

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2281/001	
2.	Proposed Development:	OUTLINE APPLICATION FOR THE ERECTION OF TWO MODERN AGRICULTURAL SHEDS AND FARMHOUSE BUILDING (ALL MATTERS RESERVED EXCEPT FOR ACCESS)	
3.	Location:	NEW HOUSE FARM, DRIGG	
4.	Parish:	Drigg and Carleton	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafeld 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter Site Notice Press Notice Consultation Responses Relevant Policies	Yes Yes No See Report See Report
7.	Report: Site and Location	<p>This application relates to New House Farm, located within the centre of the village of Drigg. The site is bounded to the north by the B5344 to the north and Station Road to the east. The site is bound by residential dwellings to the east and south west, with open countryside to the south.</p> <p>The property comprises of a main farmhouse, outbuilding, cattle shed, dutch barn, stone</p>	

barn, and piggery.

Relevant Planning History

4/23/2298/0F1 – Prior notification application for demolition of cattle shed; dutch barn; stone barn; piggery; house, outbuilding – Withdrawn.

4/24/2008/0F1 – Prior notification application for demolition of cattle shed; dutch barn; stone barn; piggery; house, outbuilding – Approved.

Proposal

In February 2024, a prior notification application (ref: 4/24/2008/0F1) was approved at this site for the demolition of the existing cattle shed, dutch barn, stone barn, piggery, farmhouse and outbuilding.

This current outline application seeks to establish the principle of redeveloping the site, to including the erection of two modern agricultural sheds and a new farmhouse building. Although all matters relating to layout scale, appearance, and landscaping are reserved for subsequent approval, the application is supported by a use parameter plan. The plan indicates that the farmhouse will be located to the north of the site and the agricultural buildings within the central western part of the site reflecting the location of the existing buildings to be demolished. The proposed agricultural buildings will have a sui generis use and will have a proposed combined Net Internal Area of 1004 sqm and build height of 5m. The replacement farmhouse will be built in line with the footprint (110 sqm Net Internal Floorspace) and height of the existing farmhouse building (8.1m).

The application does. However, include full details of the proposed access. Vehicular access to the site will be via the two existing access points along Station Road, located on the western side of the site. These points provide access to the main courtyard to the south of the farmyard, which will be retained as part of the proposal to provide parking facilities for cars and other agricultural vehicles to serve the needs to the property.

The application is accompanied by the following information:

- Application Form;
- Covering Letter;
- Location Plans;
- Existing Site Plan;
- Proposed Site Plan including Access Point;
- Quantum Parameter Plan;



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- Vertical Limitations Parameter Plan;
- Use Parameters Plan;
- Ecological Constraints Study;
- BNG Assessment Report;
- Planning, Design and Access Statement;
- Flood Risk Assessment.

Consultation Responses

Drigg & Carleton Parish Council

15th September 2024

The Drigg & Carleton Parish Council kindly requests further clarification on the following:

- what materials are to be used (ideally reusing the stone and slate already in situ)?
- why is there no mention of the Drigg Dunes SSSI and the impact of the building works on it?
- is the agricultural use stipulation a full restrictive covenant with legal force or merely a suggestion?
- the ecology report with this application has expired. A new, up to date one is needed.

Summary of response: Neutral

23rd September 2024

I append below the reply of Drigg & Carleton Parish Council to the agent's response regarding New House Farm in Drigg:

- The concern regarding the materials to be reused was referring to the stone and slate in several of the buildings scheduled for demolition, not the boundary wall. We ask that these materials be retained on site and used in replacement buildings to preserve the character and history of this landmark in Drigg Village.
- The comment about Drigg SSSI is mentioned because it does not appear in the application. Hall Senna and Drigg Holmes are both referenced as being adjacent as is Drigg Dunes SSSI. We were commenting that it had been missed yet sites further away were listed.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and our findings are detailed below.

I can confirm that we have no objections to the proposal, subject to the following recommended conditions being included in any Notice of Consent which may be issued:

Construction traffic management plan; access and egress; access gates, access and parking/turning; visibility splays; and reduction of existing highway boundary.

United Utilities

United Utilities has no further comment on this application.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development.

United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline.

DRAINAGE

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above.

In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.



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Environment Agency

No comments received.

Cumberland Council – Environmental Health

Environmental Health are supportive of this application.

During the prior planning considerations to approve the demolition of the existing buildings on this site (ref 4/24/2008/0F1), it was noted that the western corner of this site is marked on Council GIS maps as falling within a 500 metres zone of influence of potential pollution from made ground infilled on land at the rear of the Victoria Hotel, Drigg. This area was infilled in the late 1990s by G & AM Lawson.

The current proposed development does not directly impinge on this area however, and a condition to cover unexpected contamination would therefore suffice.

Noise disturbance from any demolition / construction works may be addressed with the imposition of standard construction working hours.

As such, Environmental Health would request the following conditions: land affected by contamination – reporting of unexpected contamination, and noise from demolition/constriction.

Natural England

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Cumberland Council – Ecologist

General Notes:

The county ecologist notes that a bat roost has been found in June 2023 in the stone barn located on site with two bats being found to roost in the building in 2021.

Suggested Planning Condition(s):

Bats

The confirmation of roosting bats within the Barn means that a licence from Natural England will be required to enable the proposed works to proceed lawfully. Given the identified roosts are of low conservation status, the site can be registered under the Bat Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC).

No works to the Barn that may disturb roosting bats or prevent access to a potential bat roost should be completed until a licence is in place.

Works in the area of the roost (or potential roost sites if the specific location cannot be ascertained) will need to be supervised by an RC (or accredited agent). Prior to works commencing, the RC would provide a 'toolbox talk' to those contractors on site in which details of e.g. best working practices and what to do in the event of discovering a bat would be discussed.

During supervised works to the area of the roost the RC would capture any bats that do not fly away and move them to a temporary bat box (erected on a nearby tree/structure prior to works commencing).

Two Schwegler 2F9 bat boxes with double front panels are to be installed on trees around the periphery of the site as compensatory roosting features.

Badgers and Other Small Mammals

No Badger setts were present within the site or adjacent accessible areas. Nevertheless, the occasional presence of foraging Badgers is considered possible; it would therefore be prudent to consider Badgers during renovation works, this may include (if relevant):

- covering trenches at the conclusion of each working day, or include a means of escape for any animal falling into excavations, and
- any temporarily exposed open pipe system should be capped in such a way as to prevent Badgers gaining access.

Breeding Birds

Any vegetation clearance/building works should be completed outside the bird nesting season (which runs from 1 March to 31 August), although it should be noted that the nesting period may extend beyond these dates (for example, pigeons can breed in any month of the year in the UK). Should an occupied bird nest or a nest in the process of being constructed be encountered during works, clearance must cease in this area and should only recommence once the birds have fledged or the nest is abandoned.

If works must be undertaken during the nesting season, a survey to identify any nests which may be impacted will be required. This survey should be undertaken by a Suitably Qualified Ecologist (SQE).

Biodiversity Net Gain

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) the uplift from modified grassland to other neutral grassland, and native hedgerow to species-rich native hedgerow is accompanied by a Habitat Management and Monitoring Plan in place for 30 years as the gains here constitute 'Significant On-site Gains', this monitoring



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plan is to be accepted by the council and,

d) 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.

Cumberland Council & Westmorland and Furness Council – Resilience Unit

No comments received.

Public Representation

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

Two letters of objection were received which raised the following concerns:

- No objection to the erection of the buildings, but concerns relate to the drainage matter to the rear of the modern barn in the field at present.
- Current issue with flooding which on occasions to encroach onto the rear of our properties.
- We would be grateful if this drainage issue could be looked into before proposed work commences.

One letter of neutral response was also received which also raised similar concerns as follows:

- I have no objection to the planned development of Newhouse Farm but there has historically been flooding issues on the site as explained in recent planning applications.
- The land drain that is currently there is not fit for purpose and frequently causes flooding to the land within Newhouse Farm and surrounding areas.
- Could the granting of the planning permission ensure that the existing land drain(s) are replaced to ensure no future issue occur.

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 2021-2016.

The following policies are relevant to this application:-

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



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Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council - Strategic Housing Market Assessment and Objectively Assessed Housing Need (SHMA).

Assessment

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

Principle of Development

Drigg is identified in Strategic Policy DS1 as one of the Sustainable Rural Villages. These are settlements that offer a limited number of services, but which could support a limited amount of growth to maintain communities. This Policy states that the focus of development in Sustainable Rural Villages will be to support the retention and small scale growth of existing services and businesses, with small scale housing allocations, and windfall and infill development supported in principle.

The settlement boundary for Drigg 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 existing settlement boundary for Drigg. The site is currently operated as a farm with existing agricultural building and a dilapidated farmhouse. In February 2024, a prior notification application (ref: 4/24/2008/0F1) was approved at this site to demolish the existing cattle shed, dutch barn, stone barn, piggery, farmhouse and outbuilding.

The principle for redeveloping this site for a single farmhouse building and two agricultural sheds is considered acceptable given the current use of the land and its location within the settlement boundary. On this basis the proposal is considered to be an appropriate form of development in accordance with Policies DS1 and DS2 of the Copeland Local Plan and the

provisions of the NPPF.

Settlement Character and Landscape 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 5b: Lowland - Low Farmland. The Key Characteristics of the land comprise: undulating and rolling topography, intensely farmed agricultural pasture dominates, patchy areas of woodland provide contrast to the pasture, woodland is uncommon west towards the coast, fields are large and rectangular, and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.

The Guidelines for development include: when new development takes place consider opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside, reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features, and ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles. Further ribbon development or fragmented development should be supported where it is compatible with the wider landscape character.

The application site is an existing farmstead within the west of the village. The site, and particularly the existing farmhouse, are located within a prominent location within the village and are a key site at the entrance to the village from the west. Whilst the indicative plans for the application state that the proposed new dwelling will reflect the footprint of the existing farmhouse, the proposal is not located upon the same siting as the existing dwelling. In order to ensure the character of this area of the village is retained it is requested that the proposed dwelling is sited as per the existing dwelling. As scale and layout are reserved within this outline application this matter will be considered further within subsequent reserved matters



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applications.

Given the proposed redevelopment of the site reflects the current use of the land, the development is not considered to have a significant detrimental impact on the settlement character or the surrounding landscape. The proposal is therefore considered to comply with Policy N6 of the Copeland Local Plan, and provision of the NPPF.

Scale, Design and Impact on Residential Amenity

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.

As the application is in outline form only, only indicative details have been submitted at this stage to show the proposed layout of the development, with details of scale, layout and appearance of the dwelling and agricultural buildings reserved for subsequent approval. Given the proposed seeks to redevelop the site for the same purpose, and the proposed buildings are not located significantly closer to neighbouring properties, it is considered that a development at this site could reasonably allow for adequate separation distances to be achieved between the proposed and existing dwelling as required by Policies of the Copeland Local Plan. It is also considered that suitable boundary treatments/landscaping can be secured to minimise the potential impact on the existing properties.

Environmental Health have reviewed this application and have confirmed no objection to the development subject to the inclusion of a condition to limit construction hours to mitigate any noise disturbance from demolition and construction works. As the demolition of the buildings has already been approved under ref: 4/24/2008/0F1, the condition will be amended to only limit construction hours.

The Parish Council have again raised concerns with regard to the materials to be utilised within the redevelopment of the site and have requested that materials from the original buildings be retained on the site and used within the redevelopment to preserve the character and history of the landmark. The agent from this application has confirmed that under the previous Prior Notification approval at this site (ref: 4/24/2008/0F1) the supporting letter set out the intention of the applicant to retain the boundary wall of the property and utilise and recycle materials associated with the property where possible within the development. As the current application is in outline form only a detailed design has not been submitted to the Local Planning Authority and will be subject to approval under subsequent applications for the site. The agent has, however, confirmed that the application still holds the intention to reuse existing materials where possible when rebuilding the property.

Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval, it is considered that a development layout could be achieved within this site with

interface separation distances that would not result in harm to the residential amenity of the neighbouring residential dwellings through loss of light, overshadowing, overbearing and overlooking in accordance with Policy DS4 of the Copeland Local Plan and the provisions of the NPPF.

Flood Risk and Drainage

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.

Although the application site is located within Flood Zone 1 concerns have been raised from residents with regard to the impact that the development will have on existing flooding issues in the area.

The application is supported by a Flood Risk Assessment and outline drainage strategy. This report concludes that the proposal comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1, with the overall flood risk to the site assessed as low. The surface water drainage strategy proposes a separate surface water drainage system that discharges to an existing land drain to the south of the site. The proposed surface water drainage system comprises a combination of traditional underground piped network and various SuDS features to ensure surface water runoff from the impermeable areas of the development is properly managed and treated. The foul water drainage strategy proposes a new separate foul water drainage network with the following options available: use of existing septic tank with new drainage field, new septic tank and drainage field, or new private foul water treatment plant installed.

No objections have been received from statutory consultees in terms of flood risk or drainage. However, given the proposal drainage strategy is in outline form only a condition will be utilised to secure a full surface water and foul water drainage scheme for the development to ensure the development follows the drainage hierarchy and does not create issues within the wider area.

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

Access 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



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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.

The application seeks to retain the two existing access points along Station Road, located on the western side of the site. The access points will retain access to the main courtyard to the south of the farmyard which is also to be retained as part of the development to provide parking facilities for cars and other agricultural vehicles to serve the needs of the property.

The Highway Authority have confirmed that they have no objections to the proposal subject to the inclusion of conditions relating to securing a construction traffic management plan, access and egress, access gates, access and parking/turning, visibility splays, and reduction of existing the highway boundary.

On the basis of the conditions outlined above, the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Biodiversity and Impact on Ecology

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 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.

The application is supported by a Biodiversity Net Gain Statement. A condition will therefore be included upon this decision notice to ensure the development is carried out in accordance with these approved details.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the Local Planning Authority. An appropriately worded planning condition will therefore be included to secure this information. 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.

The submitted information for this application does not include a management plan for the required 30 year period. A condition will therefore also be included within any decision notice for this application to secure this detail.

The application site is located within a potential area for natterjack toads. The application is supported by an Ecological Constraints Survey which concludes and recommends the following:

- There are five statutorily designated sites and six non-statutorily designated sites within 2km of the site. Considering the nature of the proposed works, no effects to designated sites are predicted, assuming all works strictly follow pollution prevention best practice.
- None of the habitats identified on-site were considered to be of significant ecological value and are not considered to represent a constraint to the proposed works.
- Retained trees on/near site should be protected in line with BS 5837:20127 .
- Where vegetation clearance is required, vegetation should be reinstated on at least a like-for-like basis.
- Standard pollution control measures should be implemented during construction to protect all habitats.
- No evidence of roosting bats was identified within the house, piggery, outbuilding, sheep shed and dutch barn during the surveys and bat activity in the general area was relatively low. No further survey work is considered necessary prior to demolition works.
- In the apparently unlikely event that bats are encountered during the works to these buildings, all works must cease and the advice of a Suitably Qualified Ecologist (SQE) obtained.
- In the stone barn one roost access point has been found but the specific roose site has could not be determined.
- The proposed works will result in the loss of the roost.
- The confirmation of a roosting bat within Barn 2 means that a licence from Natural



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England will be required to enable the proposed works to proceed lawfully. Given the identified roost is of low conservation status, the site can be registered under the Bat Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC). Following submission of appropriate forms, the application takes up to ten working days to be assessed by Natural England.

- Any works that could destroy/modify a bat roost/access point or disturb 10 roosting bat/s will require a Natural England licence to enable the works to be completed legally.
- There are no restrictions with regards to when (e.g. certain months of the year) works can take place, although it would be best practice to avoid low winter temperatures when bats may be in torpor (pipistrelles can use the same roosts year-round).
- To inform the BMCL application surveys must have been completed during the most recent bat active season. Consequently, if works do not occur before May 2024 at least one update survey will be required.
- Prior to demolition, when safe access to the interior is achievable, survey of the interior will be needed to try and ascertain the roost location.
- Works in the area of the roost will need to be supervised by an RC (or accredited agent). Prior to works commencing, the RC would provide a 'toolbox talk' to those contractors on site in which details of e.g. best working practices and what to do in the event of discovering a bat would be discussed.
- During supervised works to the area of the roost the RC would capture any bats that do not fly away and move them to a temporary bat box (erected on a nearby tree/structure prior to works commencing).
- Although there is no requirement for any compensatory roosting features to be installed under the BMCL scheme (favourable conservation status is maintained without any compensation), it is recommended that two Schwegler 2F11 bat boxes with double front panels are installed on trees around the periphery of the site.
- No Badger setts were present within the site or adjacent accessible areas. Nevertheless, the occasional presence of foraging Badgers is considered possible; it would therefore be prudent to consider Badgers during renovation works, including covering trenches and capping of open pipes.
- If possible, any vegetation clearance/building works should be completed outside the nesting bird season (1 March to 31 August).
- If any protected species are encountered during the works, all works in the vicinity should stop immediately and a SQE contacted for advice on how to proceed.

The report also sets out opportunities for enhancements for the site which include the following:

- The creation of habitat areas through landscape planting using native, locally sourced plants/trees.
- The planting of native fruiting species to provide a food source for invertebrates, birds and mammals.
- The installation of bird and bat boxes on retained tree/s. S41 priority species such as the House Sparrow (which were noted in the area) and Barn Owl *Tyto alba* could potentially benefit from the provision of appropriate boxes.
- Pond creation.

The mitigation and enhancement measures set out within the Ecological Constraints Study will be secured by a planning condition. The inclusion of this condition will cover the requests made by the Council's Ecologist.

The submitted Ecological Constraints Survey confirms that a bat roost has been located within one of the barns, which means a bat licence will be required from Natural England. The Council's Ecologist has requested a condition relating to bats and the required bat licence, however the current outline application only seeks to establish the principle for redeveloping the site therefore the condition is not relevant to this application. The previous approval at the site (ref: 4/24/2008/0F1) deals with the demolition of the buildings, and a condition was attached to the decision notice to ensure that the demolition is carried out in accordance with the Ecological Constraints Survey and Preliminary Ecological Survey.

Subject to the planning conditions set out above the proposal is considered to achieve the requirement of Policies N1 and N3 of the Copeland Local Plan, and the provisions of the NPPF.

Ground Conditions

Policy DS6 and Policy DS10 includes provisions requiring that development addresses land contamination and land stability issues with appropriate remediation measures.

As part of the previous approval at this site (ref: 4/24/2008/0F1), the Council's Environmental Health Officer noted that the western corner of this site is marked on Council GIS maps as falling within a 500 metres zone of influence of potential pollution from made ground infilled on land at the rear of the Victoria Hotel, Drigg. The Officer has confirmed that whilst the current proposed development does not directly impinge on this area, a condition is requested to cover unexpected contamination at the site.

Subject to the inclusion of this planning condition set out above the proposal is considered to achieve the requirement of Policies DS6 and DS10 the Copeland Local Plan, and the provisions of the NPPF.

Planning Balance and Conclusion

The application site is located within the existing settlement boundary for Drigg, identified within the Copeland Local Plan as a Sustainable Rural Village. The site is currently operated



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	<p>as a farm with existing agricultural building and a dilapidated farmhouse. Permission was granted in February 2024 (ref: 4/24/2008/0F1) to demolish the buildings on this site.</p> <p>The principle for redeveloping this site for a single farmhouse building and two agricultural sheds is considered acceptable given the current use of the land and its location within the settlement boundary. The redevelopment is not considered to have a significant detrimental impact on settlement character or adjacent residential properties as the current use and scale of the site will be reflected within its redevelopment.</p> <p>No objections have been received from statutory consultees in terms of highway safety, flood risk or drainage, subject to the inclusion of several conditions. Conditions will also be utilised to secure BNG details, reporting of unexpected contamination and ecological details at the site. The requirement for securing a Bat Licence from Natural England will be dealt with under the previous approval 4/24/2008/0F1 as part of the demolition works for this site.</p> <p>The proposal is therefore 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.</p>
8.	<p>Recommendation:</p> <p>Approve in Outline</p>
9.	<p>Conditions:</p> <p><u>Defining the Permission:</u></p> <ol style="list-style-type: none">1. The layout, scale, appearance, and landscaping must be approved by the Local Planning Authority. <p>Reason</p> <p>To comply with Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none">2. 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:-<ol style="list-style-type: none">a) The expiration of THREE years from the date of this permissionOr<ol style="list-style-type: none">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 must be carried out in accordance with them:-
- Application Form, received by the Local Planning Authority on the 6th August 2024.
 - Covering Letter, received by the Local Planning Authority on the 6th August 2024.
 - Location Plan, Scale 1:1250 & 1:2500, Drawing Number: P01, Rev: -, received by the Local Planning Authority on the 6th August 2024.
 - Site Plan Existing, Scale 1:500, Drawing Number: P02, Rev: A, received by the Local Planning Authority on the 6th August 2024.
 - Site Plan Proposed, Scale 1:500, Drawing Number: P02, Rev: A, received by the Local Planning Authority on the 6th August 2024.
 - Use Parameter Plan, Scale 1:500, Drawing Number: P04, Ref: -, received by the Local Planning Authority on the 6th August 2024.
 - Vertical Limitations Parameter Plan, Scale 1:500, Drawing Number: P05, Ref: -, received by the Local Planning Authority on the 6th August 2024.
 - Quantum Parameter Plan, Scale 1:500, Drawing Number: P06, Ref: -, received by the Local Planning Authority on the 6th August 2024.
 - Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6th August 2024.
 - Biodiversity Net Gain Assessment Report, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 6th August 2024.
 - Planning, Design and Access Statement, Prepared by NDA Properties Limited May 2024, received by the Local Planning Authority on the 6th August 2024.
 - Flood Risk and Outline Drainage Strategy, Prepared by NDA Properties

Limited November 2023, received by the Local Planning Authority on the 6th August 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.

4. This permission gives outline approval for a maximum of one residential dwelling and two modern agricultural sheds only at this site.

Reason

To ensure an appropriate form of development at this site in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013 - 2028.

BNG Conditions:

5. The development hereby approved must be carried out in accordance with and implement all the mitigation measures set out in the following approved documents:
 - Biodiversity Net Gain Assessment Report, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 6th August 2024.

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

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. Prior to the commencement of the works hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Prior to the commencement of development/the development must not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan must include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.
- ii. Planned management activities including details of site-wide aims and objectives.
- iii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iv. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.
- v. Details of monitoring methods and a monitoring reporting schedule.
- vi. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

8. The development hereby approved must not be operational until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

9. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 7, a completion report, evidencing the completed habitat creation and habitat enhancements must be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

10. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 7 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

11. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 7 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 7 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 7.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Pre Commencement Conditions:

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme must 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 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 must 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 must 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 the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

13. Development must not commence until a Construction Traffic Management Plan has

been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

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

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

14. The access and parking/turning requirements must be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason

The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users.

15. The development must not commence until visibility splays providing clear visibility of

60metres measured 2.4 metres down the centre of both access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason

In the interests of highway safety.

Prior to First Use/Occupation Conditions:

16. Any existing highway fence/wall boundary at both vehicle accesses must be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before the development is brought into use and shall not be raised to a height exceeding 1.05m thereafter.

Reason

In the interests of highway safety.

17. Prior to their first installation within the development hereby approved, details of the proposed mitigation and enhancement measures set out within the approved document 'Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6th August 2024' must be submitted to and approved in writing by the Local Planning Authority. The approval measures must be installed prior to the first occupation of the development and must be retained at all times thereafter.

Reason

To protect the ecological interests evident on the site



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Other Conditions:

18. The development must be carried out in accordance with and implement all of the details and mitigation measures specified within the approved document 'Flood Risk and Outline Drainage Strategy, Prepared by NDA Properties Limited November 2023, received by the Local Planning Authority on the 6th August 2024', and must be maintained as such at all times thereafter.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the provision of Policy ENV1 and Policy DM24 of the Copeland Local Plan 2013 – 2028.

19. The development 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:

- Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 6th August 2024.

These measures must be maintained as such at all times thereafter.

Reason

To protect the ecological interests evident on the site.

20. There must be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

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

Reason

In the interests of highway safety.

22. Following approval of the development, 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 08.00 – 13.00

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

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 demolition / construction of the development.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which should be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is



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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 : 26.11.2024

Authorising Officer: N.J. Hayhurst

Date : 26.11.2024

Dedicated responses to:- N/A