

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2286/0F1	
2.	<b>Proposed Development:</b>	NEW SHOPFRONT; REPLACE WINDOW FRAMES; REPLACE EXISTING ENTRANCE DOOR WITH A WINDOW & REPLACE ONE WINDOW WITH A NEW ENTRANCE DOOR; NEW AIR CONDITIONING CONDENSERS & EXTRACT GRILLES	
3.	<b>Location:</b>	50/52 MAIN STREET, EGREMONT	
4.	<b>Parish:</b>	Egremont	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	Yes
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to 50/52 Main Street, an existing commercial property located within the town centre for Egremont. The property is located within the Egremont Conservation Area.	

## **Relevant Planning History**

4/24/2287/0A1 – Application for consent to replace existing fascia panel with a new aluminium panel & two badge box signs to be installed – Approved.

## **Proposal**

This application seeks planning permission for the following works at this commercial property:

- New shopfront;
- Replacement window frames;
- Replacement of existing entrance door with a window;
- Replace one window with a new entrance door;
- New air conditioning condensers and extract grills.

## **Consultation Responses**

### Egremont Town Council

No objection as long as the signage adheres to the rules relating to a conservation area.

The Town Council would further like to comment that it is delighted that a business has taken on these empty premises which, if left empty, would be another major eyesore in our town and to this end, we would also ask that if Greggs owns the shop that they will be vacating, do they have any plans for the building, if not, will they ensure that it is maintained? If they do not own the building what can be done to ensure the owner does not just neglect it?

There were some points which the Town Council would also like to highlight:

1. To the rear of the new premises there are residential dwellings and we want to ensure that any impacts are mitigated against where possible. To help with this, can we ensure that Greggs have locked waste receptacles for their waste (to be located to the rear of their property). The Main Street has seen an increase in vermin and we would ask that everything is done to reduce access to waste foods.
2. There is an access lane adjacent to the property, as said there are residential properties located to the rear of the property that require vehicular access therefore this lane must not be blocked off at any time.
3. Can we place a condition to ensure that Greggs maintains the land to the rear of the property? Complaints have already been made with regards to overgrown trees on land at the rear of the store, it is imperative that this land is not allowed to become an even more overgrown area negatively impacting on the nearby residents.



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4. The Council requests that Greggs provide two litter bins, one for either side of the shop to encourage people when leaving Greggs to deposit their litter in these bins and not drop litter on the ground – we would expect Greggs to be responsible for these bins and to ensure they are emptied on a regular basis and at least at the end of each day.
5. At the Greggs current store, cars used to continually pull up onto the pavement, to stop this the Town Council sited several flower planters close by so cars could not mount the pavement and it worked. We do not want the new store to suffer from the same issue therefore the Council would ask that (through planning conditions), Greggs are requested to provide similar planters or bollards to stop this happening and reducing the risk of cars hitting pedestrians.

On a similar issue there is concern over where delivery vehicles intend to park? Again, they have been known to use the pavement which risks accidents as well as damaging the pavement, which was not created to hold the weight of delivery vans. The provision of planters or bollards will ensure this does not happen. We would expect this to be done before the store opens and as said, as part of the planning conditions.

Egremont Town Council does welcome the relocation of Greggs but from previous experience, it is right we raise our concerns now so that they can be eradicated or minimised by preventative action. Due to the relocation of Greggs, we can presume that the need for this larger store is due to the number of customers and this will result in an increase in the number of cars and pedestrians, if we put something in place before the shop opens and can manage the drivers and safeguard the pedestrians, then it is the best outcome for all.

### Cumberland Council – Highway Authority & Lead Local Flood Authority

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 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.

### Cumberland Council – Conservation Officer

*12<sup>th</sup> September 2024*

Conclusion: Request design revision

Assessment:

- Although the proposal does not precisely follow the Shopfront Design Guide, it is an enhancement in most respects over the preceding scheme.
- To achieve the best enhancement of the frontage, which has been seriously eroded over the years, the guidance in the above document should be followed. This would suggest the instatement of a full new shopfront constructed of durable timber, in bays

that correspond to the bays of the building façade, with pilasters to divide up the bays, stallrisers and a fascia used as framing devices for the entrance and windows. However, given the existing appearance of the shop, that would have to be undertaken voluntarily, although I also draw attention to the fact that there is currently a grant scheme running with support for both bringing empty properties back into use and facelifting properties.

- Use of internally illuminated box signage is discouraged in our Conservation Area Design Guide, so I request that these be substituted for a design that is more sensitive. The Domino's on the corner of Tangier Street and the Subway on Lowther Street in Whitehaven both provide examples of how corporate branding can be adapted.
- Also to note, the CA Design Guide urges caution on the use of window graphics. Individual lettering and hand-painted graphics can look attractive, however care should be taken not to overwhelm the appearance of the shopfront. Details are indicated here as TBC, however I would urge avoidance of large areas of full colour photographs of food or products. These never look attractive and obscure the interior.
- The proposals to the north and west elevations will have a neutral impact on the conservation area.

#### Summary

- I request the use of different main signage, avoiding internally illuminated box signs.
- Though largely in the mould of its predecessor, I would highlight the size of the opportunity that currently presents itself to improve the appearance of this very conspicuous building. Given that there is currently a grant scheme running, I'd urge consideration of whether a more ambitious shopfront replacement is feasible.

*27<sup>th</sup> May 2025*

Conclusion: No objection

#### Assessment:

- I previously requested the use of different main signage, avoiding internally illuminated box signs.
  - Signage details have been updated; no longer internally illuminated.
- Although not an example of best practice, this overhaul will be serviceable and an improvement on the previous appearance of the building.

Cumberland Council – Environmental Health

*17<sup>th</sup> September 2025*

There are no objections to this development from Environmental Health, subject to the

following comments.

The proposed opening hours of the Greggs premises are not shown on the application.

Presumably the opening hours of the current Egremont store are to be continued though clarification on this matter is requested.

The main concern is around potential noise disturbance from the proposed development, given that there are four split level residential flats, on two upper floors, directly above the ground floor development.

Noise disturbance may arise from external plant equipment sited at the rear of the store, and internal noise from activity in the store and the proposed running of the air conditioning and extract plant on a 24 hours basis to avoid overnight heat build-up in the shop and to assist with the refrigeration cabinets' performance.

It is understood that the dividing floors inside the building footprint are of timber construction and that the bedrooms of all residential flats are sited on the top most floor.

Minimum 1 hour fire separation materials should also be provided between the ground floor store and residential flats above.

Care should be taken in siting any plant equipment, particularly in the suspended ceiling space, in the proposed shop so that direct attachments to structural building elements are avoided with the use of anti-vibration mounts and fixings where necessary.

An optional condition on this matter is suggested below, though the statutory noise nuisance provisions of the Environmental Protection Act 1990 are available to residents if redress is required.

Standard construction hours during the building works are requested to limit any noise in the construction phase.

A generic Odour Impact Assessment is provided with the application, given that all of the Greggs stores are of a similar design, use standard plant equipment and offer a standard food menu.

The provision of carbon filtration on the cooking extract system is proposed as mitigation against cooking odour nuisance.

There have been no complaints lodged with Environmental Health about odour or noise associated with any of the Greggs stores in the district to date.

The following conditions are therefore suggested: noise from plant and equipment, cooking odour from the development, and noise from construction works.

*23<sup>rd</sup> May 2024*

Environmental Health has no objections to this amended development.

Given that the proposed signage is now to be non-illuminated, the previous EH comments

dated 17.09.24 on the illuminated signage will no longer be applicable.

29<sup>th</sup> May 2025

Thank you for confirming the hours of opening.

Whilst they are quite extensive, we don't have grounds to object. There have been no previous complaints regarding any Greggs premises in this district.

If there were to be problems around, for instance, early morning noise disturbance, we could look at the statutory nuisance provisions contained within the Environmental Protection Act 1990 as potential redress.

#### Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to 9 properties. No responses have been received to this statutory notification period.

#### **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 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.

#### Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries



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Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R4: The Key Service Centres

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Policy N3: Biodiversity Net Gain

Strategic Policy BE1: Heritage Assets

Policy BE2: Designated Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

### **Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Planning (Listed Building and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

Cumbria Development Design Guide

The Conservation of Habitats and Species Regulations 2017 (CHSR)

### **Assessment**

The key issues raised by this application relate to the principle of the development; impact of the development, impact on heritage assets; highway safety; and impact on biodiversity and ecology.

#### Principle of Development

Egremont is identified in Strategic Policy DS1 as a Key Service Centre due to it providing a wide range of services, including convenience and comparison stores, employment opportunities, schools and healthcare. It also acts as service hub for nearby villages. It is

stated that the focus for development in Key Service Centres will be for town centre developments, employment development and medium scale housing extensions, windfall and infill development.

The settlement boundary for Egremont is defined in Strategic Policy DS2. The application site is located within the Egremont settlement boundary. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise.

Strategic Policy R1 of the Copeland Local Plan seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy by working with partners and applicants to support a network of healthy, vibrant and resilient town centres, comprised of a diverse range of retail, residential, leisure and other main town centre uses, that can effectively respond to change. This policy also seeks to support regeneration projects, refurbishment of buildings and public realm improvements within the retail hierarchy.

Strategic Policy R4 of the Copeland Local Plan states that development that supports the roles of Cleator Moor, Egremont, and Millom as the Key Service Centres, strengthens and diversifies their offer and improves vitality and viability will be encouraged, particularly where it: provides improvements to public realm and signage, including through the provision of public greenspace and landscaping where appropriate; and protects and enhance the special character and appearance of Conservation Areas within town centres designated for their special architectural or historic interest.

The application seeks external alteration to the existing commercial property which is currently vacant and in a state of disrepair. The proposal will allow an existing business to relocate within the town centre to larger premises offering a wider range of services for the local community. The proposal will diversify and enhance the offer within the Key Service Centre and will reuse an existing commercial building within a prominent location within the town.

The principle of this development is therefore considered acceptable in accordance with Policy DS1, DS2, R1, and R4 of the Copeland Local Plan, and the provisions of the NPPF.

#### Impact of the Development

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

The proposal seeks alterations to the external elements of the building, which will enhance the overall appearance of the dilapidated building. Although the property is located within the town centre, and an existing commercial property, Environmental Health have raised no





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objections to the proposed but have outlined some concerns relating to the impact of the development upon neighbouring residential properties. In order to address these concerns Environmental Health have requested conditions relating to noise from equipment, noise from construction, and cooking odours to which the agent has agreed. Concerns have been raised from the Town Council in relation to the impact on residential properties, however these conditions will mitigate any issues.

Environmental Health have also confirmed that whilst the proposed operation hours are extensive, they don't object. They have advised any noise nuisance will be dealt with under the Environmental Protection Act. Operation hours will be secured by condition.

Based on the inclusion of conditions outlined above, the proposal is considered to comply with DS4 of the Copeland Local Plan.

### Impact on Heritage Assets

Strategic Policy BE1 and BE2 of the Copeland Local Plan seek to protect or enhance heritage assets and their setting. Proposals that better reveal the significance of heritage assets will be supported in principle.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area."

Paragraph 139 of the National Planning Policy Framework (NPPF) asserts that "Development that is not well designed should be refused".

NPPF para. 203 states that "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..."

NPPF para. 212 states, in the case of designated heritage assets, "great weight should be given to the asset's conservation", irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 208).

Paragraph 216 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 219).

The Council's Conservation Officer has reviewed the application and has confirmed that although the proposal does not precisely follow the Shopfront Design Guide, it is an enhancement in most respects over the preceding scheme. Concerns regarding illuminated signage have been resolved under application 4/24/2287/0A1. The Officer has confirmed no objections to the proposal and has confirmed that although not an example of best practice,

this overhaul will be serviceable and an improvement on the previous appearance of the building.

Based on the amended scheme the proposal would be considered to enhance a dilapidated building within the Conservation Area and will therefore comply with Policies BE1 and BE2 of the Copeland Local Plan, the adopted Conservation Design Guide 2017 and provisions of the NPPF.

#### Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

As the development seeks to alter the existing commercial property within the town centre, it is not considered that the proposal will have an impact on highway safety. Whilst concerns have been raised with regard to the increase in traffic and parking at this site from the Town Council, the Highway Authority has confirmed no objections to the proposal as it will not have a material effect on existing highway conditions.

On this basis the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

#### Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements.

The application is supported by a Biodiversity Net Gain Exception Statement. In this instance



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	<p>the development is considered exempt from BNG as the development seeks to alter the existing commercial property within the existing footprint of the property so there will be no or only a de minimis impact on onsite habitat.</p> <p>On this basis, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.</p> <p><u>Planning Balance &amp; Conclusions</u></p> <p>The application seeks external alteration to the existing commercial property which is currently vacant and in a state of disrepair. The proposal will allow an existing business to relocate within the town centre to larger premises offering a wider range of services for the local community. The proposal will diversify and enhance the offer within the Key Service Centre and will reuse an existing commercial building within a prominent location within the town.</p> <p>Notwithstanding its town centre location conditions can be utilised to address concerns regarding the impact of the development upon existing residential properties.</p> <p>Whilst it has been confirmed the scheme could have gone further to comply with the Shopfront Design Guide, the proposal is an enhancement to the existing dilapidated building and previous shop front. The Council's Conservation Officer has offered no objections to the proposal.</p> <p>The proposal does not raise any issues relating to impact on highway safety or ecology.</p> <p>On balance the positive benefits that would result from this proposal, including the reuse of an existing commercial property, outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.</li></ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended</p>

by the Planning and Compulsory Purchase Act 2004.

2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:

- Application Form (Amended), received by the Local Planning Authority on the 8<sup>th</sup> May 2025.
- Site Location Plan, Scale 1:1250, Plan Reference Number: TQRQM24142101613987, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Planning – Existing GA (Amended), Scale 1:50, Drawing No: RNTH/S6540/01P, Rev: B, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Planning – Proposed GA, Scale 1:50, Drawing No: RNTH/S6540/02P, Rev: B, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Planning – Shopfront (Amended), Scale 1:50, Drawing No: RNTH/S6540/04P, Rev: A, received by the Local Planning Authority on the 12<sup>th</sup> May 2025.
- Planning – Elevations, Scale 1:50, Drawing No: RNTH/S6540/05P, Rev: -, received by the Local Planning Authority on the 12<sup>th</sup> May 2025.
- Planning Sections (Amended), Scale 1:50, Drawing No: RNTH/S6540/03P, Rev: A, received by the Local Planning Authority on the 12<sup>th</sup> May 2025.
- Air Conditioning Product Information, Mitsubishi Electric, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Noise Levels for Air Conditioning Units, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Product Datasheet – The Carbopleat Disposable Panel – Gas Phase Filtration, Westbury Filtermation, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Product Datasheet – The Discarb Cell – Gas Phase Filtration, Westbury Filtermation, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Fan Specification for Main Extract, Ruck.eu Ventilation, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Fan Specification Product Data, Ruck.eu Ventilation, ed by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Traditional Standard Range Wall Models – Vent-Axia Commercial Range, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Design, Access & Heritage Statement (Amended), received by the Local Planning

Authority on the 12<sup>th</sup> May 2025.

- BNG Exemption Statement, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Odour Impact Assessment, Prepared by Accon UK Environmental Consultants, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Photographs, received by the Local Planning Authority on the 8<sup>th</sup> May 2025.

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.

Other Conditions:

3. The use of the building hereby approved must only be permitted to the public/customers between:

- 05:00am – 16:00pm Monday to Saturdays; and
- 07:00am – 16:00pm Sundays

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan.

4. The rating level of any plant and equipment of this development must not exceed noise rating curve NR30 as measured inside the nearest noise sensitive premises. The noise rating curve should be measured and assessed against a 15 minutes linear LEQ at the octave band centre frequencies 31.5 Hz – 8 KHz.

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality in accordance with Policy DS4 of the Copeland Local Plan.

5. The approved carbon filtration odour mitigation measures on the cooking extract plant at the development must be installed in accordance with the following approved details and must be operational before the use commences:

- Product Datasheet – The Carbopleat Disposable Panel – Gas Phase Filtration, Westbury Filtermation, received by the Local Planning Authority on the 20<sup>th</sup> August

2024.

- Product Datasheet – The Discarb Cell – Gas Phase Filtration, Westbury Filtration, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Fan Specification for Main Extract, Ruck.eu Ventilation, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Fan Specification Product Data, Ruck.eu Ventilation, ed by the Local Planning Authority on the 20<sup>th</sup> August 2024.
- Traditional Standard Range Wall Models – Vent-Axia Commercial Range, received by the Local Planning Authority on the 20<sup>th</sup> August 2024.

The measures must be maintained operational for the lifetime of the development.

Reason

To safeguard the amenity of nearby premises and the area generally in accordance with Policy DS4 of the Copeland Local Plan.

6. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan.

### **Informative Note**

#### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:



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- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and  
(b) the local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimis

### **Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** C. Burns

**Date :** 29.05.2025

**Authorising Officer:** N.J. Hayhurst

**Date :** 30.05.2025

**Dedicated responses to:-** N/A