

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2315/0F1	
2.	Proposed Development:	ERECTION OF THREE DWELLINGS	
3.	Location:	LAND ADJACENT TO SCHOOL HOUSE WITH ACCESS FROM THE B5345, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to a 0.24ha of land located adjacent to School House, located to the north of St Bees.	
		The application site is bounded to the west by the B5345, school buildings to the south and east, and agricultural land to the north. The site is located adjacent to the St Bees Conservation Area, and is enclosed by a combination of established hedgerows and stone walls. The site is significantly sloping away from the adjacent highway, contains a number of well established trees, and was previously used as a golf practice area. An existing single	

storey building finished in render is located within the north east corner of the application site, and will be retained as part of this proposal.

Relevant Planning History

4/20/2357/PIP – Application for permission in principle for three residential dwellings – Allowed on appeal.

Proposal

This application seeks planning permission for the erection of three detached dwellings. These are as follows:

Plot 1: The proposed dwelling will measure 18.4m x 11.2m, with an eaves height of 7m and an overall height of 11m. The development will benefit from a rear facing gable which will project from the rear of the property by 4m and will extend along this elevation by 7.4m, benefitting with an eaves and ridge height match the main dwelling. The proposal will also benefit from an attached garage which will project from the south side elevation by 6.2m and will extend along this elevation by 9.8m, with an eaves height of 3.7m and an overall height of 7.3m. The proposed dwelling will benefit from a flat canopy which will extend along the full width of the door opening projecting from the front elevation by 1.4m. Internally the proposed dwelling will incorporate a hallway, toilet, cloakroom, lounge, open plan kitchen/dining/living room, utility room and shower within the ground floor. The first floor of the development will accommodate an open landing, three double bedrooms, a bathroom, and a master bedroom with ensuite bathroom and dressing room.

Plot 2: The proposed dwelling will measure 15.3m x 10.8m, with an eaves height of 7m and an overall height of 11m. The development will benefit from a rear facing gable which will project from the rear of the property by 4.2m and will extend along this elevation by 7m, benefitting with an eaves height of 7m to match the main dwelling and an overall height of 10.6m. The proposal will also benefit from an attached garage which will project from the north side elevation by 6m and will extend along this elevation by 9.8m, with an eaves height of 3.8m and an overall height of 7.3m. The proposed dwelling will benefit from a flat open porch which will extend along the front elevation by 4m and will project by 1.2m. Internally the proposed dwelling will incorporate a hallway, bedroom with a dressing room and ensuite bathroom, an open plan kitchen/dining/living room, utility room and toilet within the ground floor. The first floor of the development will accommodate a landing, three double bedrooms, a bathroom, and a lounge.

Plot 3: The proposed dwelling will measure 19.2m x 11.6m, with an eaves height of 7.3m and an overall height of 11.4m. The development will benefit from a rear facing gable which will project from the rear of the property by 4m and will extend along this elevation by 7.7m, benefitting with an eaves height of 7.2m and an overall height of 11.2m. The proposed dwelling will benefit from a flat open porch which will extend along the front elevation by 4m and will project by 1.2m. Internally the proposed dwelling will incorporate a hallway,



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cloakroom, office, bedroom with ensuite bathroom and dressing room, open plan kitchen/dining/living room, utility room and bathroom within the ground floor. The first floor of the development will accommodate an open landing, three double bedrooms, a bathroom, a storage room, and a lounge. The proposal will also benefit from a detached garage which will be set back 5.2m from the front elevation and will measure 5.4m x 10.2m with an eaves height of 3.8m and an overall height of 7.4m.

Externally the proposed dwellings will be finished with natural blue/grey slate, black rainwater goods, white fascia, black UPVC windows, and red sandstone detailing. Plots 1 and 2 will be finished with white smooth render and plot 3 will be finished with red brick.

The development will be accessed from the B5345. The access will be located to the south west of the application site and will provide visibility splays of 45.18m to the north and 45.43m to the south. Access to each plot will be from a shared private road which will lead to separate driveways finished with a bituminous surface.

The frontage of the site onto the B5345 is currently bounded by a stone wall and hedge, this will be retained as part of the development. There will be a new hedge proposed along the north and south of the application site. The boundary treatments to the front of each plot will be 900mm brick walls and 1.8m hit and miss fences to the rear.

Consultation Responses

St Bees Parish Council

8th August 2022

Thank you for forwarding the information on this application. The Parish Council has a number of concerns about the plans:-

- This is a very steep site and the floor level at the first property on the approach to the village is 5m below the road level. The only access will be from the B5345. The access will be very close to the start/end of the 30mph zone and there have been concerns for some time about the speed of traffic passing this point. Traffic entering the village is travelling downhill and often exceeds the 30mph limit and traffic leaving the village tends to accelerate as it comes through the series of tight bends. Cumbria Highways are already aware of the concerns of residents of Abbey Vale (opposite) and have put in extra gateway features but an additional access on to the road at this point will only cause further problems. All construction traffic, material deliveries and, when occupied, residents, refuse collection and product deliveries will be via the main road. The current level of detail of the connection to the main road and subsequent on site access road is insufficient and further information is needed.
- The building designs are fairly bland but there is a proposal to use cedar cladding at low level. Whilst this will not be clearly visible from the road, it is not really in keeping

with the buildings within the school boundary. The only building which is not in sandstone is the Whitelaw Building which is constructed in a roseberry coloured facing brick with sandstone lintels and window sills. A similar finish would be more in keeping with the village and existing school buildings on the eastern side of the road travelling from Whitehaven.

- The east facing elevations make extensive use of windows and roof lights which would overlook the school boarding house and other school facilities.

28th March 2023

St Bees Parish Council has considered the additional information submitted to support this application and welcomes the change in the design of the properties to a more traditional style. However, the Parish Council still has serious concerns about drainage issues, particularly the risk that the development could worsen the flood risk for others in the village.

Drainage and flooding are major concerns for residents in St Bees. The drainage strategy report proposes that surface and foul water will be discharged into the combined drain which runs alongside the site. This will put a further burden on the already inadequate infrastructure. As you may know, there was significant flooding in this area over the New Year period when the drainage systems were unable to cope with the heavy downpours. Water backed up from a blockage in the old culvert which is known to run under the development site and was discharged through the verge alongside the road, causing torrents of muddy water to flow down the hill into the grounds of St Bees School and the Priory Church. Repairs to the damage caused over New Year are still outstanding. (We have some video and photographic evidence of the flooding, if this would be useful to you.) Although the drainage strategy does not propose to use this culvert, there is concern that any blockage in the culvert would undoubtedly cause damage to the road infrastructure and property. There is no information within the application about the current state of the culvert and no indication of how it would be protected from damage during construction and afterwards, although it is clear from the plans that there will be construction works over/close to the culvert.

It is proposed that a management company would be set up to manage the drainage systems in the longer term. If the application is approved, the Parish Council would wish to be assured that the arrangements are robust and will continue in perpetuity.

The drainage strategy report also recommends the use of permeable paving as a treatment for surface water. We have photographic evidence of the amount of rubble and soil which ran down the B5345 during the recent floods, entering every opening in the road on its downward

path. It seems unlikely that the use of permeable paving would be effective, once blocked by detritus.

In summary, if the application is approved, the Parish Council would wish to see a CCTV survey and condition report on the old culvert together with details of how the culvert would be protected during and after the construction phase.

Cumberland Council – Cumbria Highways & LLFA

12th August 2022

The access from the B5345 Highway maintainable at public expense 20mph speed road to the private site. The required visibility splay for a 20mph speed road should be 25m at the minimum in both direction back by 2.4m and at a height of 1.05m above the carriageway. Drivers need to be able to see obstructions 2m high down to a point 600mm above the carriageway. The latter dimension is used to ensure small children can be seen. Within the visibility splay or sight line envelope there should be no obstructions to vision such as walls or vegetation etc within the vertical profile. If any obstructions need to be reduced or removed within the visibility splay, it should be within the applicants ownership.

If the road is within the 30mph speed limit the required visibility splays are 60m at the minimum in both direction.

If the required visibility splays cannot be achieved, we would strongly recommend they carry out a speed survey or show speeds reflect the required visibility splays.

Upon receipt of a plan showing appropriate visibility splays, we will be better placed to submit our final comments.

14th March 2023

Thank you for submitting the visibility plans but unfortunately as there are no measurements on them I am unable to determine if the proposal is acceptable.

Please could the applicant submit these plans and the Highway Authority can make further comments.

14th March 2023

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

Visibility splays shown on Drawing Number 2068.017d are considered acceptable.

16th March 2023

I can confirm that we have no objections to the proposal, subject to the inclusion of conditions relating to visibility splays, surfacing of the access drive, and measure to prevent surface water discharge onto the highway.

12th April 2023

I can confirm that the response made to the previous application on 16th March 2023 should still apply.

United Utilities

22nd August 2022

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the proposed drainage scheme is secured by condition.

28th March 2023

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the proposed drainage scheme is secured by condition.

2nd May 2023

United Utilities have no further comments to add to our response 28 March 2023.

Cumberland Council – Flood and Coastal Defence Engineer

15th August 2022

With regards to the above application, I am seeking clarification and further information specifically around an existing culvert on site:

- The drainage strategy report states that an existing culvert was discovered during site investigations. It states that this flows along the western boundary and it also states that it flows eastward. This appears to be contradictory, as a culvert on the western boundary would flow northwards or southwards. Can this be clarified.,
- Can the location of the culvert be plotted on the drainage plan.
- If the greenfield runoff from the site forms part of the catchment of the culvert, then following the principles of NPPG, suitable drainage design would reduce flood risk from the culvert by reducing the flow rate through it.
- Is the full cause of the downstream flooding known?
- What provision has been made to protect the culvert from damage during construction and for its maintenance in the future?

At this time, I am of the opinion that there hasn't been sufficient evidence provided to exclude the culvert as a means of surface water disposal.

17th March 2023

With regards to the above application and the additional and amended information, my previous comments seeking clarification and further information specifically around an existing culvert on site are below and have been updated in [blue](#):

- The drainage strategy report states that an existing culvert was discovered during site investigations. It states that this flows along the western boundary and it also states that it flows eastward. This appears to be contradictory, as a culvert on the western boundary would flow northwards or southwards. Can this be clarified. [This has been clarified and the plan referred to below shows the route of the culvert.](#)
- Can the location of the culvert be plotted on the drainage plan. [A plan of the route of the culvert has been provided in the Drainage Strategy Report.](#)
- If the greenfield runoff from the site forms part of the catchment of the culvert, then following the principles of NPPG, suitable drainage design would reduce flood risk from the culvert by reducing the flow rate through it. [Investigations show that the site does not currently drain into site. Based on its condition, the decision not to discharge into it would be the sensible option.](#)

- Is the full cause of the downstream flooding known? This has been confirmed as deteriorating pipework leading to blockages.
- What provision has been made to protect the culvert from damage during construction and for its maintenance in the future? This has not been addressed, but can be addressed within an construction management plan, and included in conditions, should planning permission be granted.

Fresh comments are below, with anything that needs to be addressed show in blue:

- Infiltration has been discounted as a means of surface water disposal
- A climate change allowance of 40% has been used, when the latest guidance asks for 50%. This needs to be updated.
- Urban creep has been taken into account.
- Drainage systems within the site are separate foul and surface water and are to remain private and maintained by a newly formed management company.
- SUDS have been considered on site, but only underground storage tanks and permeable paving being viable for the site.
- A SUDS maintenance schedule has been included.

The only matters that remain outstanding are:

- The latest climate change figure should be used in surface water calculations.
- Means or protecting the existing culvert through site should be included, although a full replacement through site is an alternative option.

5th April 2023

I'm happy with the latest information provided, as it satisfies my outstanding concerns.

With regards to the existing culvert, it can be dealt with by a condition, but can it be confirmed that going forward that it will be dealt with by the proposed management company?

As a culvert it is subject to riparian ownership and although within the site, it is outside the plot boundaries.

Suggested wording for the Condition:

Measures to protect the culvert within the site during the construction phase needs to be submitted to the Planning Authority and must be to the satisfaction of the LLFA. Confirmation of arrangements for on-going maintenance of the culvert within the site boundary should be submitted.



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Cumberland Council – Conservation Officer

20th September 2022

Having looked through the proposals, I think there are some concerns, primarily relating to the lack of much obvious connection between the buildings and the place, either at site, locale or town scale. Additionally, there is still a certain awkwardness to them that could benefit from further iteration.

I appreciate that there are constraints, and I wouldn't as a general rule propose a shallow, imitative form of contextualisation. However the designs have some aspects that might provoke question, and the supporting docs aren't very supportive on that topic. As paragraph 134 of the NPPF is clear that development that is not well designed should be refused, both the drawings and the supporting documentation should evidence a robustness that can survive scrutiny.

For example, I wonder about the reasoning behind the fenestration and materiality. The supporting documentation leaves that up to interpretation. Additionally, the proportioning of openings and secondary volumes seems at odds with those of the principle volumes; I wonder if the inelegant appended garages and banded sections could be handled more neatly.

Although I'm not a landscape architect, given that the site has quite a strong leafy character of its own – it almost feels like a clearing in a woodland – potentially the planting and landscaping scheme could be a way of bringing out the site's character and strengthening the proposals. The process of clearing the site and building will probably be quite a shock to local residents as it will necessarily change the site's appearance so much for a while, and a strong landscape/planting scheme may help to lessen their concern.

A good approach in revising the proposals would be through the principles of the National Design Guide, as this should enable any problems with the robustness of the proposal to be drilled into. Introducing the interns to it could be useful to them too if they're not familiar, and I tend to find it helpful in assessing submissions like this.

24th October 2022

This response appears helpful in the sense it provides some reasoning. However, there are three main areas that can be pushed back on. Firstly it's questionable to say that imitating neighbouring buildings is the same thing as responding to them. Secondly, it would be wrong to write off the whole of Abbey Vale as "bad" without looking at it in more detail. And thirdly the depth of the imitation shown so far is questionable. For instance, 40 deg. would be on the shallow side for a Victorian roof, and 30 would be unheard of unless you're talking about Italianate architecture. The buildings of the school (the 1842 and 1879 schemes at least) can probably mostly be described as Jacobethan, a 19th century revival style that blurred the boundaries between Elizabethan (i.e. late Tudor) and the subsequent Jacobean styles. Of course, the west building of the school quad is a genuine Elizabethan building. Jacobethan is

characterised by Tudor arches (flattened four-centred arches), drip mouldings, steeply pitched roofs (perhaps 45-55 deg.), parapets, chimneys, porches, mullioned and transomed windows often in canted bays and ornate, complex rooflines. Aside from the vaguely mid-century houses of Abbey Vale, the other domestic buildings nearby are 17th and 18th century houses of and around Abbey Farm, which appear today roughly speaking in a Georgian style.

It strikes me that this site is a transition between the school/conservation area and the later buildings of Abbey Vale to the west of the road. It's true that Abbey Vale isn't coherent overall, contains a lot of poor and mediocre architecture and exerts too strong a presence over the valley. However, it's also true to say that it contains architecturally interesting elements and that if it does present a problem overall in townscape terms a job of new development on an adjacent site may be to try and enhance its characteristics.

A quick glance at Abbey Vale suggests there is good character – use of levels and vegetation, interesting treatments of lateral walls as architectural elements, use of jettying, a lively material palette featuring brick, render, pebbledash, hung tile, symmetry of façade, use of deep eaves. These owe a modest debt to the mid-century modern architectural movement which has been experiencing something of a renaissance in recent years. I wonder if the potential of a design to playfully combine mid-century residential elements with 19th century institutional elements could be really interesting, and complement the surroundings to both sides? (Bearing in mind we are talking about institutional architecture, not domestic architecture, if we're talking about the school.)

As the NPPF was updated in 2021 to say that "Development that is not well designed should be refused", the bar is higher on design quality than it has been in previous years and the application will need to demonstrate adeptness in response to context, identity and built form, facilitation of movement, relationship to nature, interface with the public realm (i.e. the street), attention to detail with respect to servicing, bicycle and bin storage etc., resilience and durability.

21st March 2023

Conclusion: No objection

Assessment:

- New designs have been received in a traditionalist style.
- NPPF 134 poses the biggest challenge for these houses as it's difficult to call them well designed when they're so perfunctory. Probably specifying three standard, detached houses is the first stumbling block as it drives the design process down a pathway taken before on thousands of other sites that aren't this one; in other words, they're generic and therefore by definition not contextual.
- The site is outside the conservation area and within the wider setting of grade II listed Abbey Farmhouse, although making only a small contribution.



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- The overall result is likely to be unobtrusive and superficially in keeping with its surroundings, but represents a missed opportunity to do something truly innovative on this constrained and unusual site.
- However, given the market demand for detached houses with small fenced gardens, this proposal should be considered adequate.

Historic England

2nd August 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/>

10th March 2023

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.

Sports England

3rd August 2022

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 99 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or

Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

9th March 2023

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

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Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design>

Arboricultural Consultant – Capita

24th May 2023

Following our site visit, we have the following comment/observation to make on the proposed development.

This proposed site layout involves the removal of some low-quality trees to create sufficient clearance to construct the proposed development. It also involves retaining some trees along the boundaries and in adjacent properties.

The applicant has submitted a Tree Report assessing the impacts of the proposed development. The report does not provide any tree protection measures to minimise the impact of the development on the retained during construction.

RECOMMENDATIONS

We recommend attaching a condition to any planning permission asking the applicant to submit an Arboricultural Method Statement in accordance with the British Standard – BS5837 (2012) *Trees in relation to design, demolition and construction – Recommendations*. It must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work. The tree protection barriers must be erected prior to any construction work on-site and maintained for the duration of the construction operations. This Method Statement must be submitted to the Local Planning Authority and approved in writing prior to the commencement of any work on-site.

We recommend attaching a condition to any planning permission asking the applicant to submit a detailed Landscape Plan which should be approved in writing by the Local Planning Authority prior to the commencement of any work on-site. The Landscape Plan should give the locations and a detailed plant specification for the proposed trees and shrubs, and planting method statement, and a five year maintenance plan.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to twenty-eight properties. Six letters of objection have been received to this application raising the following concerns:

- Access issues/concerns.
- That corner of the road is a deathtrap. Cars motorbikes speed round the corner towards Whitehaven at unbelievable speeds.
- The speed limit is not 30mph.
- This area is used as a rat run and is busy with tourists.
- There has been people nearly ran over but nothing has been done.
- Access should be through the school not the B5345.
- There is already an access point from the Abbey Vale Estate onto the B5345, the residents on this estate take their life in their hands every time they pull out onto this road.
- The existing estate of Abbey Vale is difficult to turn onto and from the B5345.
- Another access directly opposite this junction is utter madness as it compromises the safety of road users.

- It is an accident waiting to happen.
- Creation of a staggered crossroad which would be dangerous to road users.
- The access is before a blind bend and any car overtaking at this point due to a car turning onto the proposed entrance would not see a vehicle coming from the other direction.
- Traffic calming is needed on this section of the road with speeds reduced to 20mph.
- There is already an existing road network onto the school complex, which is well used and much safer, this would be a safer option for the three dwelling rather than the down hill/up hill section of the B53345.
- There would be little impact from three dwellings through the school as the swimming pool, gym and other facilities already use this access.
- Appeal decision stated that safety issues for the access and highway safety can be addressed at the detailed application stage. This application makes no attempts to do this as there is poor visibility from the access, there is a nearby junction, and there are no service bays provided which will lead to dangerous parking and overtaking.
- Lack of visibility prevent traffic seeing road users.
- Environmental impact from loss of trees and wildlife habitat.
- There is no protection for existing trees and no new planting to mitigate the effects of the development.
- Overall change of look at this side of St Bees Village being a Conservation Area.
- Details within the appeal decision have not been met. The decision highlighted the need for a sympathetic design that considered the topography of the site to create a feasible high quality design to complement the character and appearance of the Conservation Area.
- The proposal uses materials which are not aligned with the character and appearance of the conservation area or comply with the Conservation Design Guide.

Following reconsultation on the amended/additional plans for this application two letters of objection were received which raised the following concerns:

- My objection is the access to the B5345 which will essentially make a staggered junction.
- Dangerous access existing road users turning out of Abbey Vale.
- Another entrance to the estate, however small, will be a traffic hazard.

- Near a blind bend.
- Road users don't stick to speed limits.
- More accidents will be created.

Two letters of support were also received for this reconsulations which raised the following points:

- Due to the small size and scale the development would not impact adversely on any aspects of the village as it exists.
- Tasteful design and uniformity of the dwellings would present a good first impression of quality builds on one of the main access road into the village which hasn't always been the case.
- Hopefully this will encourage future small scale developer to adopt a similar approach with new dwellings to enhance the appearance of the village to the benefit of the resident and visiting communities.
- Making use of a piece of ground that suffers from neglect and lack of upkeep by building these well designed and traditional looking homes makes good sense and will also enhance the look of the village.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

Policy SS2 – Sustainable Housing Growth

Policy SS3 – Housing Needs, Mix and Affordability

Policy T1 – Improving Accessibility and Transport

Policy ENV1 – Flood Risk and Risk Management

Policy ENV4 – Heritage Assets

Policy ENV5 – Protecting and Enhancing the Borough's Landscapes

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM12 – Standards of New Residential Developments

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM26 – Landscaping

Policy DM27 – Built Heritage and Archaeology

Policy DM28 – Protection of Trees

Other Material Planning Considerations

National Planning Policy Framework (2021)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

	<p>Planning (Listed Building and Conservation Areas) Act 1990</p> <p>Conservation Area Design Guide SPD (Adopted December 2017)</p> <p><u>Emerging Copeland Local Plan 2021 - 2038 (ELP)</u></p> <p>Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.</p> <p>The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.</p> <p>As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.</p> <p>Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.</p> <p>Strategic Policy DS1PU: Presumption in favour of Sustainable Development</p> <p>Strategic Policy DS2PU: Reducing the impacts of development on Climate Change</p> <p>Strategic Policy DS3PU: Settlement Hierarchy</p> <p>Strategic Policy DS4PU: Settlement Boundaries</p> <p>Strategic Policy DS5PU: Planning Obligations</p> <p>Policy DS6PU: Design and Development Standards</p> <p>Policy DS7PU: Hard and Soft Landscaping</p> <p>Strategic Policy DS8PU: Reducing Flood Risk</p> <p>Policy DS9PU: Sustainable Drainage</p> <p>Strategic Policy H1PU: Improving the Housing Offer</p> <p>Strategic Policy H2PU: Housing Requirement</p> <p>Strategic Policy H3PU: Housing delivery</p> <p>Strategic Policy H4PU: Distribution of Housing</p> <p>Strategic Policy H5PU: Housing Allocations</p>
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Policy H6PU: New Housing Development

Policy H7PU: Housing Density and Mix Strategic

Policy H8PU: Affordable Housing

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2PU: Local Nature Recovery Networks

Strategic Policy N3PU: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy BE1PU: Heritage Assets

Policy BE2PU: Designated Heritage Assets

Policy BE3PU: Archaeology

Policy BE4PU: Non- Designated Heritage Assets

Assessment

The key issues raised by this application relate to the principle of the development; housing need; settlement character, landscape and visual impact; the scale, design, and impact of the development; impact on Conservation Area and Heritage Assets; access, parking, and highway safety; and drainage and flood risk.

Principle of Development

The application site lies within the defined settlement boundary for St Bees, which is classified as a Local Centre under Policy ST2 of the Copeland Local Plan. Policy ST2 seeks to support appropriately scaled development in defined Local Centres which helps to sustain services and facilities for local communities. In respect of housing development, the following is identified as appropriate: within the defined physical limits of development as appropriate; possible small extension sites on the edges of settlement; housing to meet general and local needs; and, affordable housing and windfall sites. Policy DS3PU of the Emerging Local Plan continues to identify St Bees as a Local Service Centre.

Policies ST1 and ST2 along with Policies SS1, SS2, and SS3, seek to promote sustainable development to meet the need and aspirations of the Borough's housing market. These policies further concentrate development within the defined settlement boundaries in accordance with the Borough's settlement hierarchy. The NPPF also seeks to support the Government's objective of significantly boosting the supply of housing through sustainable development.

The principle for developing this site for residential purposes has been established by an appeal decision (ref: APP/Z0923/W/20/3263855) issued in April 2021 which granted

permission in principle for three residential dwellings on this land.

Housing Need

Policy SS3 of the Local Plan requires housing development to demonstrate how proposals will deliver an appropriate mix of housing as set out in the SHMA.

St Bees falls within the Whitehaven Housing Market Area (HMA) of Copeland Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of three bedroom houses, semidetached and detached houses with four or more bedrooms and bungalows and is identified as having a high need for new affordable housing.

The scale of the proposed development comprising of three four bedroomed detached dwelling is appropriate to the scale and designation of St Bees as a Local Centre.

No affordable housing is proposed as the development falls below the threshold for provision.

The proposed development will reasonably assist in providing housing that will help meet the identified housing need in accordance with the provisions of Policy SS3 of the Copeland Local Plan and Paragraph 61 of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 states that the Borough's landscapes will be protected and enhanced by: protecting all landscapes from inappropriate change by ensuring that the development does not threaten or detract from the distinctive characteristics of that particular area; that where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site; and, supporting proposals which enhance the value of the Borough's landscapes.

Policy DM10 seeks that development responds positively to the character of the site and the immediate and wider setting and enhances local distinctiveness including: an appropriate size and arrangement of development plots; the appropriate provision, orientation, proportion, scale and massing of buildings; and, careful attention to the design of spaces between buildings.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 4 'Coastal Sandstone'. The Key Characteristics of the land comprise: coastal sandstone cliffs, sandstone rolling hills and plateaus, large open fields, prominent hedge banks bound pastoral fields, small woodland blocks along valley sides, and exposed coastal edge moving to intimate and enclosed farmland inland.

The Guidelines for development include: strengthen definition between town and country by using extensive buffer planting to screen the built up areas and reduce the impact of industry, improve visual containment of caravan parks close to the coast with landscape works and discourage further large scale developments, such as wind energy, in prominent coastal locations, conserve and enhance the traditional farm buildings and features within their own

setting, and reduce the impact of any new buildings by careful siting and design.

The application site lies on the northern edge of the built up area of St Bees, adjacent to a number of existing residential dwellings and St Bees School. The land comprises of a greenfield former golf practice area, enclosed by established trees and shrubs, which makes a positive contribution to the character of the settlement of St Bees particularly in the elevated views on entry to the settlement from the B5345. This area of St Bees is characterised by detached dwellings set back from the B5345. The proposed development of three large detached dwellings would reflect the existing character of the area. The proposed dwellings are to be located within the existing settlement boundary, with the site not projecting beyond the existing dwellings within the residential estate of Abbey Vale or the adjacent School buildings. The development would therefore not be considered to result in a major intrusion into the open countryside and would be viewed against the backdrop of these existing properties. The site also significantly slopes away from the highway, which results in the proposed properties being at a lower level than the highway lessening the impact of the proposal. The existing and additional landscaping proposed as part of this application will also help to lessen the impact on the character and surrounding landscape.

In order to accommodate the proposed development, the application seeks removal of some trees to create clearance to construct the proposed dwellings and seeks to retain some trees along the boundaries and within adjacent properties. The Council's consultant arboriculturalist has reviewed this proposal and has confirmed that the trees to be removed are low-quality. The consultant has also confirmed that whilst a tree report has been submitted to support this application, the report does not provide any tree protection measures to minimise the impact of the development on the retained trees during construction. Based on this the consultant has requested conditions to secure an arboricultural method statement, and a landscape and maintenance plan.

The proposal is therefore considered to comply with policies ST1, ENV5 and DM26 of the Copeland Local Plan, Policy N6PU of the Emerging Local Plan and provision of the NPPF.

Scale, Design and Impact of Development

Within the Copeland Local Plan, Policies ST1, DM10, DM11, and DM12 of the Local Plan, and section 12 of the NPPF seek to secure high standards of design for new residential properties. These policies seek to create and maintain a reasonable standard of amenity, and set out detailed requirements with regard to standard of residential amenity, including the provision of parking spaces, separation distances and open space.

As part of this application process extensive discussions have been undertaken with the agent with regard to the overall design of the proposed three detached dwellings. As part of the original submission, a modern design was proposed for the dwellings which included non-traditional materials, such as timber cladding, and a significant amount of glazing. Following

concerns raised by the case officer and statutory consultees, the designs of the proposed dwellings were amended to ensure the development reflected the traditional character of St Bees, including the use of traditional materials, alterations to fenestration patterns, insertion of chimneys, alteration to roof pitches, and reflection of solid void relationships. Based on these amendments, it is considered that the proposed development is of a suitable scale and design which is considered to reflect the character of the surrounding area. The existing hedgerow and stone wall to the front of the application site is also to be retained, ensuring that the existing traditional boundary which contributes to the character of the area is maintained as part of this development. This retention will also be secured by an appropriately worded planning condition. A condition will also be placed on any decision notice to secure full details of the proposed materials for this development as although the application makes reference to the use of traditional materials specific details have not been provided.

Concerns were also raised by the Parish Council regarding to the separation between the proposed dwelling and the adjacent school, particularly given the amount of glazing proposed within the rear elevations. Based on these concerns the agent for this application has submitted a site plan to show the proposed separation distances. This plan clearly shows that the development complies with the separation distances set out within Policy DM12 of the Copeland Local Plan. The amended design of the dwellings reduces the amount of glazing within the rear elevations therefore reducing the perception of overlooking. Additional boundary treatments to the rear of the site will also help mitigate against overlooking and will be secured by an appropriately worded planning condition.

On the basis of the amended detail for this application and the proposed conditions, it is considered that the development would be in accordance with Policies DM10 and DM12 of the Copeland Local Plan, Policies DS6PU and H6PU of the Emerging Local Plan, and 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 192 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. 193 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. 196).

Paragraph 197 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.

Initially, the Conservation Officer raised concerns with the application in relation to the overall design of the proposed dwellings. These concerns centred around the connection between the proposed buildings and the place. The Officer stated that there was a certain awkwardness to the proposed dwelling, with the design, fenestration patterns or materiality justified within the supporting documents. Following these concerns extensive discussions have been undertaken with the agent with regard to the overall design of the proposed three detached dwellings, and amended plans were submitted to reflect the traditional character of St Bees. Based on these amendments the Council’s Conservation Officer offered no objections to the proposal.

As part of the previous appeal decision for this application the Inspector noted the LPA’s concerns regarding the impact of the development upon the Conservation Area and nearby Heritage Assets. The Inspector concluded that with a sympathetic design and consideration of the topography of the site, it would be feasible for a high-quality scheme to be provided that would complement the character and appearance of the conservation area and St Bees School. The amended scheme for this site is now considered to be in keeping with the surrounding area, therefore the impact of the proposed on the setting of the Conservation Area would be neutral.

On the basis of the above it is considered that the proposal complies with policies of the Copeland Local Plan, Policies BE2PU of the Emerging Local Plan and the NPPF.

Access, Parking and Highway Safety

Policy T1 of the Core Strategy requires mitigation measures to be secured to address the impact of major housing schemes on the Boroughs transportation system. Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context.

The development for three dwellings will be accessed from the B5345 to the south west of the application site providing visibility splays of 45.18m to the north and 45.43m to the south. Access to each plot will be from a shared private road which will lead to separate driveways for each dwelling.

Although concerns have been raised from local residents and the Parish Council with regard to the access to the site, the Highway Authority have offered no objections to the proposal following the submission of a plan showing the required visibility splays. The Highway Authority have however requested condition to secure visibility splays, surfacing of the access drive, and measure to prevent surface water discharge onto the highway. The inclusion of appropriately worded planning conditions to secure these details will overcome concerns relating to the safety of the proposed access as adequate visibility splays can be secured and retained for the development. On this basis the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Policy CO7PU of the Emerging Local Plan and the NPPF.

Drainage and Flood Risk

Policy ST1B(ii) and paragraph 163 of the NPPF seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policy ENV1 and DM24 of the Copeland Local Plan reinforces the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, however the Council's Flood and Coastal Defence Engineer, Lead Local Flood Authority and United Utilities have been consulted upon this application.

As part of the application, it is proposed that the foul and surface water from the development would be disposed of by the existing mains combined sewer. Although UU offered no objections to this the Council's Flood and Coastal Defence Engineer raised concerns with the proposed drainage strategy as he didn't believe that there had been sufficient evidence provided to exclude the existing culvert within the site as a means of surface water disposal. Based on these concerns an amended drainage strategy was submitted which provided confirmation of the location of the culvert and that the site is currently not drained via the existing culvert. Due to this it was still proposed that surface water could still be disposed of via the combined sewer at a maximum of the greenfield runoff rate of 3l/s, with a SUDs system of underground storage tanks and permeable paving being considered viable for this development. Based on this amended information UU, the LLFA, and the Council's Flood and Coastal Defence Engineer offered no objections to the proposal but requested that the proposed drainage for the site is secured and retained via an appropriately worded planning condition.

The Parish Council however maintained their concerns with regard to the proposed drainage at this site. They also raised concerns regarding the condition and maintenance of the existing culvert, which was echoed by the Council's Flood and Coastal Defence Engineer. The agent for this application confirmed that the management of the culvert would be via a management company and agreed to conditions to secure the surveying of the culvert and its management during and after construction.

On this basis, the imposition of these conditions will secure proper drainage within the site, will manage the risk of flooding, and will protect the existing culvert within the development site, ensuring that the development complies with Policy ENV1 and Policy DM24 of the Copeland Local Plan, Policy DS8PU of the Emerging Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application site is located within the defined settlement boundary for St Bees which is identified as a Local Service Centre where new housing is supported. The principle for developing this site for residential purposes has been established by a recent appeal decision which granted permission in principle for three residential dwellings.

Extensive discussions have been undertaken with the agent for this application in order to secure a design for this proposal which reflects the traditional character of St Bees and the adjacent Conservation Area. The original modern proposals have been replaced with dwelling finished with traditional materials and features. Traditional materials and existing and proposed boundary treatment will be secured by appropriately worded planning conditions. The Council's Conservation Officer has also confirmed that he has no objections to the development based on the amended scheme.

The proposal for three detached dwelling is considered to reflect the character of the existing area and will not project beyond the existing settlement boundary or existing residential properties adjacent and are therefore not considered to result in significant intrusion into the open countryside and would be viewed against the backdrop of existing dwellings within this part of the village.

Although concerns were raised from the public and Parish Council regarding drainage and highway safety, statutory consultees including the Highway Authority, UU and Flood and Coastal Defence Engineers have offered no objections to the application. Appropriately worded planning conditions will be utilised to secure required visibility splays, culvert maintenance and drainage schemes.

On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.

8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"> The development hereby permitted must be commenced before the expiration of three years from the date of this permission. <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- <ul style="list-style-type: none"> - Location and Block Plan (Amended), Scale 1:500 & 1:1250, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023. - Proposed Site Plan (Amended), Scale 1:200, Drawing No: 010, Rev: D, received by the Local Planning Authority on the 7th March 2023. - Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023. - Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023. - Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: F, received by the Local Planning Authority on the 1st March 2023. - Site Sections (Amended), Scale 1:100, Drawing No: 012, Rev: E, received by the Local Planning Authority on the 7th March 2023. - Site Section Plan (Amended), Scale 1:200, Drawing No: 013, Rev: D, received by the Local Planning Authority on the 7th March 2023. - Tree Removal Plan (Amended), Scale 1:200, Drawing No: 014, Rev: C, received by the Local Planning Authority on the 7th March 2023. - Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023. - Proposed Drainage Plan (Amended), Scale 1:200, Drawing No: 22-C-16630-02, Rev: E, received by the Local Planning Authority on the 3rd March 2023. - Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023. - Design Statement & Character Appraisal (Amended), Prepared by Ashwood Design Associates LTD, received by the Local Planning Authority on the 23rd



Cumberland Council

February 2023.

- Tree Survey Topographical Survey, Scale 1:200, Drawing Number, 060521-BLOSS-STBEE-TOPO-001, received by the Local Planning Authority on the 4th November 2022.
- Tree Survey Site Plan, Scale 1:500, received by the Local Planning Authority on the 28th October 2022.
- Tree Survey, received by the Local Planning Authority on the 28th October 2022.
- Material Schedule, received by the Local Planning Authority on the 11th January 2023.
- Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023.
- Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023.
- Micro Drainage Calculations, Prepared by A L Daines & Partners, received by the Local Planning Authority on the 3rd April 2023.

Reason

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

Pre Commencement Conditions:

3. The development hereby approved must not commence until visibility splays providing clear visibility as shown on approved plan 'Visibility Splays (Amended), Scale 1:200, Drawing No: 017, Rev: D, received by the Local Planning Authority on the 14th March 2023' of 45 metres in both directions measured 2.4 metres down the centre of the access road and the nearside channel line of the major road 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. The visibility splays must be retained at all times thereafter.

Reason

In the interests of highway safety.

4. Details of all measures to be taken by the applicant/developer to prevent surface water

discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. The development hereby approved must not be commenced until a scheme detailing the following has been submitted and approved in writing by the Local Planning Authority:
- Measures to protect the culvert within the application site during the construction phase of the development;
 - Confirmation of arrangements for on-going maintenance of the culvert within the site boundary upon completion of the development.

The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme.

6. The development hereby approved must not commence until an Arboricultural Method Statement, in accordance with the British Standard – BS5837 (2012) *Trees in relation to design, demolition and construction – Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include details of suitable tree protection barriers, a scaled and dimensioned tree protection plan showing the locations of the protective barriers, and a detailed schedule of the tree work. The development must be carried out in accordance with the approved method statement at all times thereafter, and any approved tree protection measures/barriers must be erected prior to any construction works on the site and must be maintained for the duration of the construction operations.

Reason

To adequately protect the existing trees on site

7. The development hereby approved must not commence until a full landscape plan has been submitted and approved in writing by the Local Planning Authority. The landscaping plan must include the locations, a detailed planting specification, and a

planting method statement for the proposed landscaping at this site. The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To enhance the appearance of the development in the interests of visual amenities and to ensure a satisfactory landscaping scheme.

8. The development hereby approved must not commence until a schedule of landscape maintenance has been submitted to and approved in writing by the Local Planning Authority. The schedule must include details for its implementation. The development must be completed in accordance with any approved details and must be retained for the lifetime of the development.

Reason

To ensure the implementation of a satisfactory landscaping scheme.

Prior to Erection of External Walling Conditions

9. No superstructure must be erected until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development must be completed in accordance with the approved details of materials and must be retained for the lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Prior to Occupation Conditions:

10. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the following approved documents:

- Drainage Strategy Report (Amended), Prepared by A L Daines & Partners October 2022, received by the Local Planning Authority on the 17th February 2023.
- Proposed Drainage Plan (Amended), Scale 1:200, Drawing No: 22-C-16630-02, Rev: E, received by the Local Planning Authority on the 3rd March 2023.

For the avoidance of doubt surface water must drain at the restricted rate of 3l/s. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the

development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

11. 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 and approved in writing by the Local Planning Authority. 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.

12. The access drive must be surfaced in bituminous or cement bound materials, or otherwise bound and must be constructed and completed before the development is brought into use. This surfacing must extend for a distance of at least 5.0 metres inside the site, as measured from the carriageway edge of the adjacent highway.

Reason

In the interests of highway safety.

13. The new access and access road hereby approved as detailed on the approved plan 'Road Details (Amended), Scale 1:100, Drawing No: 015, Rev: D, received by the Local Planning Authority on the 7th March 2023', must be constructed, completed and brought into use prior to the occupation of any dwelling hereby permitted. The access road must remain operational as approved at all times thereafter.

Reason

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

14. Prior to the first occupation of any dwelling hereby approved, the boundary treatment at this site must be installed in accordance with the approved plans 'Proposed

Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'. Once installed the boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

To protect residential amenity.

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

- Proposed Property – Plot 1 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 2 (Amended), Scale 1:100, Drawing No: 005, received by the Local Planning Authority on the 17th February 2023.
- Proposed Property – Plot 3 (Amended), Scale 1:100, Drawing No: 006, Rev: F, received by the Local Planning Authority on the 1st March 2023.

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

Reason

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

16. Before the development becomes operational, the section of the culvert within the development site must be surveyed by CCTV to ensure that damage to the culvert has not occurred during construction. Should damage be identified, this must be repaired to a satisfactory standard in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a satisfactory drainage scheme.

Other conditions:

17. The development hereby approved must be completed in accordance with the approved materials detailed within the approved documents:

- Material Schedule, received by the Local Planning Authority on the 11th January 2023.

The development must be retained in accordance with these approved details for the

lifetime of the development.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

18. Any access gates installed within the site must be of a style which do not open onto the shared access and must be retained as such at all times thereafter.

Reason

In the interest of highway safety.

19. The existing boundary wall and hedgerow along the west boundary of the site must be retained at all times in accordance with the details submitted in the approved document 'Proposed Boundary Treatment Plan (Amended), Scale 1:200, Drawing No: 016, Rev: B, received by the Local Planning Authority on the 7th March 2023'.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity.

Informatives:

1. Any works within the Highway must be agreed with the Highway Authority. No works and/or any person performing works on any part of the Highway, including Verges, will be permitted, until in receipt of an appropriate permit allowing such works. Enquires should be made to Cumbria County Councils Streetwork's team.
2. 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

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



**Cumberland
Council**

	to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
Case Officer: C. Burns		Date : 30.05.2023
Authorising Officer: N.J. Hayhurst		Date : 02.06.2023
Dedicated responses to:-		