

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2369/001	
2.	Proposed Development:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED INCLUDING APPROVAL OF ACCESS, LAYOUT (PLOT/SITE LAYOUT) & SCALE (NO. OF UNITS/HEIGHT/MASSING) FOR TWO RESIDENTIAL DWELLINGS & THE DEMOLITION OF EXISTING DWELLING "WYNDHOWE"	
3.	Location:	WYNDHOWE, BLYTHE PLACE, SEA MILL LANE, ST BEES	
4.	Parish:	St. Bees	
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to Wyndhowe, a detached property which forms part of Blythe Place, located off Sea Mill Lane within the south of St Bees. The site currently houses a detached	

dilapidated bungalow which is to be demolished as part of this proposal.

The site is accessed from the north west from Sea Mill Lane, with the access serving two other properties. The property is bounded on all sides by residential properties, with the land to the east is significantly sloping with Nethertown Road and the associated properties sitting at an elevated position.

Relevant Planning History

4/04/2162/0 – Outline application for residential development (6 dwellings) – Withdrawn.

4/05/2011/0 – Outline application for four dwellings – Approved in Outline.

4/07/2657/0 – New dwelling – Refused.

4/08/2237/0 – Outline application for four dwellings – Approved in Outline.

4/12/2198/001 – Outline application for single dwelling – Approved in Outline.

4/15/2381/001 – Outline application for a detached dwelling – Approved in Outline.

4/18/2458/001 – Outline application for single dwelling with all matters reserved – Approved in Outline.

Proposal

This outline application seeks to establish the principle for demolishing the existing dwelling 'Wyndhowe' and developing the site for two residential properties. The application seeks approval of the proposed access, layout (relating to plot/site layout) and scale (relating to the number of units and overall height and massing) of the proposed dwellings.

The application is supported by a proposed site plan which illustrates that the site will continue to be accessed from the existing access point to the north west of the site from Sea Mill Lane. The existing access track will be utilised to provide access to each plot with each dwelling benefiting from a driveway for two cars.

The proposed site plan also illustrates how the site will accommodate two detached residential properties. The plan shows both the wider site layout, including access, and the layout for each plot including driveways, turning areas, and garden space.

The application is also supported by a proposed site section and street scene plan, which illustrates the proposed height and massing of each of the two dwellings. Each dwelling will benefit from the following:

- A maximum width of 15.32m;
- A maximum length of 14.62m;
- A front facing gable with a maximum height of 7.649m;



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- A side projection with a maximum height of 6.600m; and
- A smaller side projection with a maximum height of 5.850m.

The application is accompanied by the following information:

- Location Plan;
- Proposed Site Plan;
- Proposed Site Section and Street Scene;
- Inspection & Assessment in relation to Bats & Breeding Birds;
- Biodiversity Statement & Baseline Assessment;
- Dusk Survey Results;
- Planning Statement.

Consultation Responses

St Bees Parish Council

27th November 2025

The site has formerly been used for a residential property, although the bungalow has been unoccupied for some time. We note that the application is for outline permission for demolition of the existing dwelling and its replacement with two houses. The Parish Council has some concerns about access to the site. The access is on a very narrow road with no pavements and is very close to a blind corner. Two new dwellings will result in more vehicle movements and access for construction vehicles during the demolition and construction phase is likely to cause significant inconvenience to residents. The Parish Council recognises that this is an outline application at this stage with details of design etc reserved but the Council has concerns about drainage arrangements, as several properties in that area have long standing issues with foul and surface water drainage and it is important that any new dwellings do not worsen the existing problems. It is also important that the height and appearance of the houses are in keeping with neighbouring properties.

26th March 2026

Thank you for forwarding details of the additional and amended information. The Parish Council has nothing to add to our earlier comments.

Cumberland Council – Highway Authority & Lead Local Flood Authority

1st December 2025

The slight increase in vehicular use of the existing access is unlikely to have a significant material effect on existing highway conditions. I can therefore confirm that the Local Highway Authority has no objection to the proposal, we would however recommend that the following

conditions are included in any consent you may grant: full details of surface water drainage, access gates, construction traffic management plan, and demolition management plan.

19th March 2026

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously should still apply.

Cumberland Council – Countryside Access Officer

No comments received.

United Utilities

18th November 2025

United Utilities has no further comment on this application.

11th March 2025

United Utilities has no further comments to add regarding the updated information.

Cumberland Council – Environmental Health

27th November 2025

There are no objections in principle to this proposed development from Environmental Health.

The following conditions are suggested if planning approval is granted: Site specific Construction Environmental Management Plan, drainage, and noise from construction works.

20th March 2026

There are no objections to this application and no further comments subject to those made previously on 27.11.25 by Environmental Health which are still relevant and should still apply.

Natural England

No comments received.

Cumberland Council – Ecology Team

11th November 2025

Suggested Planning Conditions:

Breeding Birds:

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out by an ecologist no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals:

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals.

Invasive Non-Native Species (INNS):

Two INNS, listed under Sch.9 of the WCA (1981) were located on site, montbretia within the scrub parcel to the east, and wall cotoneaster bordering the garden space to the west.

As a precautionary measure it is assumed that the area in which the INNS are located will be impacted upon during development works. To prevent further spread of these species from within the site, it is recommended that the species are eradicated from the site prior to development. A Method Statement should be collated by a suitably qualified ecologist or invasive species specialist outlining how these species will be removed pre-works, including details regarding site biosecurity protocols.

Bats:

If demolition works have not commenced within 18 months of the dusk emergence survey (14th August 2025), then this survey is to be repeated.

The bat report (Tyrer Ecological Consultants, 2025) states that Tree 7 may offer bat roost potential, but despite an inspection the level of potential could not be ascertained at the time of survey. Plans now show that this tree will be felled. Therefore, this tree is to undergo a further inspection to fully assess the tree during a time when there is less foliage. This survey should therefore take place between December – Marc. Should this updated inspection locate additional potential roost features, then further inspection surveys are to be undertaken.

A bats-specific lighting scheme will be designed during construction and operation to minimise light impact. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

Biodiversity Net Gain:

The county ecologist notes that there is an assumption that all habitat on site will be lost, as stated by the score of -100% in the biodiversity metric.

No development hereby permitted shall commence until:

- a) a Biodiversity Gain Plan has been submitted to the planning authority demonstrating a 10% net gain,
- b) the planning authority has approved the plan in writing,
- c) if onsite habitat provision is provided, it is accompanied by a Habitat Management and Monitoring Plan in place for 30 years, which is to be accepted by the council,

- d) the off-site provision is secured through a Section 106 for a period of 30 years, and is approved by the council in writing, and
- e) Monitoring results are to be programmed to be submitted to the council. These should include evidence demonstrating how BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed. The development shall be carried out in accordance with the approved plans.

Enhancements:

One integrated bat box for the development is to be fitted to provide roosting opportunities for bats. The following are examples although other brands are available:

- The Habibat Bat Box;
- Green&Blue Bat Box.

One integrated bird box for the development is to be fitted. The following are examples although other brands are available:

- Schwegler No. 17 swift nest box
- Schwegler 1SP sparrow terrace

10th March 2026

No additional response as amendments only relate to layout.

30th September 2026

The County Ecologist accepts the recent BNG assessment along with the quote from the Environment Bank and makes the following suggested planning conditions.

Suggested Planning Conditions

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BNG Informative

The effect of paragraph 13 of 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 been granted subject to the condition ('the biodiversity gain condition ') that development may not begin

unless:

- a) A Biodiversity Gain Plan has been submitted to the local planning authority, and
- b) The local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be on which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for break of planning control.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to 9 properties.

Nine letters of objection were received raising the following concerns:

- Concerns in relation to construction traffic using Sea Mill lane and accessing the proposed site for the dwellings.
- The lane is very narrow and access to the proposed site is very tight causing safety concerns which cannot be mitigated. It is barely fit for purpose for modern traffic and large vehicles and impossible for lorries.
- Visibility is restricted from the access in both ways and presents a safety risk, especially as there is no footpath.
- The lane is much used as a walking route to the sea. It can be hazardous for walkers, particularly those with children or dogs, and especially when larger vehicles are trying to negotiate the narrow stretches.
- The proposal will significantly increase traffic and road safety issues.
- Traffic flow is already at a peak resulting in missed bin collection an additional two properties will exacerbate the problem.
- The lane cannot sustain more traffic and anymore new buildings. There has to come a point when over development of a small country lane occurs and this is it. Please no more building.
- Construction traffic will cause obstructions to residents who require access at all times as the lane is only wide enough for one vehicle.
- Sea Mill Lane is in a poor state. It will remain vulnerable to further deterioration by



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heavy vehicles causing more disturbance for residents whilst it is fixed.

- Another issue for us and residents of Egremont Road, Nethertown Road and the Fairladies estate is the offloading of equipment and materials in the bus turning circle and lay-by on Egremont Rd onto smaller vehicles able to access the narrow Seamill Lane site. Historically these vehicles park on double yellow lines outside our homes for considerable periods of time sometimes blocking our driveway.
- Although there does appear to be parking for two cars, it looks fairly constricted and I would question if it is adequate.
- The development may undermine the original stone wall potentially leading to structural damage or collapse between the adjacent site. Construction will be right up to the wall in the aim to cram in two large properties.
- Concerns regarding noise from construction along with mud and blockage of drains.
- The existing building looks perfectly serviceable. Why demolish it?
- The size of the new build is not specified in terms of bedrooms and likely occupancy.
- The proposed dwellings are not in keeping with the other properties on the lane.
- The buildings appear to be 3 stories high which is out of character for the location when they are replacing a single story bungalow.
- Originally outline planning permission was granted for the erection of 4 small bungalows on this site by the owner of Wyndhowe. Subsequently we have seen planning approved and the erection of 3 large properties and now this planning application for 2 properties which, from the drawings provided, look to be 3 storeys. Hardly the small bungalows originally intended.
- The most recent property 4 Blythe Place is most relevant to our objection as this application went to appeal as we continued to object to a 3 storey house on that plot. The decision by the Planning Inspectorate deemed that the property could only be 2 storey as it had to be in keeping with properties in the vicinity and mediate between the properties of Blythe Place and the existing bungalow. This in our opinion therefore means that these proposed properties must also do that.
- The proposed dwellings are not commensurate with the size of the plot.
- One dwelling would be preferable.
- No provision for foul water. Services are already at capacity.
- Storm water shed from the roof of two properties will present a flooding hazard as the storm water capacity of the drains is already overloaded.
- The additional hardstanding which will be created represents a run-off risk and an environmental hazard.

- The area is a known habitat for bats which breed in this area.
- I note that the United Utilities statement raises the need to avoid surface water drainage connecting to sewers and the need for evidence that the drainage hierarchy has been considered. Is there evidence that the size of the dwellings and the position on the plot enables the optimisation of preferred options for surface water management?

One letter of neutral response was also received raising the following points:

- I would be interested in understanding how the site will be fed with materials.
- The road is narrow so turning large vehicles may be an issue.

Public Reconsultation

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

Five letter of objection were received raising the following concerns:

- There is not extremely strong local and national planning policy support for such a proposal.
- This is currently an extremely overdeveloped small narrow lane never intended for the amount of traffic and new builds in current existence. This alongside continuous vehicles travelling on the lane to visit the sea mill lane beach carpark and beach makes this once quiet and peaceful residential area threatened.
- Sea Mill Lane is a single vehicle track, with no pavement, many pedestrians/ many dog walkers use continuously as it links many footpaths together.
- The traffic at present is like the M6, people use to access the beach as parking does not incur charges. I have previously requested speed ramps due to safety concerns with vehicles and delivery vans speeding down the lane. It would benefit with some monitoring of the number of vehicles using the now, let alone if demolition and construction go ahead.
- Construction traffic will increase this safety risk and in addition the access to the site in question is very restricted used by two properties already there one either side of the proposed development and one in front of the development, it is not possible to alter access as it does not belong to the existing bungalow / property. Those homeowners will always need access
- The lane has recently had tarmac patching, so any machinery would be limited in size and have to be delivered on small vesicle / low loader, previously diggers with metal running tracks have driven down and cut up and marked the lane tarmac, this cannot happen again or would need further repair. Who is going to Marshall all of this and



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fund any damage caused by the development? Any accidents to individuals or property on the lane the Council would have to take some responsibility.

- Enough development of this lane.
- Two houses of this size crammed into the lane would be a detriment to what is becoming an increasingly busy area.
- Too many large and outlandish house are being squeezed in for a quick profit and we're all suffering.
- Concerns about the size, scale and especially the height of the dwellings, particularly due to the fact that this site was originally granted outline planning permission for 4 small bungalows. The 3 properties already built in no way reflect this.
- Number 4 Blythe Place went to appeal and the National Planning Authority deemed that only a 2storey house be allowed as the size and scale needed to be in keeping with the neighbouring properties and mediate between the terraced properties of Blythe Place and the bungalows.
- There is potential here that this most recent application will lead to the building of 2 dwellings which are too large in size scale and height to be in keeping with their surroundings.
- I know of no residents on the lane who are in favour of this development.
- Drainage is an ongoing issue and need to be sorted now.
- Lack of drainage information with the application needs to be addressed.
- The building company are not even local company, so not exactly supporting local firms/workers and economy.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2026)

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)

Assessment

The key issues raised by this application relate to demolition; the principle of the development; settlement character and landscape and visual impact; scale, design and impact on residential amenity; flood risk and drainage; access and highway safety; impact on heritage assets; and impact on biodiversity and ecology.

Demolition

Demolition is classed as permitted development under Schedule 2 Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. This order sets out certain conditions for the prior approval of demolition, which requires the submission of a method of demolition and details of the proposed restoration of the site.

The application seeks to demolish the existing residential bungalow on site. As limited detail has been provided with the application to support the proposed demolition, the submission of a demolition method statement will be secured by an appropriately worded planning condition.

The Highway Authority have also requested a condition to secure a demolition management plan. This condition will help to address concerns by local residents as it will ensure that the development does not adversely impact on the fabric or operation of the local highway network and public safety during the demolition of the property.

Environmental Health have offered no objections to the application.

The redevelopment of the site for residential purposes will be reviewed in latter stages of this assessment.

Principle of Development

St Bees is identified in Strategic Policy DS1 of the Copeland Local Plan as a Local Service Centre, which have a supporting role to Copeland's towns containing a broad range of services. These settlements also operate independently from the main towns to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar scale by a frequent public transport service and/or safe pedestrian routes a mile or less in

length. It is stated that the focus for development in Local Centres will be to support the retention and small scale growth of existing services and businesses, with development focused on existing employment allocations, moderate housing allocations, and windfall and infill developments.

The settlement boundary for St Bees is defined in Strategic Policy DS2. It is stated that development within the defined settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. The application site is located within the defined settlement boundary for St Bees.

The site relates to an existing residential site. Historically planning permission has been granted in outline form to develop part of the application site and the land adjoining 'Wyndham' for four residential dwellings. Three of these plots have now been developed however plot 2 (which forms part of the application site) remains undeveloped. Three subsequent outline applications have also been approved for a single dwelling within plot 2 which have not been implemented.

The current use and the previous planning approvals at this site, have established the principle for developing the site for residential dwellings. On this basis, the proposal is considered to comply with Policies DS1 and DS2 of the Copeland Local Plan and provisions of the NPPF.

Housing Need

Policy H7 of the Copeland Local Plan states that: developments should make the most effective use of land. When determining appropriate densities development proposals should clearly demonstrate that consideration has been given to the shape and size of the site, the requirement for public open space and landscaping, whether the density would help achieve appropriate housing mix and help regeneration aims, the character of the surrounding area and the setting of the site. Applicants must also demonstrate, to the satisfaction of the Council, how their proposals meet local housing needs and aspirations identified in the latest Strategic Housing Market Assessment (SHMA) and Housing Needs Assessment in terms of house type, size and tenure. Alternative more up-to-date evidence will be considered only in exceptional circumstances where a developer demonstrates to the Council's satisfaction that the SHMA and Housing Needs Assessment is out of date in full or part.

Policy H8 of the Copeland Local Pla states on sites of 10 units or more... at least 10% of the homes provided should be affordable as defined in the NPPF 2021 (or any document that replaces it) unless: 1) this would exceed the level of affordable housing required in the area as identified in the Housing Needs Study; or 2) The development falls into an exemption category listed in the NPPF. Affordable housing should be provided in the tenure split - 40% discounted market sales housing, starter homes or other affordable home ownership routes of which 25% of these must meet the definition of First Homes and 60% affordable or social rented.

The application site falls within the Whitehaven Housing Market Area (HMA) of Copeland



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Strategic Housing Market Assessment (SHMA). The SMHA suggest a particular focus on the delivery of two and three bedroom (80%) and some 4+ bedroom (20%) semi-detached and detached dwellings. It is also stated the Council should also consider the role of bungalow and there is a high need for new affordable housing.

Whilst the majority of matters are reserved for future approval, the application seeks to secure the scale of the development in terms of the number of the proposed units. The proposed development therefore comprises of two detached dwellings, which is appropriate to the scale and designation of St Bees as a Local Service Centre.

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

On this basis, the development will assist in providing housing that will help meet the housing need identified in the SHMA and the requirements Policies H7 and H8 of the Copeland Local Plan and provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland'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; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from 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 is located within the south of St Bees within a predominantly residential area, which benefits from a mix of terrace, and detached single and two storey properties with a mix of character and appearance. As the site is surrounded by existing residential properties, will replace an existing residential property, and will develop a plot previously granted outline planning permission for a dwelling, the proposal is not considered to have an adverse impact on the overall landscape. The siting of two detached residential properties is considered to be complementary to the existing built form of this part of the settlement.

Landscaping details will be secured by subsequent planning approvals for the site.

The proposed development is considered to respect the form, density and character of the existing developments within the locality. The proposal is therefore considered to comply with Policy N6 of the Copeland Local Plan and the provisions of the NPPF.

Scale, Design and Impact of Development

Policy DS4 of the Copeland 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.

The application site lies within the south of St Bees within a predominantly residential area which benefits from a mix of residential properties. The proposal will replace an existing bungalow on the site and will develop a plot previously granted outline planning permission for a single storey dwelling.

Following discussions with the agent regarding the matters being sought approval as part of this application, the proposal has been amended to secure details of layout in relation to plot/site layout and scale in relation to number of units proposed, and the overall height and massing of the proposed dwellings.

The proposal seeks approval for two large, detached dwellings, with a shared access, and individual driveways, turning areas, and garden spaces. Concerns have been raised by residents regarding the overdevelopment of the site by two large dwellings. As submitted the proposal allow for adequate separation distances to be achieved between facing elevation of the proposed and existing dwellings. The layout also reflects the wider character of the surroundings area which is characterised by large, detached dwellings set within large plots.

Concerns have been raised by the Parish Council and residents regarding the overall design of the proposed dwellings particularly as they aren't in keeping with the character of the overall area. Concerns were also raised regarding the overall height of the dwellings as previous permissions had only approved the construction of bungalows on the site and historic appeal decisions relating to part of the application site and adjacent properties had



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upheld decisions to refuse larger dwellings.

Appeal ref. APP/Z0923/A/08/2069201 relates directly to part of the application site (plot 2). In dismissing the appeal, the Planning Inspector considered that the erection of a large two storey dwelling with undercroft garage would dominate the streetscene and would appear as an overdevelopment of the plot and result in amenity harm.

Appeal ref. APP/Z0923/A/11/2163254 relates to land to the south of the existing bungalow (Blossom Mount). In dismissing the appeal, the Planning Inspector considered that the erection of a large two and half storey dwelling with undercroft garage would result in amenity harm; however, concluded that the development would integrate itself into its surroundings without harm to the character and appearance of the area.

Appeal ref: APP/Z0923/A/10/2120565 relates to land north of the application site (4 Blythe Place). In dismissing the appeal, the Planning Inspector considered that the erection of a large three story property would look incongruous, and out of scale and character with its surroundings.

Since the determination of the above appeals, dwellings have been erected to the north, south and west of the application site, with the design and form of these dwellings informed by these appeal decisions.

Whilst appearance is reserved for subsequent approval the application does seek permission for the overall scale of the proposed dwellings in terms of height and massing. Discussions have been undertaken with the agent regarding initial concerns relating to the overall height of the proposed dwellings in relation to the history appeal decisions and whether the proposed massing of the properties reflected the character of the surrounding area. Amendments were therefore proposed to the development with plans submitted to show the general proposed massing of the dwellings along with details of the proposed heights. The agent has also submitted a proposed streetscene so that the proposal can be viewed in the context of the existing bungalow and adjacent residential properties.

The amended information for the application now indicates that the proposal will seek to develop the site for two properties with accommodation within the roof space. This amendment ensures that the development of this site is subservient to the adjacent properties, and reflects the character of the surrounding properties, particularly the dwelling to the west of the site (Burnden Place). The submitted streetscene also shows that the proposed dwellings will include a slight increase in the overall height of the existing bungalow to be demolished. The amendments to the scheme ensure the development will not be over dominant within the streetscene and will not result in the overdevelopment of the application site.

Based on the information provided in relation to the overall height and massing of the proposed development it is considered that the development would integrate into the streetscene without creating harm to the character and appearance of the area. The development is not considered to have a significant detrimental impact on residential amenity

due to the existing and proposed layout, and the separation distances retained as part of the development. As appearance is reserved for subsequent approval matters relating to design will be considered as part of separate applications.

The Council's Environmental Health team have been consulted on this application and have offered no objections to the proposed development subject to the inclusion of conditions to limit construction hours and to secure a site-specific Construction Environmental Management Plan. The inclusion of these conditions will help to protect residential amenity during construction and addresses concerns raised by residents regarding the impact during construction of the proposed dwellings.

On this basis it is considered that the development would be in accordance with Policies DS4 of the Copeland Local Plan, and provisions of the NPPF.

Access, Parking and Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

Policy CO7 of the Copeland Local Plan states that proposals for new development will be required to provide adequate parking provision, including cycle parking and accessible parking bays, in accordance with the Cumbria Development Design Guide (or any document that replaces it) where appropriate.

The application seeks to utilise the existing access from Sea Mill Lane to access the proposed properties.

Concerns have been raised by the Parish Council and residents regarding the impact on the development on highway safety and the capacity of Sea Mill Lane to accommodate extra traffic and construction vehicles. It should however be noted that the proposed access and Sea Mill Lane, already serves the existing dwelling 'Wyndhowe' which is to be replaced, and has been approved to serve the single dwelling previously permitted within the remainder of the application site. The cumulative impact upon the highway network and highway safety has therefore already been considered acceptable for two properties within this site under the previous permissions.

The Highway Authority has reviewed the application and confirmed that the slight increase in vehicular use of the existing access is unlikely to have a significant material effect on existing highway conditions. It is therefore confirmed that the Highway Authority has no objection to



Cumberland Council

the proposal, subject to the inclusion of conditions to secure full details of a construction traffic management plan, a demolition management plan, and access gates.

It is therefore considered that based on the inclusion of any requested conditions, the proposal will not have a detrimental impact on highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policy DS6 seeks 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 DS7 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.

At this stage the application indicates that surface water will be dealt with via a sustainable drainage system, and it is unknown how foul water will be disposed. Due to the lack of information provided conditions will be utilised to secure full details of both foul and surface water for the development.

Whilst concerns have been raised by the Parish Council and residents regarding drainage for the development and potential flood risk, no objections have been received from either UU or the LLFA. The LLFA have however requested the inclusion of a condition to secure details of the proposed surface water scheme for the development along with a maintenance schedule.

Based on the inclusion of these conditions, the proposal is considered to be compliant with the Policy DS6 and DS7 of the Copeland Local Plan, and provisions of the NPPF.

Impact on Ecology and Biodiversity

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 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 N1. This is in addition to any compensatory habitat provided under Policy N1. 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.

The application is supported by a Biodiversity Net Gain Assessment. The proposed

development would result in a loss of 68.87% net loss in habitat units and a 48.66% net loss in hedgerow units. In terms of specific unit changes, the metric output indicates a loss of - 0.60 Habitat units and -0.02 hedgerow units. In addition, the trading rules are not satisfied for the scheme, based on the loss of bramble scrub, individual trees, introduced shrub and vegetated garden which has not been adequately offset. The assessment therefore confirms that the application has indicated that the preferential option for the scheme would be to utilise an offsite habitat bank / provider to make up the unit shortfall, to ensure that the proposals achieve a 10% gain in Habitat and Hedgerow units and meet trading rules.

The Council's Ecologist has confirmed acceptance of the recent BNG assessment along with the quote from the Environment Bank and offers no objection to the application. Relevant conditions will be included in this decision notice to secure BNG for this development.

As the application seeks to demolish an existing building the application is supported by an Inspection and Assessment in relation to Bats & Breeding Birds. This report concludes the following:

- A single statutory designated site is present within 2.0km of the site, St. Bees Head SSSI. Based on the IRZ – Threshold Checker available on MAGiC Maps 2025, the proposals do not met any of the listed criteria and thus do not present a likely risk of having a harmful effect on the surrounding terrestrial SSSIs and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.
- The existing dwelling is considered to have a bat roost suitability of 'low'.
- It is therefore recommended that a single dusk emergence survey is conducted at the site within the active season of bats in order to establish if / how the building is being used by bats, and if so, identify the species present, abundance, roost locations and flight lines around the site following emergence.
- One of the trees (T7) within the red line boundary of the site offers potential roost features that could not be fully observed due to the stunted growth of the tree. As such, T7 is assessed as pertaining to a bat roost suitability of 'FAR'.
- As it is unknown if this tree is to be retained or felled a further GLTA to fully assess the tree is carried out during a period when the foliage is not present and during an optimum period of time for a GLTA. This survey should therefore take place between December – March.
- The applicant should be aware that if, during further surveys, evidence is gathered that confirms bat(s) or their roost(s) are found on site and will be impacted upon, then a Protected Species licence may be required to legally commence with the proposals.
- Installation of overly harsh artificial lighting as part of any development that exceeds current levels may have a negative impact upon foraging / commuting bats in the landscape, subject to their presence, particularly if increased light spillage occurs in



Cumberland Council

areas that are currently free from illumination such as the mature trees. A bat-sensitive lighting plan is therefore recommended in order to avoid potential impacts to bats.

- In relation to wider breeding bird species, viable nesting platforms are present within the chimney stack of the main dwelling, the trees and all denser vegetation, which could be utilised within the nesting bird season of March – August, inclusive.
- Any works impacting upon any of the above areas of nesting potential should therefore be carried out outside of the breeding bird season, typically March – September inclusive. For works within the breeding bird season, any areas that can support nesting birds should be checked by a professional Ecologist for nesting birds within 48 hours or less prior to works commencing.
- Two INNS, listed under Sch.9 of the WCA (1981) were located on site, montbretia within the scrub parcel to the east, and wall cotoneaster bordering the garden space to the west. Given that the scope of plans is currently unknown, as a precautionary measure it is assumed that the area in which the INNS are located will be impacted upon during development works. To prevent further spread of these species from within the site, it is recommended that the species are eradicated from the site prior to development. A Method Statement should be collated by a suitably qualified ecologist or invasive species specialist outlining how these species will be removed pre-works, including details regarding site biosecurity protocols.

Based on this assessment the application is also supported by Dusk Survey Results which concludes the following:

- Emergence of bats was absent at Wyndhowe, with activity limited constant foraging and commuting by up to three common pipistrelle bats and a single soprano pipistrelle bat.
- There are no further recommendations in relation to bats Wyndhowe.
- This survey is valid for a period of 12 – 18 months.

The Council's Ecologist has offered no objection to the application however has requested conditions to secure the INNS Method Statement, the additional Ground Level Tree Assessment, and the bat lighting scheme.

The Council's Ecologist has stated that works should be undertaken outside the bird breeding season, should avoid small mammals, and if demolition works are not carried out within 18 month of the Dusk Survey this will need to be repeated. These details will be included as informative notes on the decision notice.

The Ecologist has also requested that a number of enhancement features are included within the development, relating to bats and breeding birds. As this is an outline application these enhancement measures will be secured by an appropriately worded planning condition.

No comments have been received from Natural England.

Based on the inclusion of the requested conditions, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusions

The application seeks outline planning permission for the erection of two residential properties. The application site is located within the defined settlement boundary for St Bees, which is identified within the Copeland Local Plan as a Local Service Centre.

The proposed demolition of the existing bungalow is considered to be acceptable, however the submission of a demolition statement and demolition management plan will be secured by condition.

The site relates to an existing residential site. Planning permission has previously been granted to develop part of the site (plot 2) for residential purposes. The current use and previous planning approval at this site, have established the principle for redeveloping the site for residential dwellings.

The site is located within a predominantly residential area, with a mix of character and types of properties. As the site is surrounded by existing residential properties, will replace an existing residential property, and will develop a plot previously granted outline planning permission for a dwelling, the proposal is not considered to have an adverse impact on the overall landscape. The siting of two detached residential properties is considered complementary to the existing built form of this part of the settlement.

The amended application is in outline form only but seeks permission for the layout in relation to plot/site layout and scale in relation to number of units proposed, and the overall height and massing of the proposed dwellings. The amended scheme ensures the proposal will integrate into the streetscene without creating harm to the character and appearance of the area and will not have a detrimental impact on residential amenity. Conditions will be utilised to secure a CEMP and restrictions to construction hours.

The amended application also seeks to secure details of the proposed access. The proposal utilises the existing access serving the existing dwelling and previously approved to serve the single dwelling previously permitted within the remainder of the application site. The cumulative impact upon the highway network and highway safety has therefore already been considered acceptable for two properties. The Highway Authority have offered no objections to the application subject to the inclusion of conditions.

Conditions will also be utilised to secure full details of the proposed foul and surface water drainage for the development, along with ecology matters and to secure BNG for the site.

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



Cumberland Council

8.	Recommendation: Approve in Outline
9.	Conditions: <u>Defining the Permission Conditions:</u> 1. The appearance and landscaping must be approved by the Local Planning Authority. Reason To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. 2. Detailed plans and drawings with respect to the matters reserved for subsequent approval must be submitted to the Local Planning Authority within three years of the date of this permission and the development hereby permitted must be commenced not later than the later of the following dates:- a) The expiration of THREE years from the date of this permission Or b) The expiration of TWO years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. Reason To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. 3. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:- - Application Form, received by the Local Planning Authority on the 4th November 2025. - Location Plan, Scale 1:1250, Drawing No: 4326-25-04, received by the Local Planning Authority on the 4th November 2025. - Proposed Site Plan (Amended), Scale 1:100, Drawing No: 4396-25-06D, received by

the Local Planning Authority on the 28th September 2026.

- Proposed Site Section and Street Scene (Amended), Scale 1:100, Drawing No: 4396-25-07E, received by the Local Planning Authority on the 3rd March 2026.
- Inspection & Assessment in relation to Bats & Breeding Birds, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025.
- Biodiversity Statement & Baseline Assessment, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025.
- The Statutory Metric (Baseline), received by the Local Planning Authority on the 4th November 2025.
- Dusk Survey Results, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025.
- Planning Statement (Amended), Prepared by McDonald Wilkinson Tonge Chartered Planners September 2026, Ref: 25010, received by the Local Planning Authority on the 28th September 2026.
- Biodiversity Net Gain Assessment, Prepared by Tyrer Ecological Consultants Ltd August 2026, Project Reference: PR-25-0252, received by the Local Planning Authority on the 24th September 2026.
- The Statutory Metric (Baseline), received by the Local Planning Authority on the 24th September 2026.
- BNG Unit Quote, received by the Local Planning Authority on the 18th September 2026.

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.

1. This permission gives outline approval for a maximum of two dwellings only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the

provisions of Policy DS1 of the Copeland Local Plan 2021 - 2039

2. This permission gives outline approval for two dwellings which reflect the layout (plot/site layout) and scale (no. of units/height/massing) as indicated on the following approved plans:
 - Proposed Site Plan (Amended), Scale 1:100, Drawing No: 4396-25-06D, received by the Local Planning Authority on the 28th September 2026.
 - Proposed Site Section and Street Scene (Amended), Scale 1:100, Drawing No: 4396-25-07E, received by the Local Planning Authority on the 3rd March 2026.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy DS1 of the Copeland Local Plan 2021 - 2039

Pre Commencement Conditions:

3. Prior to commencement of works at the site a demolition method statement 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.

Reason

In order to secure a suitable method of demolition in accordance with Policy DS4 of the Copeland Local Plan 2021 - 2039_ .

4. Development must not commence until a Demolition Management Plan has been 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.

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 CO4 of the Copeland Local Plan 2021 - 2039_ .

5. No development must take place until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include an asbestos survey prior to demolition, a demolition method statement, and demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, any works site lighting and procedures for dealing with complaints and liaison with residents and the Council. The development must be carried out in accordance with the approved details at all times thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021 - 2039.

6. 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 must include details of:
- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
 - Surface water management proposals during the construction phase

The development must be carried out in accordance with these approved details at all times thereafter.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with CO4 of the Copeland Local Plan 2021 - 2039.

7. Full details of the proposed surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the

responsible parties) must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere in accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021 - 2039

8. Full details of the proposed foul water drainage system for the development must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained thereafter in accordance with the schedule.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution accordance with Policies DS6 and DS7 of the Copeland Local Plan 2021 - 2039

9. Prior to the commencement of development, a Method Statement for the removal of Invasive Non-Native Species as required by the approved document 'Inspection & Assessment in relation to Bats & Breeding Birds, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025' must be submitted to and approved in writing by the Local Planning Authority. The Statement must be collated by a suitably qualified ecologist or invasive species specialist outlining how these species will be removed pre-works, including details regarding site biosecurity protocols. The approved works must be carried out in accordance with the approved details at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 - 2039

10. Prior to the commencement of development, an additional Ground Level Tree Assessment to T7 as required by the approved document 'Inspection & Assessment in relation to Bats & Breeding Birds, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025' must be submitted to and approved in writing by the Local Planning Authority. The approved development must be carried out in accordance with the details within this approved additional assessment at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 - 2039

11. Prior to the commencement of development, a bat-specific lighting scheme as required by the approved document 'Inspection & Assessment in relation to Bats & Breeding Birds, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025' must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be installed prior to the occupation of any dwelling and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 - 2039

12. Prior to the commencement of development, details of the required ecological enhancement measures must be submitted to and approved in writing by the Local Planning Authority. The approved measures must be installed prior to the occupation of any dwelling and must be retained for the lifetime of the development.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 - 2039

Other Conditions:

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

Reason

In the interests of highway safety in accordance with CO4 of the Copeland Local Plan 2021 - 2039

14. The proposed works must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the following approved documents:

- Inspection & Assessment in relation to Bats & Breeding Birds, Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025.
- Dusk Survey Results, , Prepared by Tyrer Ecological Consultants Ltd October 2025, Project Reference: PR-25-0252, received by the Local Planning Authority on the 4th November 2025.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1 of the Copeland Local Plan 2021 - 2039

15. Following approval of the development, demolition and construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 09.00 – 13.00

There must be no construction activities at any time on Sunday or Bank Holiday.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with

the Local Planning Authority.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development in accordance with Policy DS4 of the Copeland Local Plan 2021 - 2039

Informative Notes:

1. Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out by an ecologist no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.
2. All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of hedgehogs and Works should be supervised during initial clearance of the Site to avoid injury to any disturbed individuals.
3. If demolition works have not commenced within 18 months of the dusk emergence survey (14th August 2025), then this survey is to be repeated.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

<http://www.gov.uk/government/organisations/the-coal-authority>

5. Biodiversity Net Gain – Applicable

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 been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the local planning authority, and

	(b) the local planning authority has approved the plan. The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority. Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control. Statement: The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
Case Officer: C. Burns	Date : 07.10.2026
Authorising Officer: N.J. Hayhurst	Date : 09.10.2026
Dedicated responses to:-	