

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/25/2015/0F1	
2.	<b>Proposed Development:</b>	DEMOLITION OF AN EXISTING BUNGALOW AND THE CONSTRUCTION OF A NEW SINGLE STOREY DWELLING WITH INTEGRAL GARAGE AND ASSOCIATED LANDSCAPING	
3.	<b>Location:</b>	PENHAVEN, NORTH LANE, HAVERIGG	
4.	<b>Parish:</b>	Millom	
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, PROWs - Public Right of Way	
6.	<b>Publicity Representations &amp;Policy</b>	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	<p>This application relates to a detached bungalow, known as Penhaven, which fronts onto North Lane, located within the northwest of Haverigg. The site is formed of a three bedroom bungalow with two separate outbuildings/garages. Access to the site is achieved from North Lane to the front of the site.</p> <p>The dwelling is bounded on both sides by residential bungalow properties and to the rear by farm buildings.</p>	

## **Relevant Planning History**

No relevant planning history.

## **Proposal**

This application seeks planning permission for the demolition of the existing detached bungalow and the construction of a new single storey dwelling with integral garage and associated landscaping.

The existing bungalow is located within the centre of the application site, set back from the adjacent highway, with access to the rear of the site maintained on either side of the property. The property is simple in character, with a front facing gable and side pitched and flat roof extension. The existing property and outbuildings will be demolished and the site cleared. The existing bungalow and associated outbuildings have a combined internal floor area of approximately 160m<sup>2</sup>.

The proposed replacement property will be in the form of a single storey bungalow, and will be sited upon the footprint of the existing bungalow to be demolished. The proposed replacement dwelling will be larger in scale than the existing and will be sited 1m from the west boundary and 1.47m from the east boundary. The proposed dwelling will measure at its maximum 16.3m x 16.04m with an eaves height of 2.42m and an overall height of 5.76m.

The property has been designed with a front facing gable measuring 1.52m x 6.54m with an eaves height of 2.42m and an overall height of 4.9m. A front porch is also proposed measuring 1.3m x 2m. The proposed development will also include two rear gables which benefit from an eaves height of 2.1m and ridge height of 4.94m

Internally the proposed dwelling will incorporate an integrated garage, hallway, lounge, two double bedrooms, a bathroom, utility room, pantry, master bedroom with ensuite bathroom and dressing room, and an open plan kitchen/dining/snug.

Externally the property will be finished with smooth white render, facing stone, plain concrete tiles, and UPVC windows and doors. Solar panels are also proposed along the front south facing roof slope.

The existing access to the site will be retained as existing however the existing splayed brick wall around the driveway will be removed to create a larger access point. The existing driveway area to the front of the dwelling will be retained for off street parking.

## **Consultation Responses**

Millom Town Council



## Cumberland Council

*30<sup>th</sup> January 2025*

No objections in principle to this application.

*1<sup>st</sup> May 2025*

No objections in principle to this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

*28<sup>th</sup> January 2025*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm as follows:

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: details of measure to prevent surface water discharge onto highway, access gates, and securing a construction traffic management plan.

*28<sup>th</sup> April 2025*

The Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) can confirm that the response made previously dated 29/01/25 should still apply.

United Utilities

*27<sup>th</sup> January 2025*

United Utilities has no further comment on this application.

Cumberland Council – Environmental Health

*13<sup>th</sup> February 2025*

There are no objections to this development from Environmental Health subject to the following comments.

Although the plot is shown on a 1967 OS map as land on which poultry houses were sited (presumably associated with the nearby Brookfield Farm) and which was otherwise undeveloped for residential dwellings at that time, there are no historical contaminated land concerns.

The Radon Map UK does show this site to be within a 1 km grid square of elevated radon potential where the maximum radon potential is 5 – 10%. Unless a site-specific radon survey is carried out, it is likely that basic radon protection measures would need to be incorporated in to the build.

The existing bungalow was therefore constructed post-1967 (likely during the 1970s) and probably has asbestos containing material (ACM) within its fabric. An asbestos survey and demolition method statement would be required.

Given the proximity of other dwellings, these documents could be contained within a wider

Construction Environmental Management Plan that would also guard against excessive noise and dust creation during the works.

The proposed package treatment plant for foul effluent drainage is noted. For information, the unnamed open field drain in close proximity to the east of the site is marked as a 'main river' by the Environment Agency. If the package treatment plant was to discharge directly into this, consultation should be made with the Environment Agency to check if a permit to discharge to a watercourse is required.

As such, the following conditions are suggested: Site Specific Construction Environmental Management Plan and Noise from Construction Works

*8<sup>th</sup> May 2025*

There are no objections from Environmental Health to the proposed changes. The comments from Environmental Health dated 13.02.25 are still applicable however.

Cumberland Council – Ecologist

Biodiversity Net Gain:

This application is exempt from BNG.

Suggested Planning Condition(s):

Bats – The county ecologist accepts the bat report produced for the application. If demolition has not commenced within 18months of planning approval, then a repeat bat inspection will be required which may lead to further bat survey work.

Natural England

No comments received.

Cumberland Council – Countryside Access Officer

No comments received.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to two properties. No responses have been received to this statutory notification period.

Public Reconsultation

Following the receipt of amended information for the application, a reconsultation was undertaken for all neighbouring properties and those who previously commented on the application. No comments were received to this notification period.

**Planning Policy**

Planning law requires that applications for planning permission must be determined in



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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 5<sup>th</sup> of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy H1: Improving the Housing Offer

Strategic Policy H2: Housing Requirement

Strategic Policy H3: Housing Delivery

Strategic Policy H4: Distribution of Housing

Strategic Policy H5: Housing Allocations

Policy H6: New Housing Development

Policy H7: Housing Density and Mix

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6PU: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

**Other Material Planning Considerations**

National Planning Policy Framework (2024)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

Copeland Borough Council Housing Strategy 2018 – 2023 (CBCHS)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

**Assessment**

The key issues raised by this application relate to the principle of the development; scale, design, and impact on residential amenity; access, parking, and highway safety; drainage and flood risk; and impact on ecology and biodiversity.

Principle of Development

Haverigg is identified in Strategic Policy DS1 of the Copeland Local Plan as one of the Local Centres, which have a supporting role to Copeland's towns containing a broad range of services. These settlements also operate independently from the main towns to meet day to day needs or as a well-connected cluster, linked to a neighbouring town or village of a similar scale by a frequent public transport service and/or safe pedestrian routes a mile or less in length. It is stated that the focus for development in Local Centres will be to support the retention and small-scale growth of existing services and businesses, with development focused on existing employment allocations, moderate housing allocations, and windfall and infill developments.

The settlement boundary for Haverigg 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 relates to an existing residential site within the settlement boundary for Haverigg. The application seeks to replace an existing residential bungalow with a new larger



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single storey dwelling.

The application provides an opportunity to redevelop a previously developed residential site within the settlement boundary to provide a modern energy efficient development. The principle of this development is therefore considered to be acceptable in accordance with Policies DS1 and DS2 of the Copeland Local Plan and provisions 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.

Within the previous Copeland Local Plan (2013- 2028) DM16 allowed for replacement dwellings so long as the scale and character of the replacement matches that which it is proposed to replace. The current Local Plan however now only seeks to control replacement dwellings outside of settlement boundaries; there are no restrictions for replacement dwellings within settlements.

Concerns were originally raised with this application regarding the overall scale of the proposed replacement dwelling, given the scale is much larger than the existing, the overdevelopment of the site, and the projection beyond the existing established building line with the adjacent properties.

Given these concerns amended plans were submitted by the agent to reconfigure the proposed dwelling to reduce the overall footprint and comply with the existing build line along North Lane.

Whilst the development is still much larger than the existing dwelling, the proposal has now been designed to reduce the length of the property. The proposed replacement dwelling is largely located upon the footprint of the existing property, and is located further to the front of the site and slightly forward of the existing front elevation. The replacement dwelling has however been designed to better reflect the overall character of the neighbouring residential properties and the overall streetscene, with the dwelling reorientated to cover the width of the site and incorporating a small front gable. This will ensure that the development is not overbearing and retains the character of the overall streetscene. The development is also considered to incorporate features seen within neighbouring properties, therefore the proposal is considered to be of a suitable scale and design in the context of the surrounding area.

Whilst the development will be located in closer proximity to the neighbouring properties and has been designed to include a number of windows and doors within the side elevations. To ensure the development does cause overlooking concerns a 1.8m boundary fence will be

erected between properties, retaining the lower boundaries at the front of the site. The installation and retention of this boundary treatment will be again secured by an appropriately worded planning condition.

Limited details have been provided with regard to the proposed external materials and solar panels, therefore these details will be secured by condition.

The Council's Environmental Health Officer has reviewed the application and offered no objections to the proposal subject to the inclusion of conditions to secure an Construction Environmental Management Plan and the restriction of noise from construction works. These conditions have been requested due to the proximity of the site to adjacent neighbouring properties in order to protect amenity and mitigate any potential impacts from the development.

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

#### Access, Parking and Highway Safety

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

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

The current driveway will be retained at this site to provide access and parking for the proposed dwelling. It is proposed to widen the entrance to the access to improve access to the property.

The Highway Authority have reviewed the application and have confirmed no objections to the proposal, subject to the following inclusion of conditions to secure details a construction traffic management plan, and access gates.

Based on the conditions outlined above, the proposal is considered to be compliant with the Policy CO4 and CO7 of the Copeland Local Plan, and provisions of the NPPF.

#### Drainage and Flood Risk





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Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1. The proposed comprises a more vulnerable use and is therefore a compatible use in Flood Zone 1. As the application is for a replacement single dwelling a Flood Risk Assessment has not been submitted to support this application.

The application indicates that the proposed dwelling will be drained via a sustainable drainage system linking to a soakaway/rainwater harvesting system. It is also proposed to install a sewage treatment plant to deal with foul drainage. No details of either the surface and foul water drainage schemes have been provided with the application, therefore this detail will be secured by condition.

The LLFA have reviewed the application and have confirmed no objections to the proposal, subject to the following inclusion of conditions to secure details of measure to prevent surface water discharge onto highway.

UU have offered no comments on the application.

It is therefore considered that based on the inclusion of the above 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.

### Impact on Ecology and Biodiversity

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

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements. Based on the information available this permission is considered to be one which will not require the approval of a Biodiversity Gain plan before development is begun because the application falls within the definition of a self-build/custom build property, therefore the proposal falls within the list of developments exempt from providing Biodiversity

Net Gain. The Council's Ecologist has confirmed this position.

Conditions will therefore be included on the decision notice for this application to ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act.

The application site is identified as a potential area for natterjack toads. Although the application site is located within 200m of a watercourse (as indicated within the ALGE trigger list), the proposal is to build a replacement bungalow on an existing residential site, located within a built up area. On the basis of the above it is considered that this is not a habitat that is likely to contain natterjack toads and so it would not be necessary to seek an ecological survey for this minor application.

The application is supported by a bat survey. This survey concludes the following:

- No evidence of bats was found at the property, and there are no nearby records of roosts.
- Overall the property (house and both outbuildings) were assessed as having negligible potential to host roosting bats.
- Surrounding habitat was of low quality for foraging and commuting bats due to the lack of sheltered habitat features such as woodland.
- No further survey work is required for this project.
- No particular avoidance or mitigation measures are needed for the proposed works.

The Council's Ecologist has accepted the findings of the bat report but has requested a condition to a secure additional survey works if the development hasn't commenced within 18 months of the planning approval.

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

#### Planning Balance and Conclusions

The application relates to an existing residential site within the settlement boundary for Haverigg, which is identified as one of the Borough's Local Centres. The application seeks to replace an existing residential bungalow with a new larger single storey dwelling providing a modern energy efficient development.

The revised details submitted following negotiations with the agent show a development which is of a scale and design which reflects the surrounding properties, and is not considered to have a detrimental impact on the nearby residential properties. The proposal is considered to be designed to reflect the character of the surrounding area and limit the impact on the overall streetscene. Appropriately worded planning conditions will be utilised to



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	<p>secure full details of materials and proposed solar panel to ensure an appropriate design, and to secure and retain relevant boundary treatments to protect amenity of neighbouring properties.</p> <p>The site access and parking will remain as existing with improvements proposed as part of the development. The Highway Authority have offered no objections to the proposal subject to the inclusion of conditions. Appropriately worded planning conditions will be utilised to secure details of measures to prevent surface water discharging onto the highway, and to secure a construction traffic management plan.</p> <p>No objections have been raised from statutory consultees in terms flood risk. Conditions will be utilised to secure details of surface and foul drainage. Appropriately worded conditions will also be utilised to secure a Construction Environmental Management Plan, restrict noise from construction works, and impacts on ecology and biodiversity.</p> <p>On balance, the proposal is considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <p><u>Standard Conditions</u></p> <ol style="list-style-type: none"><li>1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.  Reason  To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</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 16<sup>th</sup> January 2025.</li><li>- Location/Block Plan, Scale 1:500 &amp; 1:1250, Drawing Reference: 24-36-P-L,</li></ul></li></ol>

	<p>Revision: -, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</p> <ul style="list-style-type: none"> <li>- Proposed Site Plan (Amended), Scale 1:250, Drawing Reference: 24-36-P-01, Revision: AB received by the Local Planning Authority on the 5<sup>th</sup> June 2025.</li> <li>- Plans as Existing, Scale 1:100, Drawing Reference: 24-36-P-02, Revision: -, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Plans as Proposed (Amended), Scale 1:100, Drawing Reference: 24-36-P-06, Revision: F, received by the Local Planning Authority on the 23<sup>rd</sup> April 2025.</li> <li>- Existing Elevations, Scale 1:100, Drawing Reference: 24-36-P-03, Revision: -, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Elevations as Proposed (Amended), Scale 1:100, Drawing Reference: 24-36-P-07, Revision: E, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Existing 3D Sketches 01, Drawing Reference: 24-36-P-04, Revision: -, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Existing 3D Sketches 02, Drawing Reference: 24-36-P-05, Revision: -, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Proposed 3D Sketches 01, Drawing Reference: 24-36-P-08, Revision: E, received by the Local Planning Authority on the 23<sup>rd</sup> April 2025.</li> <li>- Proposed 3D Sketches 02, Drawing Reference: 24-36-P-09, Revision: E, received by the Local Planning Authority on the 23<sup>rd</sup> April 2025.</li> <li>- Proposed 3D Sketches 03, Drawing Reference: 24-36-P-10, Revision: E, received by the Local Planning Authority on the 23<sup>rd</sup> April 2025.</li> <li>- Bat Survey, Prepared by South Lakes Ecology January 2025, Report No: 0125/3, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Biodiversity Net Gain Assessment and Planting Plan, Prepared by South Lakes Ecology January 2025, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.</li> <li>- Design Access &amp; Energy Statement (Amended), Prepared by Fox-Ad, Revision: A, received by the Local Planning Authority on the 5<sup>th</sup> June 2025.</li> <li>- Email from Agent, received by the Local Planning Authority on the 5<sup>th</sup> June 2025</li> </ul> <p>Reason</p>
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To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Pre Commencement Conditions:

3. 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 drainage systems including proposed ground and finished floor levels in AOD;
  - iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes 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 Policies DS6 and DS7 of the Copeland Local Plan.

4. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway must be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works must be implemented prior to the development being completed and must be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

5. 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:
- Details of proposed crossings of the highway verge;
  - 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 proposals 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 in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

6. No development must take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration and dust. The plan should



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include, but not be limited to:

- An asbestos survey of the existing bungalow and outbuildings.
- A Demolition Method Statement.
- Mitigation measures as defined in BS 5228 : Parts 1 and 2 : 2009 + A1 : 2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise from construction works.
- Control measures for dust and other airborne pollutants.

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

### Reason

In the interests of the safety of site workers and to protect the amenities of surrounding occupiers during the construction of the development in accordance with DS4 of the Copeland Local Plan.

### Prior to Erection of External Walling Conditions:

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

### Reason

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

### Prior to First Use/Occupation Conditions:

8. The dwelling hereby approved must be constructed as a self-build and custom housebuilding dwelling within the definitions of self-build and custom housebuilding as contained in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

The first occupation of the dwelling hereby permitted must be as the sole or main residence of a person or persons who had primary input into the design and layout of

the dwelling.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

9. At least two months prior to the first occupation of the dwelling hereby approved, details of the person or persons who are to be the first occupants of the dwelling and confirmation that the dwelling is to comprise their sole or main residence shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development complies with the self-build and custom house building definition and help meet the Districts self-build requirement, in accordance with National Policy.

10. Prior to the first installation within the development hereby approved, details of the proposed solar panels will be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved details at all times thereafter and must not be altered without the prior consent of the Local Planning Authority.

Reason

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

11. Prior to the first occupation of the dwelling hereby approved the boundary treatment must be installed in line with the following approved documents:

- Proposed Site Plan (Amended), Scale 1:250, Drawing Reference: 24-36-P-01, Revision: AB received by the Local Planning Authority on the 5<sup>th</sup> June 2025.
- Email from Agent, received by the Local Planning Authority on the 5<sup>th</sup> June 2025.

All boundary treatment must be retained in accordance with this approved plan at all times thereafter.

Reason



In the interest of residential amenity in accordance with Policy DS4 of the Copeland Local Plan.

Other Conditions:

12 The development hereby approved must implement all of the mitigation and compensation measures set out in the approved documents:

- Bat Survey, Prepared by South Lakes Ecology January 2025, Report No: 0125/3, received by the Local Planning Authority on the 16<sup>th</sup> January 2025.

If demolition works have not commenced within 18 months of the date of this approval, repeat bat investigations will be required.

Reason

To protect the ecological interests evident on the site, in accordance with policies N1 and N3 of the Copeland Local Plan 2021 – 2039.

13. Following approval of the development, construction activities that are audible at the site boundary shall be carried out only between the following hours:

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

No construction works shall take place at any time on Sundays 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.

Measures for the mitigation of dust and other airborne pollutants should also be taken at all times during the construction phase.

Reason

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

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

Reason

In the interests of highway safety in accordance with Policies CO4 and CO7 of the Copeland Local Plan.

**Informatives:**

**1. Public Right of Way**

This site takes access from PROW 416064 and 415029, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works.

**2. Biodiversity Net Gain – Exemption**

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 not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption – The development comprises a self-build dwelling.

**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.



**Cumberland  
Council**

<b>Case Officer:</b> C. Burns	<b>Date :</b> 05.06.2025
<b>Authorising Officer:</b> N.J. Hayhurst	<b>Date :</b> 06.06.2025
<b>Dedicated responses to:-</b> N/A	