

Local Planning Authority Appeal Statement

Appeal By:

Mr Lee Grundy

Appeal Reference:

APP/F0935/W/24/3354544

Local Planning Authority Reference:

4/24/2051/0F1

Proposal:

Erection of a New Dwelling and Associated External Works
(Resubmission)

Site Address:

Land Adjacent to Stoneycroft, Sea Mill Lane, St Bees

1. Decision of Local Planning Authority:

Full planning permission was refused for the Erection of a new dwelling and associated external works on Land adjacent to Stoneycroft, Sea Mill Lane, St Bees on 29th April 2024.

Reasons for Refusal

1. The proposed development comprises a market led residential development located on a site outside of the settlement boundary of St Bees in direct conflict with the provisions of Policy ST2 of the Copeland Local Plan, DS3PU, Policy DS4PU and Policy H4PU of the emerging Copeland Local Plan 2017- 2038 and provisions of the NPPF.

2. Due to the siting of the proposed development, it is likely to create adverse impacts on the amenity of the occupiers of the adjacent property Stoneycroft through overlooking. The proposed development would also result in an intensification of the existing residential access serving Stoneycroft which would result in an unreasonable loss of residential amenity for the existing and future occupants of the existing dwelling due to the proximity of the access to the dwelling and the detrimental impacts of the associated movements and disturbance this development would create. Consequently, this proposal would be in conflict with Policies SS1 and DM10 of the Copeland Local Plan, Policy DS6PU of the Emerging Local Plan, and the provisions of the NPPF.

3. The proposed development by virtue of its elevated location, scale and developed form does not respond positively to the surrounding area and will result in adverse impacts upon the local landscape character by creating a prominent feature within this rural context. The proximity of the proposal to the adjacent Public Right of Way, which also forms part of the King Charles III England Coast Path, along with the proposed scale and form of the development will have a significant detrimental impact on the amenity of the users of the footpath and would result in a significant change in the character of the land within which the footpath is set. Consequently, the proposal would be in conflict with the provisions of Policy ENV5, Policy DM26 and Policy

DM10 of the Copeland Local Plan 2013- 2028 and Policy H6PU and Policy N6PU of the emerging Copeland Local Plan 2017-2038.

2. Statement of Case:

The justification for the refusal of the planning application is detailed in the Officer Delegated Report which was submitted by the LPA with the Planning Appeal Questionnaire.

Since the decision notice was issued the Council has adopted a new Local Plan for this part of the district. The NPPF was also updated in December 2024. The purpose of this Statement is to set out the relevant adopted Policies and clarify how the change in planning policy and Government guidance affects the Council's assessment of the proposal.

3. Planning Policy

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

Development Plan

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

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

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

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

Copeland Local Plan 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.

The policies within the newly adopted Copeland Local Plan that are relevant to this case are as follows:-

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 (2024)
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)

4. Assessment

The main issues raised by this application relate to the principle of the development; previous use of land; scale, design, and impact on residential amenity; settlement character, landscape and visual impact; access and highway safety; drainage and flood risk; impact on ecology; and ground conditions.

Principle of Development

Policy DS1 of the LP identifies St Bees as a Local Service Centre where development will be focused on supporting small scale growth to retain existing services and businesses. Development will be focussed on existing employment allocations, moderate housing allocations, windfall and infill development.

Policy DS2 of the LP 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 otherwise. It is stated that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases: where the proposal is for housing and: the site is well related to and directly adjoins the settlement boundary of a town or Local Service Centre; and b) the site is or can be physically connected to the settlement it adjoins by safe pedestrian routes; and c) the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or there has been previous under-delivery of housing against the requirement for 3 years or more or the proposal is for a specific type of housing supported by Policies H15 (rural exception sites for affordable housing delivery), H16 (essential dwellings for rural workers) or H17 (conversion of rural buildings to residential use).

Policy H1 of the LP states the Council will work with stakeholders, partners and communities to make Copeland a more attractive place to build homes and live by: allocating a range of deliverable and attractive housing sites to meet local needs and aspirations and ensuring they are built at a high standard, whilst protecting the amenity of existing residents; approving housing development on appropriate windfall sites within the settlement boundaries where it accords with the Development Plan; and, ensuring a consistent supply of deliverable housing sites is identified through an annual Five-Year Housing Land Supply Position Statement.

Policy H2 of the LP outlines the housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum) to be provided between 2021 and 2039 and that In order to plan positively and support employment growth over the Plan period, the Plan identifies a range of attractive allocated housing sites, which when combined with future windfall development, previous completions and extant permissions, will provide a minimum of 3,400 dwellings (an average of 200 dwellings per annum) over the Plan period.

Policy H4 of the LP outlines that 17% of new housing development will be located within the Local Service Centres.

Policy H5 of the LP allocates land for housing purposes.

The application site is located beyond the defined settlement boundary for St Bees as identified within the DS2 of the LP and is not allocated for housing development in the LP. The development comprises a market led new build

house and does not therefore comprise an exception site for affordable housing, an essential dwelling for a rural worker or the conversion of a rural building as set out in Policy DS2.

Whilst the application site is located approximately 105m to the south of the defined settlement boundary for St Bees the site is not physically connected to the settlement by safe pedestrian routes. There are no designated footpaths along the full length of Sea Mill Lane.

Overall, it is considered that the principle of the development is contrary to Policies DS1, DS2, and DS4 of the LP and paragraph 11 of the NPPF, creating residential properties in an area outside the designated settlement boundaries. The LPA can demonstrate a 5 year land supply and the Policies within the LP reflect the guidance set out in paragraph 84 of the NPPF which seeks to resist unjustified housing in the open countryside.

Previous Use of Site

The LP 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 applicant references within their supporting statement that the application site forms previously developed land as the land is within the curtilage of a developed structure and forms part of the existing residential garden. The NPPF however excludes residential gardens from the definition of previously developed land. Whilst the site may be within the applicant's ownership, given its nature it does not appear to be brownfield land.

On this basis, it is considered that the proposed does not seek to reuse previously developed land.

Scale, Design, and Impact on Residential Amenity

Policy DS4 of the 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 proposed dwelling is to be located on land to the south of the existing dwelling known as Stoneycroft. The proposal seeks permission for a large

detached modern dwelling which is considered to be out of scale with the nearest neighbouring properties and does not reflect the character of the surrounding area. The proposed dwelling will be three storeys in height and will sit at an elevated position in relation to the adjacent properties. This will result in the development being a prominent feature particularly given that the surrounding properties are much smaller in scale and of a more muted/simple design. The property is modern in design and the use of large glazing elements within the front elevation of the proposal fails to reflect the traditional character of St Bees and does not reflect the solid void relationships found within traditional properties and those adjoining the site.

The proposed dwelling is to be located 16m from the existing dwelling within an elevated position with significant changes in levels. The proposal includes several windows on the upper floors within the north elevation serving habitable rooms which directly overlook the existing residential property and their existing windows within the south elevation.

Policies DS4 and H6 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. Given the proposed siting of the dwelling and the number of overlooking windows the development is considered to have a detrimental impact on existing residential amenity through overlooking and loss of privacy. The detrimental impact on amenity is considered to be exacerbated by the elevated position of the proposed dwelling, the significant change in levels, and the scale of the proposal.

The development is also considered to have a detrimental impact on the existing residential amenity of Stoneycroft, due to the proposed shared use of the existing access to this property. As the applicant is the current owner of Stoneycroft, no objections have been received from this existing property. The proposal however is considered to introduce movements of additional vehicles in close proximity of Stoneycroft. Whilst the movements associated with this development would be limited, it is considered that the movements would cause disturbance to the existing residential property, particularly as several windows are located within the front/western elevation of the existing property directly overlooking the driveway, and the south elevation facing directly over the application site and proposed parking area. It is therefore considered that the proximity of the access to this existing residential property would result in a significant and unacceptable increase in noise and disturbance, which would cause significant harm and would have a detrimental effect on the living conditions for existing and future occupants of this dwelling.

On this basis, the proposal is considered to be contrary to Policies DS4 and H6 of the Local Plan, and the provisions of the NPPF.

Settlement Character, Landscape Impact and Visual Impact

Policy N6 states that the Borough's landscapes will be protected and enhance by supporting proposal which enhance the value of the Boroughs 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.

Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

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.

Whilst the application site is located to the south of the existing residential property, Stoneycroft, and could be considered as an extension of the current ribbon development along Seamill Lane, the scale of the proposal along with the elevated position ensures the development would be a prominent feature within the landscape. Although the development is designed to be sited within the existing landform with a significant amount of land removed to accommodate the proposal, the dwelling would sit considerably higher than the directly adjacent properties. It is also considered that the development has not been designed to limit the impacts on the surrounding area, with the property being three storeys in height with the bulk of the development within the front of the application site. On balance, the proposed development is likely to create some harm to the character of the surrounding landscape, creating a prominent feature within this rural context.

An existing Public Right of Way, which also forms part of the King Charles III England Coast Path, runs through the western section of the land with the route remaining unaltered by the proposal. However, the proposed dwelling

will be located within extremely close proximity to the existing PROW. Whilst the Design and Access Statement submitted in support of the application makes reference to the design of the proposed dwelling it fails to address the impact of the development on the existing PROW. Given the scale, form, and proximity of the proposal to the PROW it is considered that the development will have a significant detrimental impact on the amenity of the users of the footpath and would result in a significant change in the character of the land within which the footpath is set.

The proposal is therefore considered to be contrary to Policy N6 of the Local Plan, and the provisions of the NPPF which seeks to protect the countryside from sporadic non-essential development.

Access, Parking and Highway Safety

Policies CO4, CO5 and CO7 of the LP promotes active travel.

Access to the property would be via the existing driveway serving Stoneycroft. The existing driveway will continue to serve both properties and will be retained in its existing location along the west of the site. Both the existing and proposed property will then be served by two external parking spaces. Whilst the impact of the use of this existing access on residential amenity has been considered above, concerns have also been raised by local residential with regard to the impact of the development on highway safety given the nature of Seamill Lane. The Highway Authority have however offered no objections to this development. Although no conditions have been requested by the Highway Authority, it is considered that a construction traffic management plan could be secured by a planning condition to address resident concerns.

The existing Public Right of Way 423012 is located within the west of the application site, which also forms part of the King Charles III England Coast Path. The Council's Countryside Access Officer has therefore been consulted on this application. The Officer has confirmed that whilst consideration has been given to protecting the developments privacy from the public footpath, the application provides no detail on measures to protect the path during and after construction. Concerns have also been raised from residents and the Parish Council in relation to the impact on the footpaths. These matters could be suitably addressed by planning conditions,

It is therefore considered that the proposal will not have a detrimental impact on highway safety in accordance with Policies CO4, CO5 and CO7 of the Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policy DS6 of the 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 DS7 of the 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 from the new build will drain into the existing main sewer located within the existing highway to the north of the application site. It is also proposed that the surface water from the development will also drain into the existing sewer via an attenuation tank with hydro brake.

The LLFA have offered no objections to the application, however, they have recommended that consideration be given to securing sufficient drainage around the rear boundary of the development to prevent surface water running off the land and affecting the property. United Utilities have also been consulted on this application and have confirmed that the proposed drainage scheme for the development is not acceptable as they would expect the surface water to discharge directly to the nearby watercourse and not the public sewer. UU have therefore requested the inclusion of a condition to secure a sustainable surface water and foul water drainage scheme for the development.

It is therefore considered that based on the inclusion of the requested conditions, the proposal would not have a detrimental impact on flood risk in accordance with Policies DS6 and DS7 of the Local Plan, and the provisions of the NPPF.

Ecology

Policy N1 of the LP defines a mitigation hierarchy.

Policy N3 of the LP 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 above. 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.

The application site is identified as a potential area for the Small Blue, therefore the application is supported by a Preliminary Ecological Appraisal. This report concludes:

- The scrub has a very low species diversity and ecological value. It is not indicative of the plant species found in the nearby SSSI.
- There is no evidence of Japanese knotweed, giant hogweed or Himalayan balsam on the site.
- Badger setts do not occur on site and a lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. The proposed development will not impact on any existing

badger runs or setts. The porosity of the surrounding fields to the passage of badgers will not be affected.

- The foraging habitat at the site is very poor for bat species being open and exposed. The scrub offers negligible foraging opportunities for bats. There are no hedge or tree lines connecting to the site.
- It is not considered there would be significant degradation of foraging habitat as a result of the proposal so long as the adjacent scrub and grassland is retained, bat species are highly unlikely to rely on the site for feeding but may occur in the local area and roosting by bats will not occur on the site.
- Potential nest sites were located within the core development area but the surveys were undertaken at a time of year when nesting had been completed. The habitat on site is not considered to be of anything more than of local significance, habitats present are well represented in the local area. The impact on nesting birds is therefore considered likely to be minor.
- The significance of the site to invertebrates is likely to be limited in the local context although the habitat on site will support invertebrate species.
- Slow worm and Common Lizard will undoubtedly occur in the local area but they are unlikely to be using the site in significant numbers; the surrounding dense scrub is unsuitable for these species. The dense scrub would not provide suitable basking sites. As a consequence, precautionary mitigation would be appropriate in respect of construction activities so as to ensure reasonable avoidance measures are taken to avoid the killing or injury of these species.

There are no statutory or non-statutory sites which are connected to the site such that site development would directly affect the dispersal of species between them or directly impact upon their integrity.

- The appraisal recommends the following mitigation measures:
- The landscaping scheme should utilise plants which are native and wildlife friendly.
- Works to take place in daylight hours, with escape routes provided for animals in trenches and areas of excavation and checked for animals if left open overnight.
- New roosting provision for crevice dwelling bats could be incorporated into the buildings on site.
- Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March- September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual.
- If nesting birds are found at the site all site works shall cease and further ecological advice shall be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

- Dense scrub and grassland on the edge of the development site should be retained such that it is in proximity to open areas of ground which will also be suitable for basking.

It is considered that appropriately worded planning conditions could be attached to any permission to ensure the development is carried out in accordance with the ecological appraisal and identified mitigation measures.

Natural England have offered no objections to this application; however, they have requested the inclusion of conditions to secure a Construction Environmental Management Plan due to the proximity to the SSSI, a dust management plan, and a pre-construction work checks of the development site to ensure breeding birds are not present on site.

On this basis, it is considered that the development would be in accordance with the aims and objectives of both the adopted Copeland Local Plan, Emerging Local Plan and the NPPF.

Ground Conditions

Policy DS4 and Policy DS8 of the Local Plan includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

Paragraph 196 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, with adequate site investigation information prepared by competent person available to inform these assessments. Paragraph 197 of the NPPF also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

As the proposed dwelling will be constructed into the existing sloping landform, a significant area of existing land will be required to accommodate the new build, with construction of retaining walls necessary. No information has been provided in relation to the level of engineer works that would be required as part of the site development, the implications of these works, and/or how this would be managed should the proposal proceed. It is therefore considered that insufficient information has been provided by the applicant to ensure the proposal would secure a safe development in line with provisions of the NPPF.

The proposal is therefore considered to be contrary to Policies DS4 and DS8 of the Local Plan, and the provisions of the NPPF which seeks to protect the countryside from sporadic non-essential development.

Planning Balance and Conclusions

Paragraph 11 of the NPPF requires any adverse impacts to be weighed against the benefits that a scheme would produce.

The provision of this single dwelling would only make a very small contribution to the supply and delivery of housing within the Borough. Although there

would be some economic benefits this would be limited to the construction phase which would only be apparent on a temporary basis. Consequently, little weight can be attached to this benefit.

Social benefits would be limited as the applicant has failed to provide any evidence that the proposed housing is required to meet a defined need.

Paragraph 11 of the NPPF requires the application of the presumption in favour of sustainable development to the provision of housing where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date.

Given the recent adoption of the Copeland Local Plan 2021 – 2039 which is based on an up to date Housing surveys the Local Planning Authority has a 5 year land supply which is a material consideration which attributes significant weight within the planning balance.

The application site is located beyond the defined settlement boundary for St Bees as identified within the LP and is not allocated for housing development in the LP. The development comprises a market led new build house and does not therefore comprise an exception site for affordable housing, an essential dwelling for a rural worker or the conversion of a rural building. The application site is not physically connected to the settlement by safe pedestrian routes and is not considered to represent development of brownfield land. This is given significant weight.

The proposed development by virtue of its elevated location, scale, and developed form does not respond positively to the character of the surrounding area and will result in adverse impacts upon the local landscape character by creating a prominent feature within this rural context. The proximity of the proposal to the adjacent PROW, along with the proposed scale and form of the development will have a significant detrimental impact on the amenity of the users of the footpath and would result in a significant change in the character of the land within which the footpath is set. This is given significant weight.

The proposed development is also considered to have a detrimental impact on existing residential amenity, due to the proposed scale and siting, elevated position, and potential for overlooking. Furthermore, the shared use of the existing access serving Stoneycroft, would result in an unreasonable loss of residential amenity for the existing and future occupants of the existing dwelling due to the proximity of the access to the dwelling and the detrimental impacts of the associated movements and disturbance this development would create. This is given significant weight.

The proposed development will result in significant changes to existing land levels, and removal of ground materials to accommodate the dwelling, without sufficient consideration as to whether the works would affect the stability of the site or if the works ensure a safe development. This is given moderate weight.

Based on the advice from relevant consultees it is considered conditions could be placed on any decision notice to ensure the development does not have an adverse impact on existing highway conditions, the route of the adjacent PROW, ecology, and a full drainage scheme can be secured. This is given moderate weight.

In overall terms, it is considered that the direct conflicts with the provisions of the Copeland Local Plan and the adverse impacts on existing residential amenity, and the adverse local landscape character and visual impacts of the development, are sufficiently harmful to significantly and demonstrably outweigh the potential limited benefits of the development.

Suggested Condition

Should the Inspector be minded to grant planning permission the Local Planning Authority would ask that the following conditions are attached to any planning permission:-

Standard Conditions

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

Reason

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

2. This permission shall be carried out in accordance with the plans and documents submitted with the original planning application.

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

Environmental Management:

3. 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 demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting (if applicable). The development must be carried out in accordance with the approved details thereafter.

Reason

In the interests of the amenities of surrounding occupiers during the construction of the development and to protect the St Bees Head designated SSSI in accordance with Policies DS4 and N1 of the Copeland Local Plan 2021-2039.

Drainage

4. 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 in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Public Right of Way

5. No development shall commence until a detailed scheme illustrating the measures that will be put in place to protect the Footpath 423012 and the King Charles III English Coast Path during and after construction has been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details at all times thereafter.

Reason

To ensure the protection and maintenance of the public footpath during and after construction works in accordance with Policies SC1 and CO4 of the Copeland Local Plan 2021-2039.

Other Conditions

Sustainable Drainage

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development must subsequently be completed, maintained and managed in accordance with the approved plan.

Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with policy DS6 and DS7 of the Copeland Local Plan 2021-2039.

Ecology

7. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out in the approved documents:
 - Preliminary Ecological Appraisal, reference 8285, dated 07th November 2022 completed by Envirotech.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

To protect the ecological interests evident on the site in accordance with Policy N1PU and N3PU of the Copeland Local Plan 2021 – 2039.

Reason

Materials:

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

Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.