



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2027/0F1
2.	Proposed Development:	REPLACEMENT DWELLING
3.	Location:	HAWKRIGG, HOLMROOK
4.	Parish:	Drigg and Carleton
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	
	SITE AND LOCATION	
		This application relates to Hawkrigg, a detached bungalow located within a residential area of Holmrook. The site is accessed via a private shared road and benefits from a driveway to the front of the dwelling.

The 2-bedroom property benefits from a large garden which is spread across several levels to the side and rear.

The existing bungalow is currently empty and has deteriorated over time.

PROPOSAL

Planning Permission is sought for a replacement dwelling. The proposal is to demolish the existing bungalow and replace it with a two bedroomed, detached dwelling with a basement garage, workshop, plant room, utility room and WC.

The dwelling will be located within the same location as the existing and it will measure 9 metres in width and 14.4 metres in depth. It has been designed to include a garage door and entrance door with two windows on the front ground floor with a recessed balcony and floor-to-ceiling window and doors on the first floor. The side and rear elevations include a range of high-level horizontal windows and access doors. It will also be lit by 6 skylights.

The ground floor will be constructed out of grey brick on the east elevation and coloured render on the other elevations. The first floor will be finished with black/grey composite vertical cladding, along with coloured render on the east elevation. The windows and doors will be UPVC grey and the roof will be constructed out of slate grey metal with a standing seam. Final material colours and specifications are yet to be confirmed.

Due to the changes in levels, the proposal also includes a first-floor patio/decking area along the side and rear of the dwelling, facing the garden.

Parking at the property will remain at the front but it will be increased in size to allow for parking two vehicles and manoeuvring. This area will be gravelled to provide a permeable surface.

The property will also connect to the existing foul water drainage system and, in line with the surface water drainage hierarchy, a rainwater harvesting tank will collect water from the south roof elevation with overflow being diverted to attenuation crates. The underground rainwater harvesting tank will be used to collect surface water for gardening purposes. Rainwater captured on the north roof elevation will be directed to attenuation crates. A channel/slot drain will collect any other surface water and be directed to the attenuation crates.

RELEVANT PLANNING APPLICATION HISTORY

There have been no previous planning applications at this property.

CONSULTATION RESPONSES

Drigg and Carleton Parish Council

Support the application.



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Highways and LLFA

No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 3 no. properties - No concerns have been received as a result of the consultation.

PLANNING POLICIES

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

Development Plan

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

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

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

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

Copeland Local Plan 2013-2028 (Adopted December 2013):

Core Strategy

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy SS1 – Improving the Housing Offer
- Policy SS2 – Sustainable Housing Growth
- Policy SS3 – Housing Needs, Mix and Affordability
- Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM11 – Sustainable Development Standards
- Policy DM12 – Standards for New Residential Development

- Policy DM16 – Replacement Dwellings
- Policy DM22 – Accessible Developments
- Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Emerging Copeland Local Plan 2017 - 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and will close on the 28th March 2024.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The following policies are relevant to this proposal:

- Policy DS1PU: Presumption in favour of Sustainable Development
- Policy DS2PU: Reducing the impacts of development on Climate Change
- Policy DS3PU: Settlement Hierarchy
- Policy DS4PU: Settlement Boundaries
- Policy DS6PU: Design and Development Standards
- Policy DS7PU: Hard and Soft Landscaping



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- Policy DS9PU: Sustainable Drainage
- Policy H1PU: Improving the Housing Offer
- Policy H2PU: Housing Requirement
- Policy H3PU: Housing delivery
- Policy H4PU: Distribution of Housing
- Policy H5PU: Housing Allocations
- Policy H6PU: New Housing Development
- Policy H18PU: Replacement Dwellings outside Settlement Boundaries
- Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
- Policy CO4PU: Sustainable Travel
- Policy CO5PU: Transport Hierarchy
- Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design and the potential impacts on residential amenity, highway safety, drainage and ecology.

Principle of Development

The application site relates to a bungalow within a residential area of Holmrook and the applications seeks permission for a replacement dwelling.

Within the adopted Copeland Local Plan, Policy ST2 Holmrook falls within the open countryside, however Policy DS3PU of the ELP designates Holmrook as a 'Sustainable Rural Villages'.

Policy DS4PU of the ELP and the emerging Local Plan Proposals Map confirm the development site is located within the settlement boundary of Holmrook and therefore development will be supported in principle.

Policy DM16 of the adopted Local Plan outlines the requirements for replacement dwellings. In the open countryside it specifies that the house should be derelict and will be permitted provided that the scale and character of the replacement dwelling matches that which it is proposed to replace. The site visit and supporting statement confirmed that the property is currently vacant and it is noted that similar replacement dwellings have been built within the locality.

Within the Emerging Local Plan, Policy H18PU sets out that that replacement dwellings will be permitted outside of settlement boundaries where the replacement dwelling is sited on or

close to the footprint of the existing dwelling, and the replacement dwelling and curtilage is of a scale, form and design appropriate to the location, will enhance the immediate setting, and will not result in unacceptable visual harm. The Emerging Local Plan, however, has no restrictions for replacement dwellings in settlement boundaries and the general design principles for new housing should be considered.

Given the stage of the Emerging Local Plan, significant weight can be given to the planning policies relating to development within the settlement boundary.

On this basis, considering both the adopted and emerging local plan, the principle of a replacement dwelling is acceptable.

The development is subject to site-specific matters considered below.

Scale and Design

Policy DM10 and section 12 of the NPPF expect high standards of design and the fostering of quality places. They set out requirements with regard to standard of residential amenity standards and to ensure development responds positively to the character of the site and the immediate and wider setting. DS6PU also set out Design and Development Standards.

Policy DM16 of the Copeland Local Plan allows for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace.

Policy H6PU supports development subject to the following criteria: the design, layout, scale and appearance of the development is appropriate to the locality; consideration has been given to surrounding natural, cultural and historical assets and local landscape character; adequate external amenity space is provided, including for the storage of waste and recycling bins in a location which does not harm the street scene, where possible.

Despite the development being located on the same footprint as the existing dwelling, the proposed scale is not considered to comply with Policy DM16. The roof height will be higher than the previous dwelling and the proposed plans relate to a modern design with dark cladding and a standing seam metal roof and therefore the scale and character of the replacement dwelling does not match that which it is proposed to replace.

However, in considering the proposal against H6PU and DS6PU, the proposed footprint is acceptable in relation to the large site. The proposed scale, form and design is acceptable in the location and will not harm the character of the area. The external amenity space will be maintained and, given that there is a varied house type within the local residential area, the modern design is considered to be acceptable. Significant weight can be given to Policy H6PU in the planning assessment.

The proposed external finishes are considered to be acceptable in relation to the wider residential area. However, to ensure the final colour and specifications are suitable, a condition is proposed to ensure representative samples of the materials to be used are provided and approved.



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On balance, despite the proposal not complying with Policy DM16, due to the stage of the ELP significant weight is given to the emerging local plan and the replacement dwelling is considered to be acceptable in the context of the emerging policy context. On this basis, subject to the inclusion of planning conditions, the proposal is considered to comply with Policy H6PU, DS6PU and the NPPF guidance.

Residential Amenity

Policy DM10, DM11, DM12 and section 12 of the NPPF set out design standards to create and maintain reasonable standards of general amenity.

Policy H6PU supports new housing developments which ensures an acceptable level of amenity is provided for future residents and maintained for existing neighbouring residents in terms of sunlighting and daylighting; privacy is protected through distance or good design; the development will have no unacceptable overbearing impact upon neighbouring residents due to its scale, height and/or proximity.

Given the scale, form and location of the proposed replacement dwelling in relation to the neighbouring dwellings, no adverse impacts upon residential amenity through overlooking, loss of light, overshadowing and overbearing effects will result.

In accordance with the emerging policy requirements, privacy is protected through good design. The proposal includes a recessed balcony on the front elevation with solid side elevations. This is considered to be suitably designed to protect residential amenity. In addition, the proposed windows are considered to be appropriate with high-level horizontal windows proposed on the north elevation facing the neighbouring property, Skye House, to mitigate potential overlooking concerns. To further protect neighbouring amenity, a condition is attached to remove permitted development rights for new window installations.

No concerns have received as a result of the public consultation.

On this basis, the proposed therefore accords with the provisions of both the Copeland Local Plan, the Emerging Local Plan and the NPPF guidance.

Highway Safety and Parking Provision

Policy DM22 of the Copeland Local Plan requires developments to be accessible to all users and to meet adopted car parking standards, which reflect the needs of the Borough in its rural context. Emerging Policy CO7PU also seeks to ensure that developments provide adequate parking in accordance with Cumbria Development Design Guide.

The access via the shared road serving the other neighbouring properties will remain the same and the development will widen the parking provision to accommodate 2 spaces to the front of the dwelling. This complies with the Highway Authorities standing advice and standards set out in the Cumbria Development Design Guide for a 2-bedroom property.

A planning condition is proposed to ensure that the off-street parking provision is installed prior to the first use of the replacement dwelling.

On this basis, the proposal complies with Policy DM22 of the Copeland Local Plan and the Cumbria Development Design Guide.

Drainage

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

The application site is located within Flood Zone 1 and the application is supported by a Drainage Plan which outlines that the foul and surface water will drain separately, in accordance with the sustainable drainage hierarchy.

The property will be connected to the existing foul water drainage system and inspection chambers will be replaced. In addition, the surface water will drain into a rainwater harvesting tank to collect water from the south roof elevation with overflow being diverted to attenuation crates. The underground rainwater harvesting tank will be used to collect surface water for gardening purposes. Rainwater captured on the north roof elevation will be directed to attenuation crates. A channel/slot drain will collect any other surface water and be directed to the attenuation crates.

This drainage installation can be secured by the use of a planning condition.

On this basis, the proposal is therefore considered to comply with Policies ENV1 and DM24 and the provisions of the NPPF.

Ecology

Policy ST1, ENV3 and DM25 and section 15 of the NPPF outline how the Council will protect and enhance the biodiversity and geodiversity within the Borough. These policies set out the approach towards managing development proposals that are likely to have an effect on nature conservation sites, habitats and protected species.

Due to the demolition of the existing dwelling, the application is supported by a Bat Survey.

No evidence of bats was found in the inspection, and there are no records from the property or its immediate surroundings.

The report confirmed Hawkrigg has negligible scope to host bats, and as damage to individual bats or the surrounding bat population by the proposed development is considered unlikely no EPS licence is required for these proposals.

Nesting house sparrows were noted in the inspection using an old swallows nest, and there is scope for birds to use the rear lean-to to nest. Demolition should therefore be planned for the months outside the nesting season, unless a breeding bird check is carried out first and an absence of active nests confirmed. These mitigation measures can be secured by the use of an appropriately worded planning condition.



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	<p>Some enhancement measures have also been recommended to encourage wildlife gains from this project. A minimum of three bat or bird boxes should be erected on the replacement house (or on suitable trees in the garden) and this enhancement can be secured by the use of a planning condition.</p> <p>On this basis, the proposal is considered to comply with Policy ENV3 and DM25 of the Copeland Local Plan.</p> <p><u>Planning Balance and Conclusion</u></p> <p>This application seeks planning permission for a replacement dwelling within Holmrook. The property is vacant and in a state of disrepair.</p> <p>The site is located within the open countryside of the adopted local plan, however the Emerging Policy DS3PU designates Holmrook as a ‘Sustainable Rural Villages’.</p> <p>It is located within the settlement boundary as defined by Policy DS4PU and, given the advanced stage of the Emerging Local Plan, significant weight is given to development within the settlement boundary. The adopted Local Plan is out of date and consequently little weight can be attached to the policies in relation to settlement boundaries. In addition, the Emerging Local Plan has no restrictions for replacement dwellings in settlement boundaries and therefore general design principles for new housing apply.</p> <p>The proposed development is of an acceptable layout and design in accordance with Emerging Policy H6PU and it will not have an adverse impact on residential amenity, highway safety, drainage and ecology.</p> <p>Planning conditions are proposed to ensure that the development is carried out in accordance with the bat survey recommendations, additional parking and drainage details.</p> <p>The final materials are yet to be confirmed and therefore the applicant has agreed to the use of a condition to provided these prior to installation.</p> <p>On balance, given the site relates to an empty property within Holmrook, the replacement dwelling is acceptable. The current adopted Local Plan is out of date and the emerging planning policies are considered to carry significant weight in the planning balance and outweigh the current local plan policies with regards to replacement dwellings.</p> <p>On this basis the proposal represents an acceptable form of development which accords with the Emerging Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation: Approve (commence within 3 years)</p>
9.	<p>Conditions: <u>Standard Conditions</u></p> <p>1. The development hereby permitted must commence before the expiration of three</p>

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 relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:-

Application Form, received 24th January 2024;

Site Location Plan, scale 1:1250, received 24th January 2024;

Proposed Block Plan, scale 1:200, drawing no. A103, received 24th January 2024;

Existing Block Plan, scale 1:200, drawing no. A100, received 24th January 2024;

Existing Floor Plan, Elevations and Site Levels, scale 1:100, drawing no. A100, received 24th January 2024;

Proposed Floor Plans and Elevations, scale 1:100, drawing no. A102, received 24th January 2024;

Existing and Proposed Site Levels, scale 1:100, drawing no. A101, received 24th January 2024;

Surface and Foul Water Plan, scale 1:200, drawing no. A104, received 24th January 2024;

Bat Survey, dated 8th June 2023, Report No. 0623/6, received 24th January 2024;

Planning Statement, received 24th January 2024.

Reason

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

3. The avoidance and mitigation measures associated with potential bat roosts and other species must be implemented as part of the development hereby approved in accordance with the details set out in Bat Survey, Dated 8th June 2023, Report No. 0623/6 received by the Local Planning Authority on 24th January 2024. Development shall be carried out in accordance with the approved details and be maintained thereafter.



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Reason

To ensure that adequate protection is given to protected species, in the interest of the environmental protection and in accordance with Policy ENV3 of the Copeland Local Plan 2013-2028.

Prior to the Installation

4. Prior to their use on the site representative samples of materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and so maintained thereafter.

Reason

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

Prior to Use/Occupation Conditions

5. Prior to the first occupation of the replacement dwelling hereby approved, the parking layout must be constructed and made available for use in accordance with the approved Proposed Block Plan, scale 1:200, drawing no. A103, received by the Local Planning Authority on 24th January 2024. The approved parking layout shall be retained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy DM22 of the Copeland Local Plan 2013-2028.

6. Prior to the first occupation of the dwelling hereby approved, the drainage must be installed in accordance with the approved Surface and Foul Water Plan, drawing no. A104, received by the Local Planning Authority on 24th January 2024. The drainage shall be maintained as such at all times thereafter.

Reason

To ensure suitable drainage is installed in accordance with Policy ENV1 and DM24 of the Copeland Local Plan 2013-2028.

7. Prior to the first use of the replacement dwelling hereby approved, the enhancement measures must be installed in accordance with the details set out in Bat Survey, Dated 8th June 2023, Report No. 0623/6 received by the Local Planning Authority on 24th January 2024. The measures must be maintained thereafter.

Reason

To enhance biodiversity in accordance with the provisions of Policy ENV3 of the Copeland Local Plan 2013-2028.

Other Conditions

8. The garage and workshop must be used for the parking of private vehicles and the storage of domestic equipment only in association with the residential property known as Hawkrigg and for no commercial or business purposes whatsoever.

Reason

To ensure that non-conforming uses are not introduced into the area in accordance with Policy DM10 of the Copeland Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no further windows beyond what is hereby approved shall be installed on the proposed north elevation without written approval from the Local Planning Authority.

Reason

In the interest of neighbouring amenity in accordance with Policy DM10 of the Copeland Local Plan.

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.



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Case Officer: C. Wootton	Date : 20/03/2024
Authorising Officer: N.J. Hayhurst	Date : 20/03/2024
Dedicated responses to:-N/A	