

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2086/0B1	
2.	Proposed Development:	VARIATION OF CONDITIONS 2, 3, 4, 5, 6, 7, 8, 9 AND 11 OF PLANNING APPLICATION 4/21/2369/0R1 (RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 4/20/2491/001 FOR RESIDENTIAL DEVELOPMENT)	
3.	Location:	LAND TO THE SOUTH OF SOUTHRIGG, NETHERTOWN ROAD, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
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	<p>The application site relates to an area of agricultural land which fronts onto Nethertown Road on the southern edge of St Bees. The sloping site covers an area of 0.41 hectares, and adjoins the curtilage of the existing dwelling known as Southrigg immediately to the north. The site is located adjacent to the existing settlement boundary for St Bees and is bound to the north and east by residential properties, to the south by open countryside and to the west</p>	

by Nethertown Road. The properties located to the east of the application site are set at a higher level than the application site and the existing properties on Nethertown Road.

Relevant Planning History

4/98/0656/0 – Outline for one residential unit – Refused.

4/01/0841/0 – Outline for one residential unit – Refused.

4/20/2491/0O1 – Outline application for residential development – Approved.

4/21/2368/0O1 – Outline application for a residential development with all matters reserved – Approved.

4/21/2369/0R1 – Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Residential development – Approved.

4/22/2300/0R1 – Reserved matters relating to access only pursuant to outline planning approval 4/21/2368/0O1 for residential development – Withdrawn.

4/22/2377/0B1 – Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Withdrawn.

4/22/2378/0B1 - Variation of condition 2 (to revise design of house types) of planning approval 4/21/2369/0R1 - Application for approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning app 4/20/2491/0O1 – Withdrawn.

4/23/2100/0R1 – Reserved matters application relating to access, road layout & drainage only pursuant to outline planning approval 4/21/2368/0O1 for residential development – Ongoing.

Proposal

In May 2022 an application for the Approval of Reserved Matters (ref: 4/21/2369/0R1) was granted for details of access, appearance, landscaping, layout and scale following outline planning approval 4/20/2491/0O1 for a residential development of three dwellings.

This current application seeks to vary condition 2 relating to the submitted plans for this development to allow for a change in house type for each plot. The application also seeks to vary conditions 3, 4, 5, 6, 7, 8, 9 and 11 of planning approval 4/21/2369/0R1, which state the following:

Pre Commencement Conditions:

3. The development hereby approved must not commence until visibility splays providing clear visibility as shown on the approved plan 'Site Plan (Amended), Scale 1:100, Drawing No: 022, Rev: D, received by the Local Planning Authority on the 15th February 2022', has been provided. 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 shall 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.

4. Prior to the commencement of any development at this site, the existing front boundary wall along Nethertown Road must be lowered in accordance with the approved plans 'Fencing Types Site Plan (Amended), Scale 1:500, Drawing No 037, Rev B, received by the Local Planning Authority on the 8th November 2021'. The boundary wall must be retained at this approved height at all times thereafter.

Reason

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

5. Prior to the commencement of any development at this site, a Construction Management Plan must be submitted to and approved in writing by the Local Planning Authority. This plan must include the following details:
 - Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - 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

The development must be carried out in accordance with the 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.

6. Prior to the commencement of any development at this site, the required dye testing or CCTV inspections must be carried out as detailed within the approved document 'Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022'. The findings from these investigations must be submitted in writing and approved by the Local Planning Authority prior to the commencement of any development at this site.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

7. 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 in accordance with DM10 of the Copeland Local Plan.

Prior to Occupation Conditions:

8. Prior to the first occupation of any dwelling hereby approved, the boundary treatment and landscaping at this site must be installed in accordance with the following approved plans:
 - Fencing Types Site Plan (Amended), Scale 1:500, Drawing No 037, Rev B,

received by the Local Planning Authority on the 8th November 2021.

The landscaping scheme must be implemented within the first available planting season from the date of this permission. The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

9. The drainage of the development hereby approved, must be carried out in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

Prior to occupation of the proposed development, the drainage schemes must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

10. The new access and access road hereby approved as detailed on the approved plan 'Site Plan (Amended), Scale 1:100, Drawing No: 022, Rev: D, received by the Local Planning Authority on the 15th February 2022', 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.

11. Prior to the first occupation of any of the dwellings hereby approved the gable windows

must be fitted with obscure glazing in line with the approved documents:

- Plot 1 Elevations (Amended), Scale 1:100, Drawing No: 041, Rev: A, received by the Local Planning Authority on the 15th February 2022.
- Proposed Plot 1 Floor Plans (Amended), Scale 1:100, Drawing No: 023, Rev: F, received by the Local Planning Authority on the 15th February 2022.
- Proposed Plot 2 Elevations (Amended), Scale 1:100, Drawing No: 028, Rev: G, received by the Local Planning Authority on the 15th February 2022.
- Proposed Plot 2 Floor Plans (Amended), Scale 1:100, Drawing No: 032, Rev: C, received by the Local Planning Authority on the 15th February 2022.
- Proposed Plot 3 Elevations (Amended), Scale 1:100, Drawing No: 024, Rev: G, received by the Local Planning Authority on the 15th February 2022.
- Proposed Plot 3 Floor Plans (Amended), Scale 1:100, Drawing No: 025, Rev: G, received by the Local Planning Authority on the 15th February 2022.

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.

Consultation Responses

St Bees Parish Council

27th April 2023

The traffic management plan and construction management plan submitted with this application deal only with movements on/around the site and do not mention what arrangements will be in place for construction traffic travelling to/from the site.

On 16 March 2022 you forwarded to us the comments received from the (then) agent from the applicant on the highways issues raised in our letters of objection. The agent clearly understood the concerns of residents and it was he who proposed a traffic management plan to address these concerns. In his comments he said '... As they (Parish Council) have mentioned, the next space in the road to turn is nearly a mile to the south. With regards to concerns over the construction period, I would suggest that a construction management plan condition would be an appropriate way to address this. This would ensure that all details regarding this time, such as hours of operation, emergency contact details, and a construction plan which will details the area within the site for the construction traffic are addressed prior to commencement'.

The parish council is disappointed that the plan as now submitted falls short of what was

promised. Nethertown Road is extremely narrow and it is impossible for lorries and cars to pass. This will inevitably mean that vehicles will need to reverse back, a dangerous manoeuvre on such a narrow road with no pavements which is frequently used by cyclists and pedestrians. Residents are concerned about the delays and disruption that this will cause as they have already experienced issues when the unauthorised work took place on site recently. Some form of traffic control such as a banksman is required to prevent vehicles meeting head on when large vehicles are traveling to/from the site.

The Parish Council would also like to see details of the routes to be taken by construction traffic to reach the site. the B5345 through the village is narrow and lined with parked vehicles. We have experienced problems in the past with the village becoming gridlocked when vehicles cannot pass and this causes severe disruption for local residents. We would like to see consideration being given to the most suitable routes and to limiting vehicles movements to less busy times to avoid commuter and school traffic.

6th July 2023

The Parish Council welcomes the statement in the Traffic Management Plan that site traffic will travel along the B5345 and enter the village from the south so that large vehicles will not be travelling through the centre of the village. However, the Plan fails to address any of the concerns expressed by the Parish Council and local residents over recent months about the safety of residents, walkers, cyclists and horse riders when construction traffic turns off the main road to travel along Nethertown Road itself.

The turn into Nethertown Road from Egremont Road is very tight and there is no clear line of sight from the junction to the development site so drivers of lorries turning into Nethertown Road will be unable to see oncoming vehicles. This will almost inevitably result in vehicles meeting head on and having to reverse, as there are no opportunities for vehicles to pass between the junction and the small cul de sac. Events on the 27 January 2023 exemplify these concerns. Work started without any approval and heavy items of plant and equipment were transported to site without any prior notification with several residents being significantly inconvenienced. The Parish Council believes that a banksman system or some form of traffic control is needed to ensure the safety of other road users on Nethertown Road.

We hope that construction work will be carried out under the remit of an appropriate Code of Construction Practice, if indeed Cumberland Council has such a document, to give guidelines to developers and contractors. However, the Traffic Management Plan does not give any core information that would develop a good working relationship with the Parish Council, the residents and indeed the wider village, as many local people use this road for leisure activities.

We would wish to see the document cover the following information;

- core delivery times, particularly for heavy loads. For example, there are specific times when it becomes difficult to drive through the village as a consequence of train times, Sellafeld muster times and school buses, a particular concern as the bus picks up and

drops off close to the junction of Nethertown Road and Egremont Road.

- consideration of the inconvenience to the residents of the Nethertown Road cul-de-sac as the entrance is to be used as a turning point for large vehicles travelling to site. This will cause severe disruption if not managed effectively.
- details of how plant and equipment deliveries will be managed. We believe that it would be completely unacceptable to see vehicles stacked up on any of the surrounding roads and lay bys whilst waiting for access to the site.

On numerous occasions the Parish Council has urged the developers to engage directly with the local residents affected to listen to their concerns and look at ways to mitigate the effects of the construction work. We are concerned that the final sentence on page seven of the document states that 'Expected dates for works and deliveries will be communicated to the St Bees Parish Council'. Whilst any progress reports received will be reported to the Parish Council, the council does not have the resources to act as a conduit or route of communication with individual residents of Nethertown Road.

We note that the response from Highways deals only with traffic routes to St Bees and traffic arrangements on site. The Parish Council hopes that the council's comments about safety on Nethertown Road will be shared with Highways officers. The Parish Council would be happy to meet Highways officers on site, if needed, to explain the issues more fully.

8th August 2023

No further comments to add on this particular issue. However, I must add that we are disappointed that the applicants have shown no consideration to the village, residents and to the comments that we tabled to the previous revisions of these documents.

As such the points that we raised remain.

I must also remind you that the PC will not act as a conduit to pass on delivery movements from the developer to the village residents.

Cumberland Council – Highway Authority & LLFA

26th April 2023

Condition 2 - No comment on the variation of Condition 2.

Condition 3 - No objection to the variation of condition 3.

Condition 4 - No objection to the variation of condition 4.

Condition 5 - No objection to the variation of condition 5.

Condition 6 - No comment on the variation of condition 6.

Condition 7 - No comment on the variation of condition 7.



Cumberland Council

Condition 8 - No comment on the variation of Condition 8.

Condition 9 - No objection to the variation of condition 9.

Condition 11 - No Comment of the variation of condition 11.

3rd May 2023

If the original condition 5 is not to be discharged I would not accept the Construction management plan submitted in April 23, as vehicle routing from the construction site to a major road network has not been identified.

15th May 2023

Condition 2 - No comment on the variation of Condition 2.

Condition 3 - The proposed variation of condition 3 and supporting information is not acceptable as all of the points raised in the Construction Traffic Management Plan have not been met, please see the previous condition below including the points that need included in the new condition.

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;*
- details of proposed crossings of the highway verge; 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*

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. To support Local Transport Plan Policies: WS3, LD4.

Condition 4 - No objection to the variation of condition 4.

Condition 5 - No objection to the variation of condition 5.

Condition 6 - No comment on the variation of condition 6.

Condition 7 - No comment on the variation of condition 7.

Condition 8 - No comment on the variation of Condition 8.

Condition 9 - No objection to the variation of condition 9.

Condition 11 - No Comment of the variation of condition 11.

13th June 2023

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed Variation of conditions as condition 3 has been rectified from our previous response on 15/05/23.

29th June 2023

Response from the 13th June 2023 should apply.

8th August 2023

Response from the 13th June 2023 should apply.

United Utilities

13th July 2023

After further consultation with our Developer Services Team I can confirm that United Utilities would have no comment to make on the application.

Cumberland Council – Flood and Coastal Defence Engineer

17th April 2023

CONDITION 2 - No comments.

CONDITION 3 - No comments.

CONDITION 4 - No comments.

CONDITION 5 - No comments on the first 9 items under this condition.

With regards to the surface water management details during the construction phase, the submitted Construction Traffic Management Plan 1999 039 shows an entrance surface water

bund and silt interceptor.

CONDITION 6

The letter submitted by Unblock Cumbria dated 17.03.2023 states that dye testing undertaken has proved the connection.

CONDITION 7 - No comments.

CONDITION 8 - No comments.

CONDITION 9

The variation of the wording for this Condition will allow the occupation of a dwelling should all the drainage serving the dwelling be completed.

The current wording of the Condition would mean that the drainage serving all the dwellings would need to be completed before any individual dwelling can be occupied.

This would be an appropriate variation of the Condition.

CONDITION 11 - No comments.

26th June 2023

With regards to the additional and amended information for the above application, I have no further comments to make at this time.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to forty two properties. Four letters of objection have been received in relation to this consultation process raising the following concerns:

- The Traffic Management Plan on Nethertown Road is only concerned with 'on site proposals' and nothing related to the actual management of traffic going along Nethertown Road itself before reaching the building site.
- Residents are now very concerned and would like the developer to tell us how they propose to safely manage traffic along Nethertown Road before reaching their building site.
- Concerns that in this time of climate change and challenges to this countryside food security this development is continuing to be allowed on this land. This shows very regressive out of date thinking influencing policies and planning.
- Some form of traffic control is essential regarding health and safety of all road users.
- There needs to be regulates as to the hours of operation for the mental health of residents.

- Many residents that live in this southern area of St Bees could be described, from a health aspect, as vulnerable or acutely vulnerable. Therefore in addition to noise pollution controls I ask for conditions to control air pollution.
- Drainage is a concern after recent flooding events in St Bees.
- There is particular concern that the foul water drain cannot cope with the extra volume created by these additional dwellings. Volume needs to be done to check there is sufficient capacity.
- The developers have already behaved illegally so how do we trust they will comply with any regulations. There is only one enforcement officer and the Council rely on the general public to report breaches. We do not wish to police this development. In light of previous non compliance extra supervision should be written into the planning regulations for this site.
- The applicant has already been provided to be untrustworthy and unable to follow directives by not fulfilling the pre commencement conditions. How can they be trusted to do as required during the build.
- Pedestrians and cyclists have no pavements or safe areas to avoid passing construction lorries.
- The main street is already a nightmare to travel along because of parked cars and pinch points. Any increase in traffic especially during construction will only add to the problem.
- The village is already over developed as seen by the regular gridlock on the village through road.
- Traffic management and safety onto the Nethertown Road.
- It will adversely impact on the rich and fauna and flora in that and surrounding area.

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



Cumberland Council

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 ENV3 – Biodiversity and Geodiversity

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 DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

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)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Emerging Copeland Local Plan 2021 - 2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

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.

The Planning Inspector has now issued their post hearing letter, which identifies the next steps for the Examination. This includes proposed modifications to the plan to ensure a sound plan on adoption.

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.

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.

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 DS5PU: Planning Obligations

Policy DS6PU: Design and Development Standards

Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU: Reducing Flood Risk

Policy DS9PU: Sustainable Drainage

Strategic Policy H1PU: Improving the Housing Offer

Strategic Policy H2PU: Housing Requirement

Strategic Policy H3PU: Housing delivery

Strategic Policy H4PU: Distribution of Housing

Strategic Policy H5PU: Housing Allocations

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

Assessment

Under Section 73 of the Town and Country Planning Act 1990, an application can be made to vary or remove a condition associated with a permission. The effect of an application under Section 73 is the issue of a new permission sitting alongside the original permission, which remains intact and unamended. The NPPG outlines that to assist with clarity it states that decision notices should also repeat the relevant conditions from the original permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation this condition must remain unchanged from the original permission.

In terms of the conditions attached to the previous decision notice (ref: 4/21/2369/OR1), a lawful start has not been made at this site therefore it is necessary to amend condition 1 to reflect the timescale for commencing development. Conditions 10 and 12 will be repeated to ensure that works are carried out as per the approved details.

This current application seeks to vary condition 2, 3, 4, 5, 6, 7, 8, 9 and 11 of planning approval ref: 4/21/2369/OR1.

Condition 2 relates to the approved plans for this application. This application seeks to vary this condition in order change the house type for each plot. As part of the original reserved matters application extensive discussions were undertaken with the agent and applicant to amend the original modern house type proposed to secure house types which were more reflective of traditional character of St Bees. Following this original approval further discussions were undertaken with each plot owner in order to revise the design for each plot further. The plans submitted for this current application are a result of these discussion which now secure amended house types which reflect the scale of the previous approval and the traditional character of St Bees and surrounding area.

This application seeks to vary condition 3, 4, 5, and 6 which were worded as pre commencement conditions attached to the original reserved matters approval 4/21/2369/OR1. As some site clearance has been undertaken it was deemed by the Local Planning Authority that these conditions could no longer be complied with therefore these conditions are to be

amended to overcome this current breach of planning conditions. The following applies to each condition:

- Condition 3: Required the installation of visibility splays prior to works commencing. An updated plan has been submitted to show the updated layout for the site, however visibility splays remain as previously approved. No objections have been received from the highway authority to this condition being amended. The condition will therefore be amended to ensure visibility splays are installed at the site prior to the commencement of any further works in agreement with Cumbria Highways.
- Conditions 4: Required the lowering of the front boundary stone wall to 900mm. An updated plan has been submitted to show the updated layout for the site, however the front boundary wall remains the height as previously approved. No objections have been received from the highway authority to this condition being amended. The condition will therefore be amended to ensure visibility splays are installed at the site prior to the commencement of any further works in agreement with Cumbria Highways.
- Condition 5: Required the submission of a construction management plan. Following initial concerns from the Highway Authority this plan has been amended to address all requirements of the original condition. Based on these amendments the Highway Authority offered no objections to the amended Management Plan for this site, concerns however were still raised by the Parish Council and local residents with particular regard to delivery times, and inconvenience to and safety of residents of Nethertown Road. The Highway Authority have reviewed the concerns submitted by the Parish Council and requested that the Management Plan be amended further to include secure the use of a banksman to manage HGV deliveries to the site during initial works until the proposed access road is functional and the siting of works start here boards two weeks before works commence at the site. The Highway Authority are content that the existing cul-de-sac on Nethertown Road will only be used for turning vehicles while the access road for the site is installed under banksman instruction, and they have confirmed that due to the scale of the site it is unlikely HGVs will be queuing in laybys waiting to get to the site but the CTMP allows for vehicle routing to be continually assess during the build phase to ensure that there are adequate measures in place to keep residents safe and to minimise disruption. Whilst the Parish Council retain their concerns the Highway Authority have no objections to the submitted CTMP. The condition will therefore be amended to ensure the development is carried out in accordance with this approved plan.
- Condition 6: Required dye testing or CCTV inspection in line with the approved drainage strategy. The applicant has submitted a report to prove the condition

	<p>with the Nethertown Road chamber as required. No concerns have been raised by the Council's Flood and Coastal Defence Engineer or the LLFA on this matter. This condition will therefore be amended to reflect this submitted property.</p> <p>The application also seeks to vary conditions 7, 8, 9 and 11 of the original approval to reflect the self-build nature of the application site. Condition 7 will be amended to require the submission of materials for each plot separately. Condition 11 will be amended to require the installation of obscure glazing prior to the occupation of the plot to be occupied. Conditions 8 and 9 will be amended to allow the installation of boundary treatment and drainage at each individual plot, however additional conditions will be added to secure the installation of the landscaping and drainage for the wider site. No objections have been received in relation to the amendments of these conditions.</p>
8.	<p>Recommendation:</p> <p>Approve</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 19th May 2024. <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 must be carried out in accordance with them:- <ul style="list-style-type: none"> Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 18th August 2021. Block Plan, Scale 1:500, Drawing No: 021, Rev: F, received by the Local Planning Authority on the 29th March 2023. Site Plan (Amended), Scale 1:500, Drawing No: 022, Rev: H, received by the Local Planning Authority on the 29th June 2023. Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023. Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received

by the Local Planning Authority on the 29th March 2023.

- Proposed Plot 1 – Elevations Garage, Scale 1:100, Drawing No: 030, Rev: C, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Elevations, Scale 1:50, Drawing No: 031, Rev: B, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Floor Plans, Scale 1:50, Drawing No: 030, Rev: B, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 2 – Elevations Garage, Scale 1:100, Drawing No 031, Rev C, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 3 – Elevations, Scale 1:100, Drawing No: 029, Rev: I, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 3 – Floor Plans, Scale 1:100, Drawing No: 025, Rev: I, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 3 – Elevations Garage, Scale 1:100, Drawing No: 032, Rev: C, received by the Local Planning Authority on the 29th March 2023.
- Surface Finishes Site Plan, Scale 1:500, Drawing No 038, Rev D, received by the Local Planning Authority on the 29th March 2023.
- Fencing Types Site Plan, Scale 1:500, Drawing No 044, Rev F, received by the Local Planning Authority on the 29th March 2023.
- Section Through Site (Amended), Scale 1:500, Drawing No: 036, Rev: C, received by the Local Planning Authority on the 29th March 2023.
- Proposed Site Section 02, Scale 1:200 & 1:500, Drawing No: 035, Rev: H, received by the Local Planning Authority on the 29th March 2023.
- Proposed Site Section 03, Scale 1:200, Drawing No: 040, Rev: C, received by the Local Planning Authority on the 29th March 2023.
- Design and Access Statement, received by the Local Planning Authority on the 29th March 2023.
- Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022.
- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.
- Statement to Vary Conditions, received by the Local Planning Authority on the 29th March 2023.
- Construction Traffic Management Plan (Amended), Scale 1:500, Drawing No:

039, Rev: C, received by the Local Planning Authority on the 18th May 2023.

- Construction Traffic Management Plan (Amended), received by the Local Planning Authority on the 27th July 2023.
- Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local Planning Authority on the 29th March 2023.
- Pre Construction Road Survey, received by the Local Planning Authority on the 29th March 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. No further works are to commence on site until visibility splays are installed/constructed in accordance with the approved plan 'Site Plan (Amended), Scale 1:500, Drawing No: 022, Rev: H, received by the Local Planning Authority on the 29th June 2023'. 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.

Reason

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

4. No further works are to commence on site until the existing front boundary wall along Nethertown Road has been lowered in accordance with the approved plans:
 - Site Plan (Amended), Scale 1:100, Drawing No: 022, Rev: D, received by the Local Planning Authority on the 15th February 2022.
 - Fencing Types Site Plan, Scale 1:500, Drawing No 044, Rev F, received by the Local Planning Authority on the 29th March 2023.

The boundary wall must be retained at this approved height at all times thereafter.

Reason

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

5. The development must implement all of the measures set out in the approved documents:

- Construction Traffic Management Plan (Amended), Scale 1:500, Drawing No: 039, Rev: C, received by the Local Planning Authority on the 18th May 2023.
- Construction Traffic Management Plan (Amended), received by the Local Planning Authority on the 27th July 2023.

The development must be carried out in accordance with the 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.

6. The drainage of the development hereby approved, must be carried out in accordance with the approved document 'Letter from Unblock Cumbria Ltd dated 17th March 2023, received by the Local Planning Authority on the 29th March 2023.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

Prior to Erection of External Walling Conditions

7. No superstructure must be erected on any plot until samples and details of the materials to be used in the construction of the external surfaces of the development on that plot 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 in accordance with DM10 of the Copeland Local Plan.

Prior to Occupation Conditions:

8. Prior to the first occupation of each dwelling hereby approved, the boundary treatment and landscaping on that occupied plot must be installed in accordance with the following approved plans:

- Fencing Types Site Plan, Scale 1:500, Drawing No 044, Rev F, received by the Local Planning Authority on the 29th March 2023.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

9. Prior to the occupation of all three dwellings hereby approved the boundary treatment and landscaping within the site must be installed in accordance with the following approved plan:

- Fencing Types Site Plan, Scale 1:500, Drawing No 044, Rev F, received by the Local Planning Authority on the 29th March 2023.

The development must be retained in accordance with this approved detail at all times thereafter unless agreed in writing with the Local Planning Authority. Following completion of the development should any of the planting be uprooted, destroyed or die, replacement planting must be planted at the same place. The replacement planting will be of a size, species and be planted at such a time as agreed in writing by the Local Planning Authority.

Reason

To enhance the appearance of the development in the interest of visual amenities of the area and to ensure a satisfactory landscaping scheme in accordance with Policy DM26 and ENV5 of the Copeland Local Plan 2013-2028.

10. Prior to the first occupation of any dwelling hereby approved the shared drainage for

the site must be carried out/installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The shared drainage scheme must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

11. Prior to the first occupation of each dwelling hereby approved, the drainage scheme for that occupied plot must be installed in accordance with the following approved documents:

- Drainage Strategy Report (Amended), received by the Local Planning Authority on the 31st March 2022.

The drainage scheme for each plot must be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure the provision of a satisfactory drainage scheme in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

12. The new access and access road hereby approved as detailed on the approved plan 'Site Plan (Amended), Scale 1:500, Drawing No: 022, Rev: H, received by the Local Planning Authority on the 29th June 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.

13. Prior to the first occupation of any dwelling hereby approved the gable windows of the

occupied dwelling must be fitted with obscure glazing in line with the approved documents:

- Proposed Plot 1 – Elevations, Scale 1:100, Drawing No: 026, Rev: G, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 1 Floor Plans, Scale 1:100, Drawing No: 023, Rev: H, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Elevations, Scale 1:50, Drawing No: 031, Rev: B, received by the Local Planning Authority on the 29th March 2023.
- Plot 2 Floor Plans, Scale 1:50, Drawing No: 030, Rev: B, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 3 – Elevations, Scale 1:100, Drawing No: 029, Rev: I, received by the Local Planning Authority on the 29th March 2023.
- Proposed Plot 3 – Floor Plans, Scale 1:100, Drawing No: 025, Rev: I, received by the Local Planning Authority on the 29th 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.

Other Conditions:

14. The development must implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by Hesketh Ecology July 2021, received by the Local Planning Authority on the 7th February 2022'. The development must be carried out in accordance with the approved document at all times thereafter.

Reasons

To protect the ecological interests evident on the site in accordance with Policies ST1, ENV3, and DM25 of the Copeland Local Plan.

<p>Informatives:</p> <ol style="list-style-type: none">1. The development hereby approved must be carried out in accordance with conditions 3, 4, 5, and 6 of Outline Planning Approval Ref: 4/20/2491/001.2. 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 footways and verges, until you are in receipt of an appropriate permit allowing such works. This also applies to erecting scaffolding or placing traffic management or skips on the highway and the creation of vehicle cross-overs from the highway to a private driveway. Enquires should be made to Cumbria County Councils Street Work's team - streetworks.west@cumbria.gov.uk. <p>Statement:</p> <p>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 Framework.</p>	
<p>Case Officer: C. Burns</p>	<p>Date : 23.08.2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>	<p>Date : 25.08.2023</p>
<p>Dedicated responses to:-</p>	