, required for structural stability;- St Bees sandstone jambs added to doors and window in front elevation;- Dentil course added to brick work for aesthetics;- Garage repositioned towards the back of the site and finished floor level increased by 1m. <p>These amendments are considered acceptable in the context of the existing house type for plot 2 and reflects the previously approved house types within the wider development, ensuring a harmonious development that retains the traditional character of St Bees and surrounding area.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none">1. –2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-<ul style="list-style-type: none">- Location Plan, Scale 1:1250, Drawing No: 01-2024, Rev: A, received by the Local Planning Authority on the 8th April 2024.- Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024.- Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023.- Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received by the Local Planning Authority on the 29th March 2023.- Proposed Plot 1 – Elevations Garage, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 29th March 2023.- Plot 2 Elevations, Scale 1:100, Drawing No: 031, Rev: C, received by the Local Planning Authority on the 8th April 2024.

- Plot 2 Floor Plans, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Proposed Plot 2 – Elevations Garage, Scale 1:100, Drawing No 031, Rev C, received by the Local Planning Authority on the 29th March 2023.
- Plot 3 – Proposed Plans & Elevations (Amended), Scale 1:100, Drawing No: 21/11/1013-03a), received by the Local Planning Authority on the 19th February 2024.
- Plot 3 – Detached Garage Plans & Elevations (Amended), Scale: 1:100, Drawing No: 21/11/1013-04a), received by the Local Planning Authority on the 19th February 2024.
- Surface Finishes Site Plan, Scale 1:500, Drawing No: 038, Rev F, received by the Local Planning Authority on the 8th April 2024.
- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.
- Section Through Site – Plot 1 & 2, Scale 1:500, Drawing No: 036, Rev E, received by the Local Planning Authority on the 8th April 2024.
- Revised Plot 3 Site Section Through, Scale 1:500, Drawing No: 21/11/1013-05, received by the Local Planning Authority on the 19th February 2024
- Site Section 02, Scale 1:500, Drawing No: 03-2024, Rev: A, received by the Local Planning Authority on the 29th May 2024.
- Proposed Site Section 03, Scale 1:200, Drawing No: 040, Rev: D, received by the Local Planning Authority on the 19th February 2024.
- Design and Access Statement, received by the Local Planning Authority on the 29th March 2023.
- Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022.
- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.
- Statement to Vary Conditions, received by the Local Planning Authority on the 29th March 2023.
- Construction Traffic Management Plan, Scale 1:500, Drawing No: 039, Rev: E, received by the Local Planning Authority on the 8th April 2024.
- Construction Management Plan, received by the Local Planning Authority on the 8th April 2024.
- Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local

Planning Authority on the 29th March 2023.

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.

Pre Commencement Conditions:

3. No further works are to commence on site until visibility splays are installed/constructed in accordance with the approved plan 'Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024'. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

4. No further works are to commence on site until the existing front boundary wall along Nethertown Road has been lowered in accordance with the approved plans:
 - Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024.
 - Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

The boundary wall must be retained at this approved height at all times thereafter.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

5. The development must implement all of the measures set out in the approved documents:
 - Construction Traffic Management Plan, Scale 1:500, Drawing No: 039, Rev: E, received by the Local Planning Authority on the 8th April 2024.

- Construction Management Plan, received by the Local Planning Authority on the 8th April 2024.

The development must be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policy T1 and DM22 of the Copeland Local Plan.

6. The drainage of the development hereby approved, must be carried out in accordance with the approved document 'Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local Planning Authority on the 29th March 2023.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

7. No superstructure must be erected on plot 1 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.

8. The development of plot 2 hereby approved, must be carried out in accordance with the materials approved as part of condition 7 of permission 4/21/2369/0R1, as detailed within correspondence dated 5th March 2024 (ref: 4/24/2043/DOC). 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.

9. The development of plot 3 hereby approved, must be carried out in accordance with the materials approved as part of condition 7 of permission 4/24/2022/0B1, as detailed within correspondence dated 30th April 2024 (ref: 4/24/2092/DOC). 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.

Prior to Occupation Conditions:

10. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:

- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

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 and ENV5 of the Copeland Local Plan 2013-2028.

11. Prior to the occupation of all three dwellings hereby approved the boundary treatment and landscaping within the site must be installed in accordance with the following approved plan:

- Fencing Types Site Plan, Scale 1:500, Drawing No: 044, Rev H, received by the Local Planning Authority on the 8th April 2024.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

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 and ENV5 of the Copeland Local Plan 2013-2028.

12. Prior to the first occupation of any dwelling hereby approved the shared drainage for the site must be carried out/installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The shared drainage scheme must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

13. Prior to the first occupation of each dwelling hereby approved, the drainage scheme for that occupied plot must be installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The drainage scheme for each plot must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

14. The new access and access road hereby approved as detailed on the approved plan 'Site Plan (Amended), Drawing No: 02-2024, Rev: B, received by the Local Planning Authority on the 29th May 2024', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The access road must remain operational as approved at all times thereafter.

Reason

To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) in accordance with Policy T1 and DM22 of the Copeland Local Plan.

15. Prior to the first occupation of any dwelling hereby approved the gable windows of the occupied dwelling must be fitted with obscure glazing in line with the approved documents:

- Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Elevations, Scale 1:100, Drawing No: 031, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Plot 2 Floor Plans, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 8th April 2024.
- Plot 3 – Proposed Plans & Elevations (Amended), Scale 1:100, Drawing No: 21/11/1013-03a), received by the Local Planning Authority on the 19th February 2024.

The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with DM10 of the Copeland Local Plan.

Other Conditions:

16. The development must implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022'. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

Informative Notes:

1. The development hereby approved must be carried out in accordance with conditions 3, 4, 5, and 6 of Outline Planning Approval Ref: 4/20/2491/001.
2. Any works within or near the Highway must be authorised by Cumbria County Council

and no works shall be permitted or carried out on any part of the Highway including footways and verges, until you are in receipt of an appropriate permit allowing such works. This also applies to erecting scaffolding or placing traffic management or skips on the highway and the creation of vehicle cross-overs from the highway to a private driveway. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.west@cumbria.gov.uk.

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.

Case Officer: C. Burns

Date : 30.05.2024

Authorising Officer: N.J. Hayhurst

Date : 03.06.2024

Dedicated responses to:- N/A