

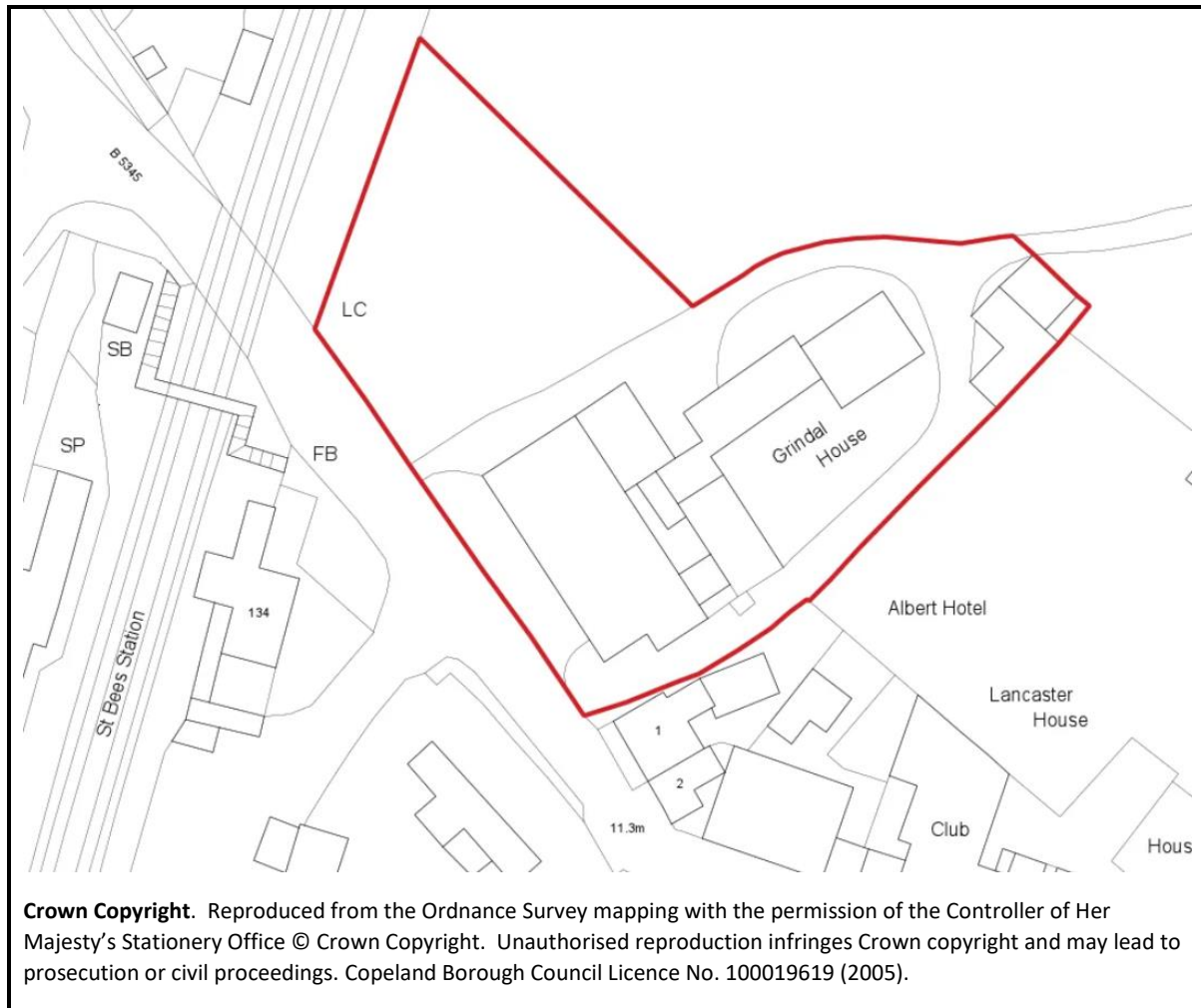


**To: PLANNING PANEL**

**Development Management Section**

**Date of Meeting: 31/08/2022**

<b>Application Number:</b>	4/21/2486/0F1
<b>Application Type:</b>	Full
<b>Applicant:</b>	St Bees Little Learners Nursery Ltd
<b>Application Address:</b>	GRINDAL HOUSE, MAIN STREET, ST BEES
<b>Proposal</b>	CHANGE OF USE OF GROUND FLOOR OF BUILDING FROM ANCILLARY SENIOR SCHOOL ACCOMMODATION TO A CHILDRENS DAY NURSERY, INCLUDING NEW VEHICLE EXIT FROM THE SITE; AND CREATION OF PARKING AREAS TO REAR
<b>Parish:</b>	St Bees
<b>Recommendation Summary:</b>	Approve subject to conditions



### Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel due to the nature of the application and given the technical issues raised in relation to impacts on highway safety and heritage assets.

Members have also benefitted from a site visit to assess the proposal, which was carried out on the 18<sup>th</sup> May 2022.

### The Site

This application relates to a large detached building, known as Grindal House, located within the centre of St Bees. The building is a Grade II Listed and lies within the centre of the St Bees Conservation Area. The front boundary sandstone wall for this site is also Grade II Listed in its own right.

The site fronts onto the B5345, the main road through the village, and lies opposite to the St Bees train station and associated car park. The site is bounded to the north and east by land associated with St Bees School and to the south by existing residential properties.

The application site was formally used as accommodation for St Bees Secondary School and comprises of dormitory accommodation and classrooms. This use ceased with the closure of St Bees School in 2015. Whilst the main school site has reopened this property together with other properties detached from the school campus have remained vacant.

The site is currently accessed from the south of the site directly from the B5345.

### **Relevant Planning History**

4/12/2217/0F1 – Change of use of part school building into hair & beauty salon – Approved

4/12/2218/0L1 – Listed building consent for internal alterations to part of school to form hair & beauty salon – Approved

4/12/2171/0F1 – Listed building consent for re-roofing & replacement windows – Approved

### **Proposal**

This application seeks planning permission to change the use of the ground floor of this building from ancillary senior school accommodation to a children's day nursery. The proposal will allow for the relocation of the current nursery from Abbots Court. The site will be run in the same way as the current operations at Abbots Court, with an average 40 children on site at any one time, no set sessions to allow for flexible collections and drop offs, and 15 full time and part time staff, with normally 10 members of staff on site at any one time.

The proposed change of use will require minimal internal or external alterations to the property. Internally the only alteration to property is the creation of a door opening between rooms G1.07 & G1.09. Externally it was originally proposed to create two openings within the existing curved unlisted front garden wall to improved accessibility around the site, however this has now been removed from the application and the garden wall will remain unaltered.

The application also seeks planning permission for the creation of a new vehicle exit from the site. The existing access to the site is located to the south of the site and currently acts as the single entrance and exit for the property. As part of this application the existing access will be improved by widening the access to 6.1m which will be achieved by relocating one of the existing gate posts. A 4m road will be constructed around the perimeter of the building leading to the proposed new exiting to the site located to the north of the building within an existing stone wall. This exit point will be 6.1m wide and will provide visibility splays of 2.4m x 4m to the south of the site and 2.4m x 56m to the north. This north visibility splay will be created by reducing the height of the existing sandstone wall to 1.05m from

ground level and relocating and height reduction to one of the existing gate posts. As part of the new access point, a 6m stretch of the proposed access road into the application site will be made level with the adjacent highway to improve visibility. The existing access will therefore form the 'in' to the site with the new access point to the north of the site acting as the 'out'. The Grade II Listed wall fronting the site will remain unaltered.

A 14 space car park will also be created to the rear of the application site, separated into ten spaces to the south of the building, including one disabled space, and four spaces to the north. The plans also show a drop off area to the south of the site, which will be used by parents.

This application is being considered alongside a Listed Building Consent application for the same works, reference 4/21/2487/0L1.

## **Consultation Responses**

### **St Bees Parish Council**

*23<sup>rd</sup> November 2021*

The Parish Council has no fundamental objections to the proposed change of use to accommodate a children's nursery. This would continue the use of the building for educational purposes. The Parish Council is pleased to see that the sandstone wall at the front of the building will be retained, albeit moved slightly further back. This will leave a narrow strip of land in front of the wall which the application suggests will be a grassed area. The Parish Council asks CBC to consider a requirement for this area to be paved to allow more space for pedestrians to pass.

*8<sup>th</sup> August 2022*

Thank you for forwarding the additional information on this application and the associated Listed Building application. The Parish Council has no objections to the amendments and is pleased that a solution may have been found which is acceptable to all the parties involved. The Parish Council's only regret is that this has come too late to prevent the loss of a valued local business as we understand that the nursery is moving to new premises in Egremont in September.

### **Cumbria County Council – Cumbria Highways & LLFA**

*30<sup>th</sup> November 2021*

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) 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.

Information:

Although the visibility splay to the west heading towards the railway crossing doesn't meet the required distance of 60m. The proposed visibility splay of 56m is considered to be acceptable as a speed survey has been carried out in the past which shows 85%tile speed of 22.5 mph.

Conditions relating to visibility splays, use of access, access and parking, and surface water discharge.

*14<sup>th</sup> December 2021*

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that as the proposed work to be carried out is all internal, 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.

*25<sup>th</sup> January 2022*

I have now discussed this matter with both the Officers that dealt with this application in the past. We have severe reservations about the proposed change.

If you recall, we recommended refusal when this scheme came in as a Pre application enquiry due to the fact that 2 cars cannot pass on the access and its track. This will create an unacceptable highway safety issue.

The secondary access (exit) mitigated that concern allowing us to take a positive view on the application.

I am afraid, with the second access removed it still is our view that the access will not operate in a safe manner.

I will leave the "argument" about the historic use with the LPA. Local knowledge does seem to say that the previous use did not generate a large amount of vehicular movements.

*16<sup>th</sup> March 2022*

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

I have reviewed the new information submitted on the 04/03/22 for application 4/21/2468/OF1 Grindal House, St Bees please find my points below:

- The removal of the one-way system and the introduction of traffic signals shown on drawing number 2131-201-PL Rev A is not suitable for this site as vehicles entering the property will have to wait on the carriageway in front of Grindall house in both directions causing congestion around the Linethwaite road junction and railway crossing.
- Visibility splays to the North heading towards the railway crossing does not meet the required standard, a minimum of 60m to the near side kerb in either direction is

required without a traffic speed survey being carried out to determine the 85th percentile speed.

- The existing access road is 4m in width and is to remain this width on the proposed drawing (2131-201-PL Rev A) It is assumed refuse will be collected at the rear or side of the property, if this is true to allow safe passage of a car and refuse vehicle side by side the carriageway width has to be a minimum of 4.8m. As proposed this cannot be achieved.

#### Conclusion

As the LHA we suggest that the design is rethought. As presented the design is not acceptable and the applicant should revert to improving previous designs which included the one-way system around the building.

*2<sup>nd</sup> August 2022*

Cumbria County Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below. The updated/amended documents submitted to the Local Planning Authority are welcomed by the LHA and LLFA as the one-way system around the building has been reintroduced as requested, also the wall at the exit is proposed to be reduced in height giving improved visibility to the west towards the railway crossing. Therefore, I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to visibility splays, the access road, access gates, gradient of the access road, access and parking/turning requirements, and construction traffic management plans.

*15<sup>th</sup> August 2022*

When we had our MST meeting regarding this application with yourself and the applicant, I thought it was agreed the drop off point was to be within the grounds as we didn't want parents and children having to cross the road if not needed?

As the drop off point was always highlighted on the plans, I wasn't aware the design had changed from what we had discussed in the MST meeting.

I would prefer the drop off point to be within the grounds not within an existing car park for the railway station.

So to answer your question the change does affect my response unfortunately as this was previously agreed it wasn't the safest option.

*17<sup>th</sup> August 2022*

We as the LHA and LLFA are content with the amendments to application 4/21/2486/0F1 and have no objections at this time.

Copeland Borough Council – Conservation and Design Officer

*3<sup>rd</sup> December 2021*

Conclusion: Recommend refusal

## Assessment:

- This prominent building is currently vacant. It does not, from the evidence provided, appear to be in a parlous state, however giving it a full, viable, long-term use is obviously to be welcomed.
- It is not clear whether this use would constitute a full, viable long-term use as this is a very large building and a play group will presumably only occupy part of the building – from the proposed drawings, this use is limited to the ground floor. Nonetheless, even a partial use could be considered an improvement.
- Internal alterations appear minimal, consisting of inserting a doorway into the rear of an alcove between rooms G1.07 and G1.09. The design and access statement also refers to blocking a doorway in G1.11, although this is not obvious from the plans.
- Externally, works are more substantial and problematic.
  - Moving the entire listed front wall at an angle to the façade in order to suit increased car use does not appear justifiable.
  - The new pedestrian access gates are questionable given the unclear need and strong character of these curved walls, and likely not supportable.
  - Relocating a gatepost on the “in” side of the new gyratory, and lowering the wall heights, contributes to the general loss of character of the front of the property.
  - The road height is quite substantially above the ground level on the NW side of the building, but it is not clear what the visual impact of the ramp will be.
  - The works to the road wall on the NW side of the building will be quite extensive, with a 6.1m wide splayed opening and 1.05m height reduction across most or all of its width. This would also result in the loss of the pedestrian gate from the listed front wall.
- The loss of the pedestrian gate on the NW end, relocation and angling of the entire structure, relocation of a gate pier on the SE end, and height reduction at the SE end could be considered substantial harm to the listed front wall.
- Whether the curved sections should be considered part of this wall or part of the main building is not immediately clear, but the insertion of pedestrian gates here would either be considered as contributing to the substantial harm of the former or contributing to the less-than-substantial harm of the latter.
- The internal alterations to the house are likely to be considered either neutral or negligible harm, however there is no information provided on the current alcove between rooms G1.07 and G1.09 (e.g. photography, internal elevation), or detail on the new opening/door.
- There is also likely to be some harm to the settings of surrounding listed structures. These are suggested in the Heritage Statement to be St Bees Signal Box, Stone House Farm, and Lonsdale Terrace (all GII), however, it seems unlikely that the setting of Lonsdale Terrace would be affected, and more likely that some impact of the settings of Pow Bridge and the nearby War Memorial (GII\* and GII respectively) would be detectable. This would likely appear as a loss of the neat, continuous line

of the front wall (both the listed and unlisted sections), punctuated by gate piers, but would be viewed at a range of approx. 35-110m and less-than-substantial.

- The heritage statement appears to make a slight mistake in its interpretation of setting, which is both that which contributes to the significance of a heritage asset, and that which allows the asset to be appreciated. This means that views in which the proposed works appear with a given asset should be factored in – Even if Stone House had no windows and it were not possible to see out, the setting in which its significance can be externally appreciated would still undergo change.

#### Summary

- I welcome the use itself.
- Internal changes would likely be considered neutral in impact or a negligible level of harm but are not adequately explained.
- External works are not well justified or defended, however the principle of them would appear to be unsupportable in any case.
- External addition of driveway, ramp and works to unlisted section of wall to NE of building could be considered less-than-substantial harm to the setting of the listed building, less-than-substantial harm to the setting of the listed front wall, and loss of a feature that makes a positive contribution to the character and appearance of a conservation area, constituting less-than-substantial harm.
- Works to the listed front wall could be considered substantial harm as they would seriously impact its aesthetic value. The NPPF makes it clear that circumstances where this is viewed as justified should be exceptional.
- The building is centrally located within St Bees and adjacent to a station. The proposed use is to serve the local population, and the majority of St Bees would appear to fall within approx. a 500-700m radius. Walking to and from the building would therefore seem viable, and to be encouraged, and I do not think the application is clear enough on why the need for increased vehicle access justifies such extensive changes.
- I disagree that it has been demonstrated the nature of the asset prevents all reasonable uses of the site, or that the chosen proposal is proportionate with the goal of allowing easier car access.

*15<sup>th</sup> December 2021*

My previous consultation response for this and 4/21/2487/0L1 is still applicable, so I haven't written an updated one.

*19<sup>th</sup> January 2022*

The amended plan is a little ambiguous so I've stated what I think is changing/staying the same.

- The proposal to realign the section of wall to the left of the listed wall (when looking at the building) appears likely justifiable. However, this will entail harm to the pedestrian gateway there, which will need either removing or angling and the right-



hand gatepost resetting further back and potentially lower, which may look strange. More detail would be needed there.

- This proposal appears to require lowering the forward sections of the curved walls that come out from the corners of the building. I'm not sure whether these should best be considered part of the building or part of its curtilage, but either way this should be considered less-than-substantial harm to a listed structure although could likely be pulled off in an acceptable way with good justification and detailing.
- The proposal to insert a gateway into the left of these walls (when looking at the building) should be considered likewise. I have some hesitation, although this may be justifiable subject to demonstrating a clear advantage being able to walk from one side to the other (i.e. as an alternative to either going through the building, around the back of it, or along the pavement).
- It is not clear from the plan whether a pencilled in cross refers to the pedestrian gate in the right-hand curved wall, or to the oil tank, however the photo shows the tank being removed, so I assume the gate is still proposed.
- It is not clear to me what the blue rectangle and "to retain" label is referring to.
- The proposal appears to include removing the right-hand end of the listed front wall, up to the vehicle gateway, and shortening the other side of the gateway to align with the front wall of the neighbouring property. This may be justifiable by itself as less-than-substantial harm to a listed structure, if the justification is strong (e.g. it would enable the building to be given a sustainable use).
- The proposal still appears to include taking down most or all of the listed front wall and relocating it at an angle to the façade to permit visibility splays. If that's correct, I'd view it as entailing substantial harm to a listed structure and still the main sticking point with this proposal.

Omitting the proposed vehicle exit to the unlisted wall to the left of the building, and associated driveway, is an improvement, but the core issue remains.

I don't know if Highways would take the view that removing only the right end of the front wall – from right side of the current vehicle opening to its junction with the curved section, along with the oil tank, as illustrated in the attachment "wall removal google earth image.pdf" – would be acceptable on the basis that even if not ideal it's still betterment over the previous arrangement?

As it stands, the proposed relocation of the front wall would entail demolishing most or all of a listed structure and rebuilding it in a way that entailed substantial direct harm to it and additionally harmed its setting and that of Grindal House.

Assuming I've read the plan correctly, I couldn't view this as solving the core issue, although it is less impactful in some respects.

*24<sup>th</sup> March 2022*

Conclusion: Request further information

Assessment:

- Following my earlier recommendation to refuse this application, an alternative proposal has come forward making use of a traffic light system attached at the corner of the building, which would avoid relocation of the listed front wall.
- The proposal now entails the removal of the section of wall and gate pier to the left of the existing entry, up as far as the intersection with the listed wall. This section of wall, by virtue of being attached to a listed building, is itself listed, however I would view its significance as being lower, and the overall impact on the listed asset to be less. The benefit of reconfiguring this entrance to improve vehicle access is evident.
- Removal of this section of wall, and relocation of the right-hand gate pier rearwards, could be said to entail less-than-substantial harm to the significance of the listed building.
- However, the opportunity to remove the oil tank and replace the area of broken tarmac between the building and the road with higher quality paving, is welcome, and I expect this to have a beneficial effect.
- The proposed traffic light system is likely to be unobtrusive and enable the access to be useable, with only minor harm and some associated enhancement.
- Two pedestrian openings are proposed in the curved sections of front wall to improve circulation around the site. This appears to entail less than substantial harm to the listed building to which they're attached.

#### Summary

- I'm assuming that the purpose of taking down the indicated section of front wall at the gateway is to enable a car to pull off the highway and monitor the traffic light for green before proceeding down the drive to the side of the building. I would be grateful of confirmation that this is the intention, or if not, whether it would be sufficient for visibility purposes to merely reduce the wall height to below 1m.
- I would be grateful for a spec sheet or similar showing the new paving materials to be used on site.
- A product sheet, detail drawing or similar would also be useful to show the appearance of the traffic lights, how they will be mounted and how they will be powered.
- If the oil tank is to be removed, will a new one need installing elsewhere?
- I'm not completely clear on the justification for the new pedestrian gates in the curved walls. Is it not currently possible for pedestrians to go through the building or along the pavement? How likely are these new gates to be used? The southern one appears only to give access to the new section of paving where the oil tank is located, but getting from there to the front door could be done by walking along the pavement only a few yards further. Similarly, on the north side there is a gate giving access from the pavement to the grassy area. Clarification the need for these gates would be helpful.

*10th August 2022*

Conclusion: Request further information and design revision

#### Assessment:

- Since my last consultation response, an updated site block plan has been provided, showing the retention of a tree in the car park, necessitating the positioning of three parking bays on the NW side of the rear range of the building.
  - There is likely to be some slight visibility of these parking bays from the road, and from the rear windows on that side of the building, however, given the slightness of the change and the improvement in the form of retaining the tree, this appears justified.
- The updated plan also omits the proposed openings through the curved walls to the front.
  - This is an improvement.
- The roadside elevation drawing has been updated, showing the gateposts reduced in height to match the 1m wall.
  - This solution is oddly lopsided and reads as a compromise designed to permit a visibility splay, which would otherwise never have been used.
  - I would suggest looking at an alternative that doesn't terminate the walls but sweeps them inward in a curve.

#### Summary

- I suggest that to better maintain the appearance of the frontage, use of a curve to terminate the wall sections to the left of each vehicle opening in the frontage (when viewed from the road) would give a better result than short gate piers.
- I would be grateful for a spec sheet or similar showing the new paving materials to be used on site. This could be handled via a condition if that would be preferable.

*16<sup>th</sup> August 2022*

Conclusion: No objection

#### Assessment:

- Since my last consultation response, confirmation has been provided that the curved terminus to each wall presents problems of its own.
  - This seems reasonable and I would view the proposal in its current form as supportable.
- Confirmation has also been provided that the new paving materials can be submitted via use of a condition. I suggest that this should require discharge of the details to be made prior to installation on the site of such materials.

#### Historic England

*23<sup>rd</sup> November 2021*

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

*15<sup>th</sup> December 2021*

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

*28<sup>th</sup> July 2022*

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

National Amenities Society

No comments received.

Network Rail

*1<sup>st</sup> March 2022*

Network Rail has the following comments.

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

RAMS

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway

under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

The applicant /developer should submit the RAMs directly to:

[AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

### Fencing

The applicant will provide at their own expense (if not already in place):

- A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land.
- The fence must be wholly constructed and maintained within the applicant's land ownership footprint.
- All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary.
- The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments.
- Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way.
- Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land.
- Proposal fencing must not be placed on the boundary with the railway.
- Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review.
- The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

It would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by outside party development adjacent to the railway.

This site is adjacent to the railway boundary and therefore trespass proof fencing is required to prevent minors from unauthorised access onto the railway.

### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings and structures must not over-sail Network Rail air-space.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

#### Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

#### Drainage proposals and Network Rail land

The NPPF states:

*"178. Planning policies and decisions should ensure that:*

- a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability."*

And

*"163. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere."*

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.

- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's land and infrastructure.
- Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway – any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.
- The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslide on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3<sup>rd</sup> party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Excavation and Earthworks and Network Rail land:

The NPPF states:

*“178. Planning policies and decisions should ensure that:*

- a) A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.”*

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.
- Confirmation of retaining wall works (either Network Rail and/or the applicant).
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

### 3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

### Trees



Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

#### BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

[AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

*The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.*

*Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.*

*Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.*

Once the attached Asset Protection Questionnaire has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see [Working by the railway - Network Rail](#)

*2<sup>nd</sup> March 2022*

Network Rail has the following additional comments:

- The wall in question to be reduced in height runs seamlessly into a section forming the Network Rail Boundary.
- Network Rail involvement would be required through a basic asset protection agreement taking on board network Rail comments/agreements and that the wall lowering works are close to the LC and anticipate needing traffic/pedestrian management which will be within 200m of the LC so falls into the requirements of NRSWA.

Until Network Rail has visited site and agreed the works with the applicant we are placing a holding objection on the proposal.

*4<sup>th</sup> March 2022*

It is noted that the existing wall height is not being altered.

All other comments remain.

Copeland Disability Forum

*28<sup>th</sup> July 2022*

Copeland Disability Forum no longer exists and therefore we no longer make comments on Planning applications.

Copeland Borough Council – Environmental Health

No comments received.

Copeland Borough Council – Flood and Coastal Defence Engineer

*15<sup>th</sup> November 2021*

I have no comments to make on the attached application.

*15<sup>th</sup> December 2021*

Just to confirm that I have no comments on this application.

*8<sup>th</sup> March 2022*

With regards to the Additional and Amended Information submitted with regards to the above Planning Application, I have no comments to make.

*27<sup>th</sup> July 2022*

Yet again, with regards to the additional and amended information with regards to the above application, I have no comments to make.

## Environment Agency

No comments received.

## Cumbria County Council – Historic Environments Officer

*17<sup>th</sup> November 2021*

I defer to any forthcoming comments that your conservation officer may make regarding the acceptability of the proposals on the listed building. I do not consider however, that the proposal will impact upon archaeological assets.

*13<sup>th</sup> December 2021*

I defer to any forthcoming comments that your conservation officer may make regarding the acceptability of the proposals on the listed building. I do not consider however, that the proposal will impact upon archaeological assets.

*9<sup>th</sup> March 2022*

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

## Public Representation

This application has been advertised by way of a site notice, press notice, and neighbour notification letters issued to eleven properties. No comments have been received in relation to the statutory notification procedure.

In December 2021 reconsultations were undertaken for this application based on an amended description for this proposal which indicated that the change of use only related to the ground floor of the property. One letter of objection has been received in relation to the statutory notification procedure raising the following concerns:

- Staff at nursery have between 11 and 15 cars where are these cars going to be parked? Hopefully not in train station car park.
- Traffic disruption for locals from additional and existing road users.
- Parents will be stuck in grounds and unable to get to work.

In March 2022 further reconsultations were undertaken for this application based on a further amended description and alterations to be submitted plans. The proposal removed the one-way system from the application and sought to alter the existing access. One letter of objection has been received in relation to the statutory notification procedure raising the following concerns:

- Major concerns about two opening in garden wall which is listed surely this should be preserved.
- The entrance into the property now is very narrow which will hold the traffic up if few cars arrive at same time blocking footpath.
- These two openings cross the public footpath there is no public footpath on the opposite side of the road. These opening are big concern for the public crossing right on major railway crossing.
- Concern parents dropping children off when crossing gates close and traffic backed up the road. They will park in village on yellow lines and on pavements causing bigger issues and people will not be able to see round cars to cross.
- Statement states Highways Authority they have discussed with them
- Is there no letter or survey from the Highway Authority saying they are happy for this to go ahead and is safe for the public for this extra amount of vehicles to enter this property and exit the property so close to railway crossing at key work times this should also include Sellafield traffic which has been major ongoing issue car cutting through the village causing its own problems for the village life blocking Main street.
- Letter From St Bees School Pupils did not drive and any staff walked across to the school with pupils they did not drive to school cars were a few a day.
- Huge increase in vehicles.
- Parking for these cars will they use the train station car park causing more issues.

In July 2022, the application was amended further to revert the proposal back to the originally proposed new access and one way system. A further reconsultation was therefore undertaken based on an amended description and plans for this application. 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**

### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas: Roles and Functions

Policy ER9 – The Key Service Centres, Local Centres and other small centres

Policy SS4 – Community and Cultural Facilities

Policy SS5 – Provision of Access to Open Space and Green Infrastructure

Policy T1 – Improving Accessibility and Transport

Policy ENV4 – Heritage Assets

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM22 – Accessible Developments

Policy DM21 – Protecting Community Facilities

Policy DM22 – Accessible Developments

Policy DM27 – Built Heritage and Archaeology

#### **Other Material Planning Considerations**

National Planning Policy Framework (2021)

National Design Guide (NDG)

Cumbria Development Design Guide

Planning (Listed Buildings and Conservation Areas) Act 1990

Conservation Area Design Guide SPD (Adopted December 2017)

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

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 E1PU: Economic Growth

Strategic Policy E2PU: Location of Employment

Strategic Policy R1PU: Vitality and Viability of Town Centres and villages within the Hierarchy

Strategic Policy R2PU: Hierarchy of Town Centres

Strategic Policy R4PU: The Key Service Centres

Policy R9PU: Non-Retail Development in Town Centres

Policy SC5PU: Community and Cultural Facilities

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Strategic Policy CO4PU: Sustainable Travel

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **Assessment**

The main issues raised by this application are the principle of development; design and impact on neighbouring properties; access, parking and highway safety; and impact on heritage assets.

### Principle of Development

Policy ST1 and ST2 of the Copeland Local Plan seeks to concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The application site lies within the designated settlement boundary for St Bees, which is identified as a Local Centres in Policy ST2 of the Copeland Local Plan. This policy seeks to retain employment within Local Centres, and states that new provision will most likely be provided through conversion/re-use of existing buildings or completion of sites which are already allocated.

Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF seek to encourage the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot. Policy SS4 of the Copeland Local Plan also allows for the expansion and or enhancement of existing community and cultural facilities to assist continuing viability, particularly in areas where new development will increase the demand for facilities.

The proposed development would utilise an existing vacant dilapidated building within the centre of St Bees. The proposed conversion would allow an existing business within the village to relocate, retaining and enhancing this facility for the local community. On this basis the principle of development is considered to be acceptable and the proposed change of use would comply with Policies ST1, ST2, SS4 and SS5 of the Copeland Local Plan and Section 6 and 8 of the NPPF.

### Design & Impact on Neighbouring Properties

Policy ST1, DM10 and section 12 of the NPPF seeks protection of residential amenity, a high standard of design, fostering of quality places, and proposals, which respond to the character of the site.

The application seeks to change the use of Grindal House, to allow the site to be operated as a nursery. The property has historically been used as accommodation for St Bees Secondary School and comprises of dormitory accommodation and classrooms. There will be no external works to the main building and only a minor internal alteration to accommodate the change of use. As part of the development a new exit to the site will be formed, providing a one-way system around the building, however this new access point is located away from neighbouring dwelling so is not considered to adversely impact on amenity. Although the proposed use will reinstate the use of the existing access which lies directly adjacent to residential properties, the historic use of the building would have also used this access as both the exit and entrance point for the school building impacting on residential properties. The fall-back position of the current use and the movements associated with the existing access is therefore a consideration when determining this application.

Whilst there may be some impacts on residents in terms of comings and goings from the site, these will be reduced by limiting the existing access as an entrance only. Appropriately worded planning conditions are proposed to secure and retain this one-way system. Although there may be some impacts the proposed change of use will allow an essential community facility to continue to operate within St Bees and will ensure this prominent building has a viable use. In order to limit the impacts of this development a condition will be included to restrict the operation hours of the site from 7:30 - 18:30 Monday to Friday. A construction management plan will also be secured by condition to again reduce the impacts of the development upon the surrounding properties.

On this basis, the proposed works are considered to comply with Policies ST1 and DM10 of the Local Plan and section 12 of the NPPF.

#### Access, Parking and Highway Safety

Policies ST1 and T2 of the Copeland Local Plan seeks to ensure developments accommodate traffic and access arrangements in ways that make it safe and convenient for pedestrians and cyclists to move around. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted standards, which reflect the needs of the Borough in its rural context. Section 9 of the NPPF requires that planning applications ensure that a safe and suitable access to the site can be achieved for all users.

The application site is located within the centre of St Bees which is one of the Borough's Local Centres. The existing nursery is located within the west of the village, detached from the main built form of St Bees. The relocation of the existing nursery to the proposed site would mean the facility is more easily accessible by foot for parents dropping off children and is located directly opposite the train station within the centre of the village. The proposed change of use is therefore considered to be located within a sustainable location and is accessible to all users.

As part of the application process extensive discussions have been undertaken with the Highways Authority. The original proposal sought permission for a new access and one way system around the building, however due to initial concerns raised by the Council's Conservation Officer to relocate the existing Grade II Listed wall to the front of the site, the proposal was amended to utilise and improve the existing access to the site. Cumbria Highways had no objections to the original proposal and confirmed that although the visibility splay to the west heading towards the railway crossing doesn't meet the required distance of 60m, the proposed visibility splay of 56m is considered to be acceptable as a speed survey has been carried out in the past which shows 85%tile speed of 22.5 mph. The Highway Authority however had severe concerns with the amended proposal to utilise the existing access as two cars cannot pass on the existing access or access track, and therefore considered that the development would create an unacceptable highway safety impact as the access could not operate in a safe manner. It was therefore requested that the proposal was reverted to the original access layout as this mitigated access concerns.

Following these concerns, and in discussion with the Council's Conservation Officer, the application was amended to reflect the original proposal detailed a new access and one way system around the site. The existing boundary wall and gate post to the north of the site will also be lowered to improve visibility towards the railway crossing. Cumbria Highways have therefore confirmed that they have no objections to the proposal subject to the inclusion of conditions relating to visibility splays, the access road, access gates, gradient of the access road, access and parking/turning requirements, and construction traffic management plans.

As well as the proposed access arrangements for this site it is also proposed to create parking areas to the rear of the site, providing 14 spaces for the nursery and a drop off area. The agent for this application has confirmed that these spaces will be used by nursery staff, and parents dropping off children. The original submission sought to include the parent drop off point within the train station car park opposite the site, however Cumbria Highways were opposed to this as it was felt the drop off point within the grounds of the application site would be the safest option. The scheme was therefore amended to include a drop off point within the application site, therefore Highways have confirmed that they have no objections to this. The site is considered to be located within a sustainable location meaning less reliance on cars and therefore the need for parking. The agent has also confirmed that the nursery will be operated as it is now operating at its current site with no set sessions to allow for flexible collections and drop offs reducing the number of cars within the area at any one time.

On the basis of the above and based on the inclusion of appropriately worded planning conditions to secure the construction and retention of the proposed access and visibility splay, the proposal is considered to be compliant with the Policy DM22 of the Copeland Local Plan and Section 9 of the NPPF.

#### Impact on Conservation Area & Heritage Asset

Policy ST1, ENV4, DM27 of the Copeland Local Plan seek to protect, conserve and where possible enhance the historic, cultural and architectural character of the Borough's historic sites.



The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a need “in considering whether to grant listed building consent for any works [for the Local Planning Authority to] have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest” [Section 16(2)]. This requirement also applies to the granting of planning permission affecting a listing building or its setting [Section 66(1)].

Section 72 of the 1990 Act states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of [a conservation] area.”

Paragraph 194 of the National Planning Policy Framework (NPPF) 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. 199 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. 202).

Paragraph 203 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.

Referring to assets in a conservation area, NPPF para. 207 states that loss of an element that makes a positive contribution to a conservation area should be treated as either substantial (under para. 201) or less-than-substantial harm (under paragraph 202). In new development, opportunities should be sought to enhance or better reveal the significance of conservation areas (NPPF para. 206).

As part of this application process extensive discussions have also been undertaken with the Council’s Conservation Officer. The original proposal sought permission for a new access and one way system around the building, however due to initial concerns raised by the Council’s Conservation Officer the proposal was amended to utilise and improve the existing access to the site. The Officer originally stated that, whilst the building is not in a dangerous state, securing a viable long-term use of the site is welcomed and that the internal alterations would be considered to have a neutral impact or a negligible level of harm, the external works however were not justified. The Officer confirmed that whilst it was considered that the works to create an additional driveway, ramp and to reduce the height of the unlisted wall could be considered less than substantial harm, works to relocate the existing listed wall could be considered substantial harm as they would seriously impact its aesthetic value of the site.

In order to address these concerns the proposal was amended to remove the proposed new access and one way system and to utilise and improve the existing access to the site. Significant concerns were, however, raised from Cumbria Highways in relation to this amended scheme as two cars cannot pass on the existing access or access track, and therefore considered that the development would create an unacceptable highway safety

impact as the access could not operate in a safe manner. Cumbria Highways therefore requested that the application be reverted back to the original scheme including a new access and access road.

Following these concerns, discussions were undertaken with both the Highway Authority and the Council's Conservation Officer to secure a position which would ensure a safe access to the site whilst preserving and protecting this key heritage asset. The application was therefore amended to revert back to the original proposal detail a new access and one way system around the site. The Listed wall however is now to be retained in its current location, resulting in reduced visibility splays to the south of the site, to which the Highway Authority have no objections. Based on this amended scheme the Council's Conservation Officer has offered no objections to the proposal and has confirmed that the development is supportable. The Officer notes that the internal openings within the curved wall have been omitted which is an improvement to the scheme, and a tree within the rear of the site has now been retained helping to reduce the visibility of the proposed car parking bay. The Officer has however requested the submission of details of the proposed paving materials, which will be secured by an appropriately worded planning condition.

The proposed change of use and associated works therefore provide a viable use for this heritage asset located within a prominent position within the Conservation Area and will ensure the vacant Listed building is reused securing its long-term future. Based on the amendments to the scheme, although there will be some impacts on the heritage asset due to the creation of a new access, the works have been designed to protect and conserve the historic site whilst ensuring the site has a viable use and is served by a safe access arrangement. On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan and the NPPF.

#### Planning Balance

The application seeks planning permission to convert an existing vacant dilapidated building located within the centre of one of the Council's Local Service Centres to a children's day nursery. The proposed conversion would allow an existing business within the village to relocate, retaining and enhancing this facility for the local community. Although there are no major internal or external alterations proposed to the building to accommodate a change of use a new access and one way system is proposed within the site. The new access point is located away from residential properties and, although the use of the existing access will be reinstated as part of the development, impacts on existing residential properties will be reducing by limiting the existing access as an entrance only.

Extensive discussions have been undertaken as part of this application with both the Highway Authority and the Council's Conservation Officer to secure a position which would ensure a safe access to the site whilst preserving and protecting this key heritage asset by giving the site a viable use. The application has therefore been amended to reflect the original proposal at this site, including a new access and one way system, however the Listed front boundary wall will be retained in its current form resulting in reduced visibility splays to the south of the site. Cumbria Highways have offered no objections to the development subject to a number of conditions to secure the construction and retention of

the proposed access and visibility splay. The Council's Conservation Officer has also offered no objections to the proposal subject to a condition requiring details of the proposed paving materials.

### Conclusion

On balance, whilst some conflicts are identified in terms of the impact on the character of the village and heritage asset these are not considered sufficiently harmful to significantly and demonstrably outweigh the identified benefits of the development, which would include the retention and enhancement of a local facility and the reuse of a Listed vacant dilapidated building within a prominent location within the St Bees Conservation Area, when assessed against the policies in the NPPF taken as a whole.

### **Recommendation**

Approve subject to the following conditions.

### **Conditions:**

#### Standard Conditions:

1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

#### Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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:-
  - Site Location Plan, Scale 1:500, Drawing Number: 2131-100-EX, Revision: A, received by the Local Planning Authority on the 8<sup>th</sup> November 2021.
  - Block Layout Plan as Proposed (Amended), Scale 1:250, Drawing Number: 2131-200-PL, Revision: H, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.
  - Block Layout Plan of Access, Scale 1:100, Drawing Number: 2131-201-EX, Revision: A, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.
  - Site Access as Existing & Proposed (Amended), Scale 1:200, Drawing Number: 2131-EX-101, Revision: A, received by the Local Planning Authority on the 25<sup>th</sup> July 2022.
  - Existing Ground & First Floor Plans, Scale 1:200, received by the Local Planning Authority on the 8<sup>th</sup> November 2021.

- Proposed Ground Floor Plans (Amended), Scale 1:200, received by the Local Planning Authority on the 22<sup>nd</sup> November 2021.
- Flood Risk Assessment, Prepared by SRE Associates November 2021, received by the Local Planning Authority on the 8<sup>th</sup> November 2021.
- Heritage Statement (Amended), Prepared by SRE Associated July 2022, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.
- Planning Statement (Amended), Prepared by SRE Associated July 2022, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.
- Letter from St Bees School, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.

#### 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. The new access road hereby approved must be constructed in accordance with the approved plan 'Block Layout Plan as Proposed (Amended), Scale 1:250, Drawing Number: 2131-200-PL, Revision: H, received by the Local Planning Authority on the 16<sup>th</sup> August 2022', and must be brought into use before work on the development commences.

#### 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.

4. The parking/turning requirements for this site must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

#### Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Policy T1 and DM22 of the Copeland Local Plan.

5. Development must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP must include details of:

- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase
- specific measures to manage and limit the impact on the school, including working hours, any special measures to accommodate pedestrians

Deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

The development must be carried out in accordance with these 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.

Prior to Operation Conditions:

6. The development hereby approved must not become operational until the new access and access road have been completed in accordance with the approved plan 'Block Layout Plan as Proposed (Amended), Scale 1:250, Drawing Number: 2131-200-PL, Revision: H, received by the Local Planning Authority on the 16<sup>th</sup> August 2022'. The access, access road, and parking must be retained in accordance with these approved details at all times thereafter.

Reason

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

7. The development must not become operational until visibility splays providing clear visibility of 56 metres to the west and 4 metres to the east measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. 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. The visibility splays must be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

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

8. The development hereby approved must not become operational until the front sandstone boundary wall to the north of the site has been reduced in accordance with the details set out in the following approved documents:
  - Block Layout Plan as Proposed (Amended), Scale 1:250, Drawing Number: 2131-200-PL, Revision: H, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.
  - Planning Statement (Amended), Prepared by SRE Associated July 2022, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.

The boundary wall should be retained in accordance with these details at all times thereafter.

Reason

In the interests of highway safety in accordance with Policy T1 and DM22 of the Copeland Local Plan, and in the interest of protecting the heritage asset in accordance with Policies ENV4 and DM27 of the Copeland Local Plan.

Other Conditions:

9. The access road and one-way system hereby approved must only be operated in accordance with the details outline within the approved documents:

- Block Layout Plan as Proposed (Amended), Scale 1:250, Drawing Number: 2131-200-PL, Revision: H, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.
- Planning Statement (Amended), Prepared by SRE Associated July 2022, received by the Local Planning Authority on the 16<sup>th</sup> August 2022.

The one-way system must not be altered without the approval of the Local Planning Authority and must be retained at all times.

Reason

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

10. The use of the property hereby permitted must only be open to the public/customers between:

- 07:30am – 18:30pm Monday to Friday;

Reason

To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality.

11. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

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

12. The gradient of the access drive (exit) must be no steeper than 10% for a distance not less than 5m as measured from the carriageway edge of the adjacent highway.

Reason

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

**Informative:**

1. 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 Verges, until you are in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumbria County Councils Street Work's team - [streetworks.central@cumbria.gov.uk](mailto:streetworks.central@cumbria.gov.uk)
2. Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.
3. Any works carried out at this site must be with the agreement and supervision of Network Rail to ensure that the works on site do not impact upon the safe operation and integrity of the existing operational railway.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**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