

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2130/0F1	
2.	Proposed Development:	DEMOLITION OF EXISTING GARAGES AND ERECTION OF ONE NEW SELF BUILD DWELLING INCLUDING RETENTION OF WORKSHOP/GARAGES FOR PRIVATE/DOMESTIC USE	
3.	Location:	WORKSHOP AND PREMISES, OUTRIGG, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Conservation Area - Conservation Area, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	Yes Yes No See Report See Report
7.	Report:	<p>Site and Location</p> <p>This application relates to part of an existing garage/workshop site, known as Outriggs Yard, located within the centre of St Bees. The site is accessed from Outriggs and covers an area of 481.20 square metres.</p> <p>The sloping site currently comprises of a number of single garages arranged along its eastern and western boundaries, which are rented out to local residents. An existing workshop occupies the southern end of the site which is currently redundant.</p> <p>The whole site is within the applicant's ownership, however the application only relates to part</p>	

of the site. The majority of the garages on the site will be retained.

A private right of way exists across the site to serve residential properties on Outrigg Close, which will remain unaffected by the proposal.

The application site lies adjacent to the Conservation Area boundary.

Relevant Planning History

4/19/2426/001 – Outline application (with all matters reserved) for the demolition of existing garages and residential development – Approved.

Proposal

This application seeks planning permission for the demolition of existing garages and the erection of one new self-build dwelling including the retention of part of the existing workshop/garages for private/domestic use.

The existing garages and workshop within the south west of the application site are to be demolished to accommodate the proposed dwelling. The existing garages and workshop located within the south east of the application site which will be retained and incorporated into the curtilage of the proposed dwelling. All other garages at the site, within the blue line for the application, will be retained as existing.

The proposed dwelling will be located within the rear/south of the application site. The proposed dwelling will measure 13.4 x 9.3m with an eaves height of 5.2m and an overall height of 7.8m. The existing workshop to the south east of the site will be retained in order to create a domestic garage. The retained area will measure 8.3m x 6.2m with an eaves height of 2.7m and an overall height of 3.3m, and will benefit from an internal link to the main dwelling.

Internally the proposed development will incorporate a large hall, shower room, two double bedrooms (one with an ensuite bathroom), and an open plan kitchen/dining/living room within the ground floor. The proposed first floor will accommodate a master bedroom with ensuite bathroom and dwelling area, a bathroom, and lounge.

Externally the development will be finished with self coloured render and St Bees red sandstone facing, quoins, cills and heads to openings, Marley modern flat grey roof tiles, and dark grey UPVC windows and doors.

The proposed dwelling will be accessed via the existing access serving the garage site and Outrigg Close. Foul water will be disposed of via the existing mains sewer and surface water to a new soakaway.

Consultation Responses

St Bees Parish Council



Cumberland Council

21st May 2024

No objections.

Cumberland Council – Highway Authority & Lead Local Flood Authority

4th June 2024

As this falls under our Service Level Agreement (SLA) with your Council, this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement.

The highway and drainage implications of this application would therefore have to be decided by the Local Planning Authority.

1st July 2024

I can confirm that the response made to the previous application 04/06/24 should still apply.

United Utilities

5th June 2024

Noting this is a full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to the determination of this application.

Should planning permission be granted without the provision of this information we request the inclusion of a condition to secure a full surface water and foul water drainage scheme.

Cumberland Council – Conservation and Design Officer

3rd June 2024

Conclusion: Suggest design revisions

Assessment:

The site on balance makes a negative contribution to the setting of St Bees Conservation Area.

I would expect the replacement dwelling and other works with the site to have a positive impact. I have the following suggestions from a design point of view:

- The proportions would look better with a steeper roof pitch, which is noticeably shallow for a building of traditional appearance. This is particularly important as the gable end is presented towards the site entrance. I would avoid 45° pitches as these are often considered unattractive, with traditional roofs being slightly steeper than this, perhaps around 48°. A way of avoiding the building becoming too tall is to either keep plan

depths relatively narrow, or to bring the eaves height down, so the bottom of the roof comes close to the upper floor windows. This also affords the opportunity to introduce a striking loftiness and dynamism to upper floor ceilings.

- I would recommend use of a mortared wet verge for the edge of the roof, rather than the interlocking dry verge caps, as these are rather unsightly and cheapen the appearance of the project.
- Similarly, soffits and fascia boards would benefit from being in a dark colour e.g. to match the windows. Rather than putting a sharp corner on the ends of the fascia boards where they meet the soffits, consider a gentle curve that flares the end of the board. This would look more elegant.
- The addition of a chimney is beneficial to the appearance of the dwelling. The effect might be further enhanced if it were of more generous dimensions.

28th June 2024

Conclusion: No objection

Assessment:

- In my previous consultation response, I put forward some suggestions as to how the design might be improved. These do not appear to have been of assistance.
- As the site in its current state is unattractive, and the replacement house could be expected to improve its appearance, I have no objection to the proposal.

29th July 2024

I don't have any new comments to add from a conservation and design standpoint.

Westmorland and Furness & Cumberland Council – Resilience Unit

9th July 2024

Thank you for the opportunity to comment on the above planning application. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

The location of the land is situated outside of an area referred to as the Detailed Emergency Planning Zone (DEPZ), therefore no direct liaison with the applicant is required in relation to warning and informing information. However, it is advisable to signpost the applicant to the Cumberland Council Emergency Planning webpage which will assist with general information about the Sellafield Site, please see link below:



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<https://legacy.cumberland.gov.uk/emergencyplanning/supportingpages/industrialsites.asp>

There are no objections to the proposed works.

24th July 2024

There are no further comments in addition to previous replies forwarded, in relation to the planning amendments.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to thirty three properties.

Two letters of objection have been received in relation to this statutory notification period raising the following concerns:

- Height of building will result in loss of views.
- Development will result in reduction of value of existing properties.
- The dwelling is located in an elevated position so will overlook private gardens resulting in a loss of privacy for these properties.
- The suggested boundary treatment will not offer privacy for existing properties.
- Removal of garages will remove option for off road parking currently renting these garage. St Bees is already completely overrun with cars and there is simply not enough parking for the residents as is. This will put more strain on the street parking and the very few spaces available in the 2 car parks we're lucky to have.
- Impact of development on existing retaining sandstone walls.
- Impact of demolition and building works (noise, air pollution, dust etc) during the proposed works for the nearby properties (affecting shift workers etc of which there are many).
- What will the impact be on the adjacent car park? Will this need to be closed to allow works to take place? Will cars be damaged. Closure will put extra pressure on car parking in the village.
- Concerns regarding the roof of the garages proposed for demolition and the nature of the materials too. Is there asbestos present?
- Concerns for the soakaway drain in the garden to the front of the proposed self-build. Are there issues with a soakaway when the plot is elevated in the way it is? Will this impact on existing properties and boundary walls?

- The development will impact on the adjacent Grade II Listed Building.

One letter of support has been received raising the following comments:

- Support the application but the Council now needs to adopt this road to accommodate increase in houses and traffic.

Public Reconsultation

Following the receipt of amended/additional information for the application, a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

One letter of objection has been received raising the following concerns:

- Previous comments relating to loss of view were not mentioned in the impact assessment.
- Comments relation to increasing the roof pitch will only impact views further.
- The dwelling should be replaced with a bungalow so that it is in keeping with all other dwellings on Outrigg Close and keep the spectacular views these houses were designed for.

One letter of neutral response has also been received raising the following comments:

- Concerns about drainage.
- It is hoped that during construction issues relating to potholes and an improved drainage solution can be achieved.
- Overlooking and loss of views.
- I am not objecting in the hope that the goodwill is reciprocated in regard the drainage issue mentioned above.

Public Reconsultation

Following the receipt of amended information for the application, a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application.

Two letters of objection have been received raising the following concerns:

- Building so tall that neighing property just looking at roof or windows.
- Proposed soakaway will put surface water into neighbouring gardens which is at a lower level then shown on the site sections.
- Concerns about flooding and weight of surface water against retaining walls and

slipping towards neighbouring properties.

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

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS1 – Improving the Housing Offer

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 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

	<p>Policy DM22 – Accessible Developments</p> <p>Policy DM24 – Development Proposals and Flood Risk</p> <p>Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species</p> <p>Policy DM26 – Landscaping</p> <p>Policy DM27 – Built Heritage and Archaeology</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 ELP. The Local Plan Examination Hearing Sessions were completed in March 2023.</p> <p>The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination. The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or ‘modifications’ that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.</p> <p>A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.</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>The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.</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>
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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
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
Policy CO4PU - Sustainable Travel
Policy CO5PU - Transport Hierarchy
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure
Other Material Planning Considerations
National Planning Policy Framework (NPPF)
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)
Planning (Listed Building and Conservation Areas) Act 1990
Conservation Area Design Guide SPD (Adopted December 2017)
Self Build and Custom House Building Act 2015

Assessment

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

Principle of Development

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.

Policy ST1 of the CS also encourages the reuse of existing buildings and previously developed land wherever possible, directing development away from greenfield sites where this is consistent with wider sustainability objectives.

Policy DS2PU of the ELP states that the Council will support development proposals that make a positive contribution towards achieving the Cumbria wide goal of net zero carbon by 2037 where they accord with the Development Plan. Developers are encouraged to consider making the most efficient use of land by building at appropriate densities and encouraging the sympathetic reuse and refurbishment of the existing building stock and previously developed land.

Section 11 of the NPPF promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, by utilising previously developed or brownfield land.

The application site relates to an existing garage site located within the centre of 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 which focuses on the support the retention and small scale growth of existing services and businesses, with development focussed on existing employment allocations, moderate housing allocations, windfall and infill development.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate



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otherwise. The application site is located within the existing and proposed settlement boundary for St Bees.

In July 2020, outline planning permission (ref: 4/19/2426/001) was granted by Members of the Planning Panel for the demolition of the garage site and residential development for up to four dwellings. The principle for developing this site for residential purposes has therefore been established by this previous permission.

Housing Need - Self Build

This application proposes the development of a self-build dwelling.

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period.

It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority. The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. No interest has been registered by the applicant for this site.

No persons have been added to the register in the last base period. The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

Settlement Character, Landscape Impact and Visual Impact

Policy ENV5 of the Copeland Local Plan 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 DM26 of the Copeland Local Plan stated that where necessary development proposals will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character, and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

Within the Emerging Local Plan, Policy N6PU states that the Borough's landscapes will be protected and enhanced by supporting proposals which enhance the value of the Borough's landscapes, protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value. It is stated that proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment and that consideration must be given to the Council's Landscape Character Assessment, Settlement Landscape Character Assessment and the Cumbria Landscape Character Guidance and Toolkit at the earliest stage.

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 relates to an existing site within an existing residential area, directly adjacent to a number of existing residential properties. As the development is surrounded by existing development the proposal is not considered to have any major impact on the overall landscape and is complementary to the existing built form of this part of the settlement.

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 the provisions of the NPPF.

Scale, Design and Impact of Development

Policy SS1 of the Copeland Local Plan seeks to make Copeland a more attractive place to



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build homes and to live through requiring new development to be designed and built to a high standard.

Policy DM10 of the Copeland Local Plan expects high standards of design and the fostering of quality places. It is required that development responds positively to the character of the site and the immediate and wider setting and enhance local distinctiveness. It is required that development incorporate existing features and address vulnerability to and fear of crime and antisocial behaviour.

Policy DS6PU of the Emerging Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Policy H6PU of the Emerging Local Plan states that new housing developments will be supported when the design, layout, scale and appearance of the development is appropriate to the locality, consideration is given to the local, natural, cultural and historical assets and landscape character, acceptable levels of amenity is provided, privacy is proposed through distance or good design, the development will have no unacceptable overbearing impact on neighbouring residents due to scale, height and/or proximity, the layout promotes active travels, adequate parking is provided, and the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.

Whilst the previous outline planning permission has established the principle for developing this site for residential purposes, given the sloping nature of the application sections were requested to show how the development would sit within the site. These plans also indicate the relationship with the existing residential properties given the change in levels between the neighbouring sites and the application site.

Concerns have been raised from neighbouring properties regarding the impact on existing residential amenity. Concerns from residents in terms of loss of views and devaluation of existing properties are not material planning considerations.

The application site is located upon a sloping site which steps down from the existing properties on Outrigg Close and sits above those on Main Street. Whilst the development does not meet the required separation distances as set out in Policy DM12 of the Copeland Local Plan, Emerging Policy H6PU requires new housing development to protect neighbouring amenity through distance or good design, and to ensure the development is not overbearing due to scale, height and/or proximity. The proposed dwelling is located within the centre of this site and whilst the development is two storey in height the development reflects the gradual stepping down of roof ridge heights of the directly adjacent properties, reflecting the change in levels at the site. The inclusion of the proposed boundary treatment and obscure glazed windows within the east elevation of the property will ensure the development

does not result in overlooking and will ensure the amenity of neighbouring properties is protected. These details will be secured, and their retention controlled via an appropriately worded planning condition. Permitted development rights will also be removed from the site in order to ensure that the constrained site isn't overdeveloped to be detriment of the neighbouring dwellings.

Overall, the design of the proposed dwelling is considered to reflect the traditional buildings within St Bees. Whilst the submitted plans make reference to the proposed materials, specific details have not been provided. An appropriately worded planning condition will therefore be utilised in order to secure full material details prior to their use within the development.

Concerns were also raised with regard the number of garages to be retained at the application particularly those sited directly adjacent to the proposed dwelling. Whilst the applicant has confirmed that they own all of the garages on this site and would limit the use of those directly adjacent to the property to storage only, it was still considered that the potential movements from these garage would have a detrimental effect on the amenities of the occupiers of the proposed dwelling. The agent therefore agreed to include these garages within the red line for the application so that their use could be controlled by the Local Planning Authority. In order to protect the amenity of the proposed occupiers a suitably worded planning conditions will be attached to any planning permission to ensure that once the proposed dwelling is occupied the garages outlined on the submitted plans could only be utilised as part of the proposed dwelling. A condition will also be utilised to restrict the use of the attached garage, the former workshop, to domestic use only.

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.

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.

Policies CO4PU, CO5PU and CO7PU of the ELP promotes active travel.

The proposed dwelling will be accessed via the existing access serving the garage site and Outrigg Close. The private right of way which exists across the site will remain unaffected by the proposed development.

Concerns have been raised by residents regarding the loss of the existing garages at this site and the potential impact this will have on the limited on street parking provision within the village. The previous outline planning permission (ref: 4/19/2426/001) granted at this site, has established the principle for the demolition of all the existing garages. However, the



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current proposal seeks to retain a number of the existing garages, retaining additional parking facilities for existing residents.

The Highway Authority have offered no comments on this application. Given the sites previous use, serving several existing garages and a workshop, and the access serving the existing residential development at Outrigg Close, the creation of a single dwelling at this site is not considered to have a significant detrimental impact on highway safety. Conditions are proposed to ensure the parking provision for the development is installed prior to the first occupation of the dwelling, and a Construction Traffic Management Plan is approved prior to commencement of works to ensure the development does not impact existing residents.

It is therefore considered that based on the inclusion of conditions outlined above, the proposal will not have a detrimental impact on highway safety in accordance with Policies T1 and DM22 of the Copeland Local Plan, Policies CO4PU, CO5PU and CO7PU of the Emerging Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policy ST1 of the Copeland Local Plan and paragraph 165 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 for the lifetime of the development.

Policy ENV1 and DM24 of the Copeland Local Plan, and Policy DS8PU of the Emerging Local Plan state that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DM11 of the Copeland Local Plan and Policy DS9PU of the Emerging Local Plan requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. As the application is for a single dwelling a Flood Risk Assessment has not been submitted to support this application.

The application states that foul water for the development will be disposed of via the existing main sewer and surface water to a new soakaway, however a full drainage scheme has not been submitted for this application.

Concerns have been raised from residents about the suitability of the proposed drainage scheme and the potential impact this will have on the surrounding area. United Utilities have however reviewed the proposal and have requested a condition to secure full details of the proposed foul and surface water drainage scheme for the development prior to the commencement of works at this site. No comments have been received from the LLFA.

It is therefore considered that based on the inclusion of the requested condition, a suitable drainage scheme can be secured for the development and therefore the proposal will not

have a detrimental impact on flood risk in accordance with Policies ST1, ENV1 and DM24 of the Copeland Local Plan, Policies DS8PU and DS9PU of the Emerging Local Plan, and the provisions of the NPPF.

Impact on Heritage Assets

Policy ENV4 and Policy DM27 of the Copeland Local Plan and Policy BE1PU and BE2PU of the Emerging Local Plan seek to protect, conserve and where possible enhance heritage assets including archaeological assets.

Paragraph 134 of the National Planning Policy Framework (NPPF) asserts that “Development that is not well designed should be refused”.

NPPF para. 197 states that “In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...”

NPPF para. 199 states, in the case of designated heritage assets, “great weight should be given to the asset’s conservation”, irrespective of whether potential harm is substantial, less-than-substantial, or total loss. Where harm to a designated heritage asset is less-than-substantial, it should be weighed against the public benefits of the proposal (para. 202).

Paragraph 203 of the National Planning Policy Framework (NPPF) states the effect on the significance of a non-designated heritage asset should be taken into account when making decisions.

Opportunities should be sought for new development within conservation areas and the settings of heritage assets that enhances or better reveals their significance. (para. 206)

The application site is located adjacent to the St Bees Conservation area and lies to the east of an existing Grade II Listed Building, (Redbourn House, 52 Main Street).

Concerns have been raised from residents with regard to the impact of the development upon this Listed Building.

The Council’s Conservation and Design Officer has reviewed this application and has confirmed that the existing site makes a negative contribution to the setting of the St Bees Conservation Area, therefore the replacement dwelling and other works would have a positive impact. Initially the Officer suggested a number of design alterations to the proposed dwelling, including the increase in roof pitch and the enlargement of the proposed chimney. However, following the submission of additional justification for the overall design of the building, the Officer has offered no objections to the proposal.

On this basis, the application is considered to preserve and enhance the existing heritage assets and therefore the proposal is considered to comply with Policies ST1, ENV4, DM27 of the Copeland Local Plan, Policy BE1PU and BE2PU of the Emerging Local Plan, and provisions of the NPPF.

Ecology

Policy ENV3 of the CS and Policy N1PU of the ELP seek to ensure that new development will protect and enhance biodiversity and geodiversity. Policy N1PU of the ELP defines a mitigation hierarchy.

Policy N3PU of the ELP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1PU above. This is in addition to any compensatory habitat provided under Policy N1PU. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however except from these BNG requirements. Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application falls within the definition of a self-build property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

A condition will therefore be included on the decision notice for this application to ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act.

Based on the inclusion of this condition, it is considered that the development complies with policies ST1, ENV3 and DM25 of the Copeland Local Plan, Policy N1PU of the Emerging Local Plan and NPPF.

Planning Balance & Conclusions

The application site is located within the defined settlement boundary for St Bees, which is identified as a Local Centre where new housing will be supported. The principle for developing the site for residential purposes was established in 2020 when outline planning permission (ref: 4/19/2426/001) was granted Members of the Planning Panel for the demolition of the garage site and residential development for up to four dwellings. The development will assist in delivering in the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility. This is given significant weight.

Following the submission of additional and amended information, the proposal now incorporates a development which is of a scale and design which reflects the surrounding

	<p>properties and is not considered to have a detrimental impact on the nearby residential properties. Boundary treatment, obscure glazing, and the use of existing garages will be secured by condition to protect residential amenity. This is given significant weight.</p> <p>The site will be accessed from the existing serving the garage site and Outrigg Close. No objections have been received from the Highway Authority. The proposal is not considered to have any adverse impacts on existing highways conditions given the existing use of the access from the existing garage site and residential estate. This is given moderate weight.</p> <p>As full details of drainage have not been provided, this will be secured by an appropriately worded planning condition. This is given moderate weight.</p> <p>The proposal is considered to preserve and enhance the existing heritage assets, by developing an existing site which currently makes a negative contribution to the setting of the St Bees Conservation Area. The Council's Conservation Officer has offered no objections to the proposal and has confirmed that the replacement dwelling and other works would have a positive impact. This is given moderate weight.</p> <p>A condition will ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act to comply with BNG requirements. This is given moderate weight.</p> <p>On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.</p>
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"> 1. 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"> 2. Permission must relate to the following plans and documents as received on the

respective dates and development must be carried out in accordance with them:

- Block and Location Plans (Amended), Scale 1:500, DWG No: 24/0379/01, Rev: B, received by the Local Planning Authority on the 29th July 2024.
- Ground Floor and First Floor Plans (Amended), Scale 1:100, DWG No: 24/0397/02, Rev: B, received by the Local Planning Authority on the 29th July 2024.
- Elevations (Amended), Scale 1:100, DWG No: 24/0397/03, Rev: B, received by the Local Planning Authority on the 29th July 2024.
- Elevations (Amended), Scale 1:100, DWG No: 24/0397/04, Rev: A, received by the Local Planning Authority on the 29th July 2024.
- Proposed Block Plan Part 1 (Amended), Scale 1:200, DWG No: 24/0397/05, Rev: C, received by the Local Planning Authority on the 29th July 2024.
- Proposed Block Plan Part 2 (Amended), Scale 1:200, DWG No: 24/0397/06, Rev: B, received by the Local Planning Authority on the 29th July 2024.
- Site Sections (Amended), Scale 1:200, DWG No: 24/0397/07, received by the Local Planning Authority on the 29th July 2024.
- Design and Access Statement, Prepared by Geoffrey Wallace April 2024, received by the Local Planning Authority on the 26th June 2024.

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. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - iii. Levels of the proposed drainage systems including proposed ground and

- finished floor levels in AOD;
- iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - v. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

- 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;
- 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.

Prior to Erection of External Walling Conditions

5. 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:

6. The development hereby approved must not be occupied until the driveway and parking requirements have been constructed in accordance with the approved plan 'Proposed Block Plan Part 1 (Amended), Scale 1:200, DWG No: 24/0397/05, Rev: B, received by the Local Planning Authority on the 26th June 2024'. The approved access and driveway must be retained at all times thereafter and must not be removed or altered without the prior consent of the Local Planning Authority.

Reason

In the interests of highway safety.

7. Prior to the first occupation of the dwelling hereby approved the proposed boundary treatment must be installed in accordance with the following approved plans:
 - Proposed Block Plan Part 1 (Amended), Scale 1:200, DWG No: 24/0397/05, Rev: C, received by the Local Planning Authority on the 29th July 2024.
 - Site Sections (Amended), Scale 1:200, DWG No: 24/0397/07, received by the Local Planning Authority on the 29th July 2024.

Once installed the proposed and existing boundary treatment must be retained in accordance with these approved details at all times thereafter.

Reason

In the interest of residential and visual amenity.

8. Prior to the first occupation of the dwelling hereby approved the indicated windows within the first floor of the east elevation must be fitted with obscure glazing in line with the approved plan 'Elevations (Amended), Scale 1:100, DWG No: 24/0397/04, Rev: A, received by the Local Planning Authority on the 29th July 2024'. The obscure glazing must be permanently retained at all times thereafter.

Reason

To safeguard the amenities of occupiers of adjoining properties in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

9. Prior to the first installation within the development hereby approved, details of the proposed solar panels must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and to safeguard the heritage asset.

10. Prior to the first occupation of the dwelling hereby approved the existing stores/garages highlighted purple on the approved plan 'Block and Location Plans (Amended), Scale 1:500, DWG No: 24/0379/01, Rev: B, received by the Local Planning Authority on the 26th June 2024', must only be utilised for purposes ancillary to the residential property approved under this application and must not be used for any business or other purposes whatsoever for the lifetime of the development.

Reason

In the interest of residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

11. The dwelling hereby approved must be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding as contained in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted must be as the sole or main residence of a person or persons who had primary input into the design and layout of the dwelling.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with



Cumberland Council

National Policy.

12. At least two months prior to the first occupation of the dwelling hereby approved, details of the person or persons who are to be the first occupants of the dwelling and confirmation that the dwelling is to comprise their sole or main residence shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

Other Conditions:

13. The attached garage hereby approved must not be occupied at any time other than for purposes ancillary to the residential property also approved under this application and must not be used for any business purposes whatsoever.

Reason

In the interest of residential amenity and to restrict inappropriate uses within the area.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external alterations (including replacement windows and doors) or extensions, conservatories, dormer, or enlargement shall be carried out to the dwelling, nor shall any detached building, enclosure, domestic fuel containers, pool or hardstandings be constructed within the curtilage other than those expressly authorised by this permission.

Reason

To safeguard the character and appearance of the development in the interests of the visual amenity of the area.

Informative Notes:

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have

<p>been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and</p> <p>(b) the local planning authority has approved the plan.</p> <p>The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.</p> <p>Applicable exemption – The development comprises a self-build dwelling.</p> <p><u>Coal Authority Standing Advice</u></p> <p>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</p> <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>	
Case Officer: C. Burns	Date : 11.10.2024
Authorising Officer: N.J. Hayhurst	Date : 14.10.2024
Dedicated responses to:-	