



**Lake District
National Park**

Planning Report

Modification of Planning Obligation

Reference: 7/2024/5525

Location: The Ruskin Museum, Yewdale Road, Coniston, LA21 8DU

Proposal: Discharge of condition regarding removal of Bluebird for more than 28 days

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over five years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way. The applicant has requested a modification of the planning obligation. The case planner has prepared this report and of the proposed modification.

We are taking this decision as Local Planning Authority under our [Scheme of Delegation](#).

10 December 2024 is the statutory target date for the determination of the application. If we don't determine the application by this date, the applicant can appeal to the Secretary of State.

Recommendation: **APPROVE unconditionally**

I recommend that the Authority takes the above decision

Kelsey Blain (Case Planner)

9 December 2024

I APPROVE unconditionally in accordance with the above.

Julie Birkett (Planning Manager)

9 December 2024

Case Planner's Report

Background and proposals

Planning permission was granted under application 7/2001/5285 and subsequently on application 7/2004/5504 for an extension to the Ruskin Museum to accommodate Bluebird K7. At the time of these applications, the Local Plan had settlement boundaries which were tight to the existing building and placed the land on which the extension would be constructed in the open countryside. The extension was therefore considered to be contrary to policies in place at the time, however the public benefits of displaying Bluebird were considered to outweigh those harms and justify a departure from policy in that instance.

To secure the identified public benefits, the Coniston Institute & Ruskin Museum Charitable Trust entered into a Unilateral Undertaking with the Authority to ensure that the extension to the museum would not be occupied other than for the purpose of housing Bluebird K7 [and associated material relating to Sir Malcolm and Donald Campbell's world records] and that Bluebird K7 would occupy the extension for the first 25 years following its substantive completion, save for any period up to a maximum of 28 days in each calendar year for which the Campbell Family Heritage Trust may require Bluebird K7 for temporary display purposes elsewhere.

This application seeks to discharge the obligation preventing Bluebird K7 from being out of the extension for more than 28 days in a calendar year to allow Bluebird to leave the museum for approximately 3 months while an engine is fitted and the structure of the vessel is checked.

Consultee responses

No consultee responses have been received.

Representations

No representations have been received.

Development plan policies and other relevant guidance

Lake District National Park Local Plan 2020-2035

- Policy 02: Spatial strategy

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

Main issues and assessment

Whether the requirements of the Unilateral Undertaking are still necessary

At the time of planning permissions 7/2001/5285 and 7/2004/5504 the Unilateral Undertaking was required to secure the public benefits of the scheme and justify the departure from the relevant policies in the Local Plan.

However, the current Local Plan does not delineate settlement boundaries in the same way and should the construction of the extension be assessed against current development plan policies, the same in-principle issues would not arise and an obligation of the type currently in place would not be required.

I am therefore satisfied that the planning purpose for which the obligation was secured no longer exists and the requirements of the Unilateral Undertaking are no longer necessary.

Conclusion

Changes to the Local Plan since the determination of applications 7/2001/5285 and 7/2004/5504 means that the requirements of the Unilateral Undertaking are no longer necessary. I therefore considered it acceptable to discharge the Unilateral Undertaking.

Recommendation: APPROVE unconditionally

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement.

The Local Planning Authority did not identify problems arising in relation to dealing with the application.

Informatives