

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/26/2063/0F1
2.	Proposed Development:	PROPOSED DEMOLITION OF EXISTING HOUSE & CONSTRUCTION OF NEW THREE BEDROOM SELF BUILD DETACHED DORMER BUNGALOW
3.	Location:	TWIN ELMS, LOOP ROAD, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
6.	Publicity Representations &Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: Site and Location This application relates to the property known as Twin Elms, a derelict dwelling within a residential area of the main settlement of Distington. The site is flanked by the main road known as Loop Road, which runs from north to south to the east of the site. The site is adjoined by other residential dwellings to the north, south and west. The site is accessed from a lane running from the west which serves the existing dwellings in this area. Relevant Planning History	

No previous relevant applications.

Proposal

This application seeks planning permission for the demolition of the existing dilapidated dwelling and the erection of a self-build bungalow.

The dwelling is proposed to have three bedrooms, one with ensuite. A bathroom, living room and kitchen/diner will be included on the ground floor and a hobby room and store within the roof space on the first floor.

The dwelling proposed to be 11m x 17.9m with a further single storey projection of 7m x 6.2m to the rear. A detached double garage is also proposed to the rear of the dwelling.

Access will be taken from the main road to the west of the dwelling to a private parking and turning area to the western and eastern sides of the dwelling.

The garden is proposed to be grassed.

Consultation Responses

Distington Parish Council

No objections.

Highways and Local Lead Flood Authority

As this falls under our Service Level Agreement (SLA), this application does not need to be submitted to the Local Highway Authority or Lead Local Flood Authority; subject to the highway and drainage aspects of such applications being considered in accordance with the Agreement. The highway and drainage implications of this application can therefore be decided by the Local Planning Authority.

Arborist

1st response

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development. Trees are growing along the eastern and southern property boundaries.

The applicant has not submitted an Arboricultural Impact Assessment or proposed landscaping plan.

RECOMMENDATIONS

We recommend attaching a condition to any planning permission requesting the applicant submits the following prior to development of the site:

- Prior to commencement of development, an Arboricultural Method Statement, following the guidance in the British Standard (BS 5837:2012), must be submitted to and approved in

writing by the Local Planning Authority.

The Arboricultural Method Statement must include, but is not limited to:

- i) Facilitation tree works;
- ii) Installation of tree protection barriers;
- iii) Excavations, level changes and the location of underground services within 5m of the boundary trees;

The approved Arboricultural Method Statement must be implemented in its agreed form unless the Local Planning Authority gives written approval to any variation.

Reason

To ensure that existing trees are protected in accordance with Policy N14 – Woodlands, Trees and Hedgerows' of the Copeland Local Plan 2021-2039.

2nd response

DISCUSSION

Following our site visit, we have the following comment/observation to make on the proposed development. Trees are growing along the eastern and southern property boundaries. The applicant has not submitted an Arboricultural Impact Assessment or proposed landscaping plan.

UPDATE 19/06/2026

The applicant has submitted an Arboricultural Impact Assessment giving details of the trees on the site. The applicant has also submitted an Arboricultural Method Statement plan showing the location of the tree protection fencing.

RECOMMENDATIONS

We recommend attaching the following condition to any planning permission:

- The development must be carried out in accordance with the tree protection measures specified in the Arboricultural Method Statement plan (Dwg. No.TESB-008), dated 17th April 2026. The protective fencing must be installed prior to any construction activity on-site and maintained for the duration of the construction operations at all times thereafter.

Reason

To ensure that existing trees are protected in accordance with Policy N14 – Woodlands, Trees and Hedgerows' of the Copeland Local Plan 2021-2039.

United Utilities

1st response

Following our review of the submitted drainage documents; Drainage Strategy Ref: TE-SB-004, Dated 31/01/2026, the drainage proposals are not acceptable to United Utilities. This is

because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the National Standards for Sustainable Drainage Systems (2025). In addition, we require for the applicant to submit the detail of the proposed finished floor levels on the drainage design.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

2nd response

Standing advice.

Environmental Health

1st response

The site does not show any historical evidence of past industrial use and is not marked on Council mapping as being potentially contaminated land by virtue of Part II Environmental Protection Act 1990. The indicative Radon Map UK shows the site to be within a 1 km grid square of elevated radon potential with a maximum radon potential of 10 – 30%. This would

indicate that full radon protection measures should be included within the build, unless a site-specific radon test proves otherwise. (Note that the radon map was updated in December 2022). See UKradon - UK maps of radon.

In other respects, the Design & Access Statement includes measures to avoid excessive dust creation. Environmental Health would request that site working hours are also regulated to mitigate any noise disturbance to neighbours. In conclusion, therefore, Environmental Health do not object to this development and request that the following condition is imposed to any approval –

- Noise from Construction Works

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 and Saturday 08.00 – 13.00 and at no time on Sunday or Bank Holiday. 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 construction of the development.

2nd response

Further to the above planning consultation. We should add as an advice that

(i) this site is within the Distington Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>

Ecologist

1st response

Rejection: The County Ecologist suggests a rejection for this application due to the absence of a Preliminary Ecological Appraisal (PEA). The applicant must note that any further surveys recommended by the PEA must be undertaken with respective reports submitted, in order for this application to progress

2nd response

Request for More Information: The Councils Ecologist requires the following information for this application to progress:

- A Single Bat Survey

The PEA report states that the building has low bat roost potential. In line with best practice guidance, one dusk emergence or dawn return to roost survey is required during the optimal activity season for bats (May to August inclusive). April and September are shoulder months

and are not robust for one survey only. •

Biodiversity Net Gain

This development is in scope for Biodiversity Net Gain as it does not meet the exemptions criteria. Please note that the plant production area will not be able to count towards the post-development BNG score as, by their nature, nurseries change through the production process. Therefore, the County Ecologist suggests that the habitat category for the plant production area is to go under Urban > Unsealed Surface rather than vegetative garden or introduced shrub.

3rd response

Suggested Planning Conditions

Construction Environmental Management Plan (CEMP)

A CEMP should be produced to detail the procedures for protecting the environment during construction to address the following points (but not limited to):

- Pollution prevention control
- Dust mitigation
- Impaction of habitats
- Species protection during construction (see below)
- A sensitive lighting scheme for bats and other wildlife

Breeding Birds

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present within habitat/buildings that may be directly or indirectly impacted. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

Small Mammals

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the



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continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.

- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

Bats

A bats-specific lighting scheme will be designed during construction and operation to minimise light impact upon the wider environment. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

Reptiles As a precautionary approach, the following measures must be followed:

- Any devegetation works of long grass or ruderal is to be undertaken in a phased approach under the supervision of a suitably experienced ecologist.
- During the development, measures should be put in place to discourage reptiles from using the development area, the creation of any piles of earth, materials and rubble which could form potential artificial hibernacula and refuge should be avoided at all times. Any spoil or rubble will be removed immediately to skips, or on hard standing or short grass. This will ensure that no potential for reptile resting sites are created.
- The storage of all loose materials must be palletised or similar so they are off the ground whenever possible.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer are to be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.

Habitat Management and Monitoring Plan

No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council.
- b) 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.

BNG Informative

The effect of paragraph 13 of 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 on 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 break of planning control.

Enhancements

One bat box to be installed within the building, such as:

- The Habibat Bat Box, or
- Green & Blue Bat Box.

One bird box to be integrated within the development to provide opportunities for breeding birds such as:

- Schwegler No. 17 swift nest box, or
- Schwegler 1SP sparrow terrace.

3rd response

Construction Environmental Management Plan (CEMP)

All work is to be undertaken in accordance with the CEMP by EDS Design Cumbria Ltd.

Habitat Management and Monitoring Plan

No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council.
- b) 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.

BNG Informative

The effect of paragraph 13 of 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 on 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 break of planning control.

4th response

The Ecologist accepts the HMMP submitted as part of the application. The onus is on the applicant to ensure the Biodiversity Gain Plan aligns with the metric, which is to be reflected in the HMMP. i.e. the requirements for BNG cannot be discharged without all three documents aligning as evidence that 10% BNG will be achieved. Therefore, any changes made to the metric prior to discharge of condition must be reflected in an updated HMMP.

Suggested Planning Conditions

Construction Environmental Management Plan (CEMP)

All work is to be undertaken in accordance with the CEMP by EDS Design Cumbria Ltd. Habitat Management and Monitoring Plan No development hereby permitted shall commence until:

- a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council.
- b) 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.

BNG Informative

The effect of paragraph 13 of 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.

5th response

Habitat Management and Monitoring Plan

No development hereby permitted shall commence until:

a) A Habitat Management and Monitoring Plan (HMMP) in place for 30 years is submitted to and accepted by the council.

b) 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.

BNG Informative

The effect of paragraph 13 of 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 on 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 break of planning control.

6th response

The Ecologist highlights that the Biodiversity Gain Plan and the metric must align before the informative can be discharged.

Any changes to the HMMP therefore must be made prior to discharge.

Suggested Planning Conditions

BNG Informative

The effect of paragraph 13 of 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 on 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 break of planning control.

Public Representation

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

No responses were received as a result of these advertisements.

Planning Policies

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

Development Plan

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

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

The inherited 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 2001-2016.

The policies relevant to this application are as follows:

- Strategic Policy DS1 - Settlement Hierarchy
- Strategic Policy DS2 - Settlement Boundaries
- Strategic Policy DS3 - Planning Obligations
- Policy DS4 - Design and Development Standards
- Policy DS5 - Hard and Soft Landscaping
- Strategic Policy DS6 - Reducing Flood Risk Policy
- Strategic 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 H8 - Affordable Housing
- Strategic Policy N1 - Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy N2 - Local Nature Recovery Networks
- Strategic Policy N3 - Biodiversity Net Gain
- Strategic Policy N6 - Landscape Protection
- Strategic Policy CO4 – Sustainable Travel
- Policy CO5 – Transport Hierarchy

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Design Guide (NDG).

Cumbria Development Design Guide (CDG)

Strategic Housing Market Assessment 2021 (SHMA)

The Cumbria Landscape Character Guidance and Toolkit (CLGC)

Copeland Borough-Wide Housing Needs Survey (2020)

Self Build and Custom House Building Act 2015

Assessment

The key issues raised by this planning application relate to the principle of the development; design and impact on residential amenity; landscape and visual impacts; drainage and flood risk; and highway safety.

Principle of Development

The existing two storey dwelling known as Twin Elms is dilapidated and unlikely to be able to be restored. The principle of its demolition is considered to be acceptable.

The application site lies within the defined settlement boundary for Distington. Policy DS1 of the Local Plan identifies Distington as a Local Service Centre where the focus is on moderate housing allocations, windfall and infill development.

On this basis and considering that there is an existing dwelling on this site, it is considered that the principle of the development is acceptable.

Housing Need - Self Build

This application proposes the development of a self-build dwelling.

The Self-build and Custom Housebuilding Act 2015 and the Self-build and Custom Housebuilding (Register) Regulations 2016 place a duty on relevant local planning authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes. It is required that local planning authorities have regard to each self-build and custom housebuilding register that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.

Housing and Planning Act 2016 places duty on a relevant local planning authority to grant permissions for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each defined base period.

It is confirmed that the demand for self-build and custom housebuilding arising in an authority's area in a base period is the demand as evidenced by the number of entries added during that period to the Self-build Register of the relevant local planning authority. The Copeland Self-Build Register includes 20no. interested persons/parties which have been registered since 2017. No interest has been registered by the applicant for this site.

No persons have been added to the register in the last base period. The number of dwellings approved by Copeland Borough Council since 2017 suitable for self-build reasonably exceed the identified need; however, it is accepted that the register does not fully capture the demand levels, with anecdotal evidence existing that numerous parties not on the register having developed self-build homes within the Borough.

The Copeland Housing Strategy sets an aspiration to promote custom and self-build to build on current demand, recognising the flexibility it offers people in terms of layout and accessibility.

Scale, Design and Impact of Development

Policy DS4 of the Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain.

Policy H6 of the Local Plan states that new housing developments will be supported when the design, layout, scale and appearance of the development is appropriate to the locality, consideration is given to the local, natural, cultural and historical assets and landscape character, acceptable levels of amenity is provided, privacy is proposed through distance or good design, the development will have no unacceptable overbearing impact on neighbouring residents due to scale, height and/or proximity, the layout promotes active travel, adequate parking is provided, and the proposal does not constitute inappropriate development of a residential garden which would harm the character of the area.

The proposed bungalow is acceptable in scale and will replace a two storey dwelling which will create a less impactful development overall. The dwelling will infill the gap between Fell View and Ghyll Brae and will be viewed in context with the existing building group. The land is well screened from the road by the existing boundary treatments and, due to the topography of the site, will not create a visual impact on the area

The bungalow proposed will have a minimal impact on the neighbouring dwellings and is considered to be acceptable. The proposed materials and the modern design reflect the neighbouring dwellings and local vernacular. The proposed materials include a black concrete tiled roof, grey facing brick and k-rend walls and grey UPVC windows and doors. These materials are modern but will integrate with the neighbouring dwellings and allow the proposal to be viewed in context with its surroundings.

There are no windows to habitable rooms proposed that will create overlooking to any of the existing properties.

Overall, the design of the proposed dwelling is considered to reflect the surrounding dwellings within this part of Distington. On this basis, it is considered that the development would be in



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accordance with Policies DS4 and H6 of the Local Plan, and the NPPF.

Access, Parking and Highway Safety

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

The site will be accessed from the existing road network to the west, leading through the centre of Distington. The access road is already utilised by other properties within the site and it is considered that there will not be an intensity in usage as the dwelling will replace an existing dwelling on the site.

Parking provision in accordance with the requirements of the Cumbria Design Guide is clearly deliverable on the Application Site.

It is therefore considered that based on the above, the proposal meets the aims of Policies CO4, CO5 and CO7 of the Emerging Local Plan and provisions of the NPPF.

Drainage and Flood Risk

Policies DS6 and DS7 of the Copeland Local Plan seek to focus development on sites that are at least risk of flooding and where development in flood risk is unavoidable, ensure that the risk is minimised or mitigated through appropriate design. Policies within the Copeland Local Plan reinforce the focus of protecting development against flood risk.

The application site is located within Flood Zone 1, therefore no Flood Risk Assessment has been submitted. The application form includes details that surface water will be drained through a sustainable drainage system and a drainage plan shows the use of a hydro brake and connection to the existing sewer.

The Local Lead Flood Authority and United Utilities raised no objections to the proposals and therefore they are considered to be acceptable.

The implementation of the scheme submitted will ensure that proper drainage is secured within the site and will manage the risk of flooding and pollution, ensuring that the development complies with Policies DS6 and DS7 of the LP and the provisions of the NPPF.

Biodiversity Net Gain

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

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

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 except 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 property, therefore the proposal falls within the list of developments except from providing Biodiversity Net Gain.

A condition 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.

Based on the inclusion of this condition, it is considered that the development complies with policies N1 and N3 of the Local Plan and NPPF.

Ecology and trees

The application did not include any information relating to ecology. As a result, the Ecologist requested various reports in order to ensure that the demolition of the existing dwelling and its replacement would not affect any wildlife or habitats and that any risks can be mitigated. As a result, the following information was received:

- Preliminary Ecological Appraisal;
- Arboricultural Method Statement;
- Nocturnal Bat Survey Report;
- Biodiversity Gain Plan;
- Construction Environmental Management Plan;
- Habitat Management and Monitoring Plan;
- Phase 1 Habitat Survey.

All of the information was fully assessed by the Council's Ecologist and Arborist and considered to be acceptable. Planning conditions are proposed to ensure that development must be undertaken in accordance with these documents.

Planning Balance & Conclusions

The application site is located within the settlement boundary for Distington which is designated as a Local Service Centre. The development will assist in the delivery of the Council's aspiration to promote custom and self-build development, building on current demand and recognising the flexibility it offers people in terms of layout and accessibility. This is given significant weight.

The proposal incorporates a development which is of a satisfactory scale and design which will be seen in context with the surrounding properties and is not considered to have a



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	detrimental impact on the nearby residential properties. This is given significant weight. The site will be accessed from the existing road which serves the other dwellings on this site. No objections have been received from the Highway Authority. The proposal is not considered to have any adverse impacts on existing highways conditions given the existing use of the access for residential purposes and the proposed use for a single dwelling. This is given moderate weight. Details of the proposed drainage have been provided and are considered to be acceptable by statutory consultees. This is given moderate weight. A condition will ensure the proposed dwelling is constructed within the definitions of self-build and custom housebuilding in the 2015 Self-Build and Custom Housebuilding Act to comply with BNG requirements. This is given moderate weight. On balance the positive benefits that would result from this proposal outweigh any potential harm and the proposal represents a sustainable form of development which complies with the Policies set out in the Copeland Local Plan and the guidance within the NPPF.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: The development hereby permitted shall 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. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Application form, received February 2026; Existing Site and Proposed Block Plan, scales 1:500 and 1:2500, drawing number TE-SB-001, received February 2026; Proposed Ground and First Floor Plan, scales 1:50 and 1:100, drawing number TE-SB-002, received July 2026; Garage Floor and Elevation Plan, scale 1:75, drawing number TE-SB-005, received February 2026; Proposed and Existing Drainage Plan, scales 1:50 and 1:500, drawing number TE-SB-

004, received February 2026;
Design and Access Statement, drawing number DAS-001 Rev B, received July 2026;
Preliminary Ecological Appraisal, drawing number PEA-001 Rev B, received July 2026;
Arboricultural Impact Assessment and Method Statement, received April 2026;
Arboricultural Method Statement, scale 1:400, drawing number TE-SB-008, received July 2026;
Nocturnal Bat Survey Report, received June 2026;
Biodiversity Gain Plan, received July 2026;
Construction Environmental Management Plan, drawing number CEMP-001, received June 2026;
Habitat Management and Monitoring Plan, received July 2026;
Phase 1 Habitat Survey, scale 1:400, drawing number TE-SB-007 Rev B, received July 2026.

Reason

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

3. The development must be carried out in accordance with the tree protection measures specified in the Arboricultural Method Statement plan (Dwg. No.TESB-008), dated 17th April 2026. The protective fencing must be installed prior to any construction activity on-site and maintained for the duration of the construction operations at all times thereafter.

Reason

To ensure that existing trees are protected in accordance with Policy N14 of the Copeland Local Plan 2021-2039.

4. 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.



Cumberland Council

5. 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.

6. 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 and at no time on Sunday or Bank Holiday.

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 construction of the development and in accordance with Policy DS4 of the Copeland Local Plan 2021-2039.

Informatives Notes

Biodiversity Net Gain – Exemption Applies

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. Coal Authority Standing Advice The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority Environmental Health Standing Advice This site is within the Distington Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see https://uk-air.defra.gov.uk/sca/ 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: Sarah Papaleo Date : 14/07/2026
Authorising Officer: N.J. Hayhurst	Date : 22/07/2026
Dedicated responses to:- N/A	