

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2380/0F1
2.	<b>Proposed Development:</b>	PRIOR APPROVAL APPLICATION FOR DEMOLITION OF BUNGALOW AND OUTBUILDINGS
3.	<b>Location:</b>	SANDY ACRE, SHORE ROAD, DRIGG
4.	<b>Parish:</b>	Drigg and Carleton
5.	<b>Constraints:</b>	<p>ASC;Adverts - ASC;Adverts,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Known Sites for Natterjack Toads,</p> <p>Key Species - Potential areas for Natterjack Toads,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM</p>
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<p><b>Report:</b></p> <p><b>Site and Location</b></p> <p>This application relates to a detached bungalow known as Sandy Acre, located off Shore Road located to the west of Drigg. The site comprises of a large residential bungalow and outbuildings.</p> <p>The property is bounded to the north and east by the Low Level Waste Repository (LLWR, to the south by Shore Road, and to the west by open countryside.</p>	

### **Relevant Planning History**

No relevant planning history.

### **Proposal**

This application gives prior notification of the demolition of the residential bungalow and outbuildings at this site.

A visual structural inspection has been submitted with the application which concludes that the required modernisation of the property to be habitable will need significant structural and building remedial works, and the rear extension and outbuildings will need demolished. The inspection further states that the cost of the modernisation will be expensive, and it will be more cost effective to demolish the whole building. This will also leave the plot safe and secure without any future care and maintenance being necessary.

In terms of the method of demolition, it is proposed that residual parts of the building will be taken down by mechanical means and loaded into wagons or equivalent for removal from the site. Best practice methods will be followed with regards to noise, dust control, etc. All waste from the site will be removed and recycled wherever possible. Road sweeping will be carried out on a reactive basis where required. The buildings will be demolished to include all floor slabs and footings down to a minimum of 300mm below ground levels, and the site will be graded in line with existing topography, seeded and maintained free of weeds and other invasive plant life up to 12 months following completion.

### **Consultation Responses**

Subject to Part 11 Class B paragraph (b)(v) of the Town and County Planning (General Permitted Development) Order 2015, the applicant must display a site notice on or near the land on which the building to be demolished is sited, and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority. The applicant has confirmed that this site notice has been erected.

Three letters of objection have been received in relation to this notification period.

#### **Drigg & Carleton Parish Council**

19th November 2024

The application is contradictory.

It states that it WILL NOT rebuild on the site and that it WILL.

These statements are made on the application form and repeated elsewhere.

Therefore, the Drigg & Carleton Parish Council cannot support this application until this



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confusion is resolved.

Summary of response: Object

28th November 2024

Support

### 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 I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The applicant will need to ensure any vehicles leaving the site do not drag mud or other debris onto the highway, which will need to be kept clean at all times, also any laden wagons are suitably sheeted.

### Cumberland Council – Environmental Health

There are no objections to this proposal from Environmental Health.

It is advised that the septic tank and associated drainage infrastructure is also removed from the plot during the works.

### 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 offer generic advice on other natural environment issues

### **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

	<p>Cumberland Council as part of the Local Government Reorganisation of Cumbria.</p> <p>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.</p> <p>The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p><b>Copeland Local Plan 2021 - 2039 (LP):</b></p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p> <p>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.</p> <p>Strategic Policy DS1: Settlement Hierarchy</p> <p>Strategic Policy DS2: Settlement Boundaries</p> <p>Policy DS4: Design and Development Standards</p> <p>Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity</p> <p><b>Other Material Planning Considerations</b></p> <p>National Planning Policy Framework (2023)</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p> <p>The Conservation of Habitats and Species Regulations 2017 (CHSR).</p> <p><b>Assessment</b></p> <p>Demolition is classed as permitted development under Schedule 2 Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. This order sets out certain conditions for the prior approval of demolition, which requires the submission of a method of demolition and details of the proposed restoration of the site.</p> <p>Under this schedule, the applicant is only required to give prior notification of the demolition. This does not permit the Local Planning Authority to object to the removal of the buildings but does ensure that the method of demolition is satisfactory and the site is restored appropriately. The submitted details for this application are considered adequate for the purpose of this prior notification application.</p>
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### Method of Demolition

A demolition method statement has been submitted to support this application. The statement provides details of the site set up, the removal of debris, asbestos removal, the method of demolition, site finishes, and removal of materials from the site. The measures are appropriate and proportionate to the scale and location of the proposed demolition.

The Method Demolition Statement was amended as part of the consultation process to reflect the comments raised by the Highways Authority with regards to keeping the highway clean and free from debris and mud from the site.

### Proposed Restoration of the Application Site

It is proposed to demolish the buildings, including all floor slabs and footings down to a minimum of 300mm below ground levels. It is then proposed that the site would then be graded in line with existing topography, seeded and maintained free of weeds and other invasive plant life up to 12 months following completion.

The proposed finish is acceptable given the location of the application site.

### Ecology

All bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (CHSR). Regulation 9(1) states that a competent authority must exercise the functions which are relevant to nature conservation, so as to secure compliance with the requirements of the Habitats Directive.

This application is supported by an Ecological Constraints Study which concludes and recommends the following:

- One internationally (SAC), three nationally designated sites (SSSIs) and one non-statutory site (a CWS) were present within the 2km buffer zone. Impacts to any designated sites are considered unlikely. However, once the scope of works is confirmed a full appraisal of potential impacts/effects should be completed.
- The site comprised a dwelling surrounded by hardstanding, with a yard area and outbuildings and well managed landscaped gardens. The potential requirement for Biodiversity Net Gain assessment will need to be considered when the scope of works are determined.
- The site surveys and desk study did not find any evidence of roosting bats within the site. Bat roosts are therefore assessed to be likely absent, and works can continue without limitation.
- In the apparently unlikely event that bats are encountered during the redevelopment works, works must cease and the advice of a SQE obtained.
- The presence of foraging/commuting Badger and Hedgehog (and other small mammals)

within the site is possible. During the construction phase if excavation is required, holes/trenches should either be covered at the conclusion of each workday, or a means of escape provided.

- GCN presence in the vicinity of the site has been identified through desk study. One pond was present on mapping within 0.25km of the site, although this dry throughout the survey period.

- GCN are considered likely absent from the site. However, it would be prudent to employ precautionary working methods during construction in the highly unlikely event that GCN do occur within the impact area.

- Reptiles are considered likely absent.

- In the apparently unlikely event that any GCN, significant numbers of common amphibian species or reptiles are disturbed during works, works must cease and the advice of a SQE should be sought.

- The active nests of wild bird species (with certain exceptions) are legally protected from deliberate disturbance or destruction. Active Swallow and House Sparrow nests were found within buildings on site. Consequently, if works are proposed for the bird nesting season (March-August inclusive), it will be necessary to appoint SQE to complete a check for active birds' nests. Should any active nests be found then it would be necessary to delay works until the nesting attempt has reached a natural conclusion. If works are planned for outside of the bird nesting period, then no such check is necessary.

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

- Create small habitat areas and to use native species in any landscape planting.
- Enhance the site for bird species through the incorporation of bat/bird boxes into built structures or on retained trees.
- Potential requirement for Biodiversity Net Gain assessment will need to be considered when the scope of works are determined.
- The mitigation and enhancement measures set out within the Ecological Constraints Study will be secured as part of any decision notice for this application.

### Conclusion

The method of demolition and proposed restoration of the application site as submitted are appropriate. The application is supported by an Ecological Constraints Study which concludes no evidence of bats at the site, however mitigation and enhancement measures for are specified therefore these will be secured by an appropriately worded planning condition.

It is recommended that prior approval is required and be approved subject to the imposition of planning conditions securing completion of the works in accordance with the submitted



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	details and specifications.
8.	<b>Recommendation:</b> Prior Approval is Required and Approved
9.	<b>Conditions:</b> <u>Standard Conditions:</u> <ol style="list-style-type: none"><li>1. The demolition/works must be carried out within a period of 5 years from the date of this decision.  Reason  To comply with the requirements of Part 11 Class B.2 (b) (ix) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</li><li>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-<ul style="list-style-type: none"><li>- Application Form, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Covering Letter, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Statement of display of site notice, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Demolition Method Statement, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Visual Structural Inspection, Prepared by WDS Ltd May 2024, Reference: WDS/05/8680/REP01, Mod: A, received by the Local Planning Authority on the 8<sup>th</sup> November 2024.</li><li>- Ecological Constraints Study, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 27<sup>th</sup> October 2023.</li></ul> 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.</li></ol>

**Other Conditions:**

3. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement, received by the Local Planning Authority on the 8<sup>th</sup> November 2024'.

**Reason**

To ensure a satisfactory standard of demolition.

4. Demolition must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the approved document 'Ecological Constraints Study, Prepared by BiOME Consulting July 2024, Version 2, received by the Local Planning Authority on the 27<sup>th</sup> October 2023'.

**Reason**

To protect the ecological interests evident on the site.

**Informative Notes:**

1. During construction if any bats or evidence of bat is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.
2. The applicant will need to ensure any vehicles leaving the site do not drag mud or other debris onto the highway, which will need to be kept clean at all times, also any laden wagons are suitably sheeted.

**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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<b>Case Officer:</b> C. Burns	<b>Date :</b> 29/11/2024
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 04/12/2024
<b>Dedicated responses to:-</b> N/A	