

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2135/DOC	
2.	<b>Proposed Development:</b>	DISCHARGE OF CONDITIONS 3, 4, 7, 8, 9, 10 AND THE REQUIREMENTS OF BIODIVERSITY NET GAIN OF PLANNING APPLICATION 4/23/2394/0F1	
3.	<b>Location:</b>	LAND AT 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
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report</b>		
	<b>Site and Location</b>	<p>The Application Site comprises an area of agricultural land, located to the south of St Bees. The Site is primarily in agricultural use apart from the access and part of the access road which is already in place for residential use. The site is 0.62 hectares and adjoins to the north the approved residential development site for five detached dwellings granted planning permission under references: 4/20/2491/0O1, 4/21/2369/0R1, and 4/21/2368/0O1. The site is also bounded to the west by Nethertown Road, a small woodland to the east and agricultural land to the south.</p>	

The Application Site is sloping in nature, and whilst is generally flatter near the road frontage rises significantly towards the east of the site. The Site is enclosed by existing stone walls to the east and west, and post and wire fencing to the south.

There are no Conservation Areas or Listed Building on or directly adjacent to the Application Site. The nearest Listed Building is located approximately 0.4k to the north of the Application Site.

The Application Site is located within Flood Zone 1, and as such has a low probability of flooding.

The Application Site is not located within a river catchment affected by nutrient neutrality and comprises Grade 4 agricultural land.

There are no Public Rights of Way on the Application Site.

### **Directly Relevant Planning History**

4/20/2491/001 – Outline application for residential development – Approved.

4/21/2368/001 – 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 4/20/2491/001 – Residential development – Approved.

4/23/2100/0R1 – Reserved matters application relating to access, road layout & drainage only pursuant to outline planning approval 4/21/2368/001 for residential development – Approved.

4/23/2394/0F1 – Change of use of land for siting of 5 holiday pods including access road, drainage, landscaping, solar panels, parking area, and proposed paving/decking – Approved.

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 4/21/2368/001 for a residential development with all matters reserved – Approved.

### **Proposal**

In February 2025, planning permission (ref: 4/23/2394/0F1) was granted by Members of the Council's Planning Panel for the change of use of the land for the siting of 5 holiday pods including access road, drainage, landscaping, solar panels, parking area, and proposed paving/decking.



## Cumberland Council

This current application seeks to discharge conditions 3, 4, 7, 8, 9, 10 and the BNG requirements of planning approval 4/23/2394/0F1. These conditions state the following:

### Pre Commencement Conditions:

3. The carriageway, footways, footpaths, cycleways etc must be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, must be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced on site until a full specification has been approved in writing by the Local Planning Authority. Any works so approved must be constructed before the development is complete in accordance with the approved details.

#### 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 Policy CO4 of the Copeland Local Plan 2021-2039 and the relevant provisions of the National Planning Policy Framework.

4. Prior to the commencement of development a Biodiversity Net Gain Strategy (BNGS) and a Project Implementation Plan (PIP) shall be submitted to and approved in writing by the Local Planning Authority.

The BNGS shall detail proposals to redress loss of biodiversity and the mitigation strategy proposed shall include all on and off-site habitats required to deliver a net gain of at least ten percent. The BNGS shall use the Statutory Biodiversity Metric Calculation Tool associated with the Environment Act 2021.

The PIP shall detail the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan.

The BNGS and PIP shall be implemented, managed and maintained in accordance with the approved details for a period of 30 years.

#### Reason

To ensure delivery of the required biodiversity net gain in accordance with the provisions of Policy N3 of the Copeland Local Plan 2021-2039

7. Prior to occupation of the development hereby approved a sustainable drainage management and maintenance plan for the lifetime of the development must be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan must include as a minimum:
  - i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with the provision of Strategic Policy DS6 and Policy DS7 of Copeland Local Plan 2021-2039.

8. Prior to the first use of the application site as tourist accommodation hereby permitted a Noise Management Plan must be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan must include undertakings and procedures for:

- (i) The name/s of an (on-site) supervisor/s responsible for the behaviour of guests and for liaison with local residents and this Council;
- (ii) The control and use of outside areas;
- (iii) The control of noise breakout from the site;
- (iv) Access and egress to and from the site by guests including arrangements for vehicle parking;
- (v) Recording of complaints and response to those complaints;
- (vi) The annual review of the Noise Management Plan and, if necessary, the submission and approval in writing by the Local Planning Authority of any revised Noise Management Plan;
- (vii) Any other matters that are reasonably required by the Local Planning Authority.

The use must be carried out in accordance with these approved details at all times thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with the provisions of Policy DS4 of the Copeland Local Plan 2021-2039.

9. Prior to their first installation within the development hereby approved full details of all external lighting must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Artificial light to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2

contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01:2021.

Reason

To protect residential amenity, to ensure high quality design and to protect the environment from light pollution in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

10. Prior to their first installation within the development full details of the external materials of the pods hereby approved must be submitted to an approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

The information submitted in support of the application comprises the following:

- Application Form (Amended), received by the Local Planning Authority on the 20<sup>th</sup> April 2026.
- Appendices, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Appendix A – Proposed Site Plan, Scale 1:500, Drawing Number: SP/01, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Appendix B – Photographic Landscape Analysis, Prepared by Westwood Landscape April 2024, Revision: A, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Appendix C – Existing Context Plan, Scale As Shown, Drawing Number: WW/L01A, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Appendix D – Proposed Site Plan, Scale 1:500, Drawing Number: SP/01, Revision: B, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Biodiversity Net Gain Assessment, Prepared by Waterway Drainage Engineering March 2025, Rev: A, Ref: 2025-019, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Biodiversity Metric Calculation Tool, received by the Local Planning Authority on the 28<sup>th</sup> April 2025.
- Noise Management Plan (Amended), Rev: A, received by the Local Planning Authority on the 22<sup>nd</sup> May 2025.
- Light Calculation Report (Amended), received by the Local Planning Authority on the 22<sup>nd</sup> May 2025.
- Drainage Strategy Report, Prepared by Waterway Drainage Engineering April 2025, Ref: 2050-030, Rev: A, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Sustainable Drainage Management and Maintenance Plan, Prepared by Waterway Drainage Engineering March 2025, Ref: 2025-019, Rev: A, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.

- Construction Details 1 of 3, Scale 1:200, Drawing No: 2025-026-003, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Construction Details 2 of 3, Scale 1:200, Drawing No: 2025-026-004, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Construction Details 3 of 3, Scale 1:200, Drawing No: 2025-026-005, received by the Local Planning Authority on the 9<sup>th</sup> April 2025.
- Highway Details, Scale 1:100, Drawing No: 2025-019-001B, received by the Local Planning Authority on the 14<sup>th</sup> April 2025.
- External Finishes (Amended), Prepared by SRE Associates Ltd April 2025, received by the Local Planning Authority on the 13<sup>th</sup> June 2025.
- Biodiversity Net Gain Assessment Project Implementation Plan, Prepared by Waterway Drainage Engineering May 2025, Ref: 2025-109, Rev: A, received by the Local Planning Authority on the 23<sup>rd</sup> May 2025.
- Biodiversity Gain Plan, received by the Local Planning Authority on the 17<sup>th</sup> March 2026.

### **Consultation Responses**

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

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

Condition 3 –

The LHA are content with the information submitted in support of condition 3, therefore Condition 3 can be discharged.

Condition 4 –

The above condition is not for the LHA and LLFA to discharge.

Condition 7 –

The LHA are content with the information submitted in support of condition 7, therefore Condition 7 can be discharged.

Condition 8 –

The above condition is not for the LHA and LLFA to discharge.

Condition 9 –

The above condition is not for the LHA and LLFA to discharge.

#### United Utilities



## Cumberland Council

As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of any potential risks to ensure the longevity of the surface water drainage system and the service it provides to people. We therefore only recommend that the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system.

United Utilities cannot provide comment on the design, management and maintenance of an asset that is not in our ownership and therefore we cannot be involved in discharging this condition. Could I therefore suggest that you speak to the Lead Local Flood Authority to assess the proposals and if satisfied they discharge the planning condition.

### Cumberland Council – Environmental Health

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

Environmental Health has considered the following information submitted –

Condition 8 – Noise Management Plan : the NMP provided is very sparse and lacking detail. There are examples of fuller and more comprehensive NMPs on the internet or the applicant may contact Environmental Health directly for further advice.

Condition 9 - Exterior Lighting : the Lighting Calculation Report does not clearly show the extent of light spill and sky glow (forming the obtrusive light) from the proposed artificial external lighting to the site. This site is at the edge of a rural village and should not produce obtrusive artificial light pollution that is at odds with the setting, particularly after 23.00 hours. Notwithstanding safety and security concerns, the artificial lighting design should include softer luminance and down-lighting where possible and incorporate cowls, shields or hoods on brighter exterior light fittings.

As such, Environmental Health cannot discharge both the above conditions at this time.

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

The revised documents – Noise Management Plan dated May 2025 and the Lighting Calculation Report dated May 2025 – are acceptable to Environmental Health and conditions 8 and 9 respectively may therefore be discharged.

### Natural England

No comments received.

### Cumberland Council – Ecologist

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

The county ecologist approves the Biodiversity Net Gain report and the respective Statutory Metric. However, the applicant needs to provide a Project Implementation Plan (PIP), detailing the delivery of ecological BNG mitigation and compensation, in accordance with the

approved BNG strategy submitted within the BNG report produced by Waterway Drainage Engineering in March 2025. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan to be followed for a period of 30 years.

Therefore, there can be a partial discharge of Condition 4.

*10<sup>th</sup> June 2025*

The county ecologist approves the Biodiversity Net Gain report and the respective Statutory Metric. However, the applicant needs to provide a Project Implementation Plan (PIP), detailing the delivery of ecological BNG mitigation and compensation, in accordance with the approved BNG strategy submitted within the BNG report produced by Waterway Drainage Engineering in March 2025 and updated in May 2025. The PIP shall include timescales for implementation, and an ongoing management and maintenance plan to be followed for a period of 30 years.

Therefore, there can be a partial discharge of Condition 4.

*10<sup>th</sup> June 2025*

The county ecologist approves the Biodiversity Net Gain Assessment and Project Implementation Plan, the respective Statutory Metric and the Planting Plan and confirms that the above request has been met with all required information provided.

Therefore, there can be a full discharge of Condition 4.

*23<sup>rd</sup> April 2026*

The county ecologist approves the Biodiversity Net Gain Assessment and Project Implementation Plan, the Planting Plan (which includes the timescales for implementation, and ongoing management and maintenance plan) and the respective Statutory Metric, and confirms that the above condition has been met with all required information provided.

Therefore, there can be a full discharge of Condition 4 and BNG Requirements.

### **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.



## Cumberland Council

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 2001-2016.

The following policies are relevant to this proposal:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy E1: Economic Growth

Strategic Policy E2: Location of Employment

Strategic Policy T1: Tourism Development

Policy T2: Tourism Development along the Developed Coast

Policy T3: Caravans and Camping Sites for Short-Term Letting

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy N7: St Bees and Whitehaven Heritage Coast

Strategic Policy CO4: Sustainable Travel

Policy CO7: Parking Standards and Electric Vehicle Charging Infrastructure

**Other Key Material Planning Considerations**

National Planning Policy Framework (2024)

National Design Guide (NDG)

Cumbria Development Design Guide (CDG)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

**Assessment**

This current application seeks to discharge conditions 3, 4, 7, 8, 9, 10 and the BNG requirements of planning approval 4/23/2394/0F1.

Condition 3:

This condition seeks to discharge the requirement for the development to provide details of the proposed carriageway, footways, footpaths, and cycleways. Based on the details of the information submitted, the Highway Authority have confirmed that the condition can be discharged.

It is therefore confirmed that condition 3 can be discharged.

Condition 4:

This condition seeks to discharge the requirement for the development to provide a Biodiversity Net Gain Strategy and Project Implementation Plan. Based on the submission of additional information the Council's Ecologist has confirmed that the condition can be discharged.

It is therefore confirmed that condition 4 can be discharged.

Condition 7:

This condition seeks to discharge the requirement for the development to provide a sustainable drainage management and maintenance plan for the lifetime of the development. Based on the details of the information submitted, the LLFA have confirmed that the condition can be discharged.

It is therefore confirmed that condition 7 can be discharged.

Condition 8:



## Cumberland Council

This condition seeks to discharge the requirement for the development to provide a noise management plan. Based on the submission of amended information the Council's Environmental Health Officer has confirmed that the condition can be discharged.

It is therefore confirmed that condition 8 can be discharged.

### Condition 9:

This condition seeks to discharge the requirement for the development to provide full details of external lighting. Based on the submission of amended information the Council's Environmental Health Officer has confirmed that the condition can be discharged.

It is therefore confirmed that condition 9 can be discharged.

### Condition 10:

This condition seeks to discharge the requirement for the development to provide details of the proposed external materials. 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 condition 10 can be discharged.

### BNG Requirements

This informative requires the submission of a Biodiversity Net Gain Plan. The Council's Ecologist approves the Biodiversity Net Gain Plan.

### Conclusion

It is therefore confirmed that conditions 3, 4, 7, 8, 9, 10 and the BNG requirements of planning approval 4/23/2394/0F1 can be discharged.

### 8. **Recommendation:**

Approve 3, 4, 7, 8, 9, 10 and the BNG requirements of planning approval 4/23/2394/0F1.

**Case Officer:** C. Burns

**Date :** 11.05.2026

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

**Date :** 13.05.2026

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

