

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/21/2451/OF1
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED TO DEMOLISH THE MAIN HOTEL BUILDING
3.	Location:	GROVE COURT HOTEL, CLEATOR
4.	Parish:	Cleator Moor
5.	Constraints:	ASC;Adverts - ASC;Adverts, TPO - TPO, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	Neighbour Notification Letter: NO Site Notice: YES – displayed by applicant Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report:	<p>PROPOSAL</p> <p>An application has been submitted giving prior notification of the proposed demolition of The Grove Court Hotel, situated off the A5086 at Cleator.</p> <p>The application has been submitted by the owner of the hotel who would like to demolish the building to make way for 5 new dwellings.</p> <p>It is proposed to undertake an asbestos survey prior to the demolition to identify and remove all asbestos before demolition work commences.</p> <p>The method statement provided states the following:</p>

1. Secure the perimeter with a 2.4 m high 18 mm plywood boarded timber temporary fence and gates.
2. Provide site establishment and welfare facilities.
3. Identify, locate and isolate gas, water, telephone and electrical services at the boundary.
4. Confirm assumed foundation details by trial hole investigation at each structure.
5. Identify and remove all the unbound asbestos material from the site as identified under the asbestos survey report. All asbestos removal works are to be undertaken by a suitable licensed contractor under a separate agreed method statement with HSE.
6. Assess and provide safe access and strip out and dispose off site under the agreed environmental disposal protocol all electrical and mechanical fixtures and fittings fixed to the steel frame building that would hinder later controlled careful demolition.
7. Assess and provide the necessary safe access and edge protection and craneage to carefully remove the slate roof covering and traditional roof trusses which will be recycled and used on other sites.
8. Provide safe access and carefully remove stonework, blockwork, concrete floors and window cladding to elevations. This should be done sequentially from the roof down. Dust suppression shall be required during this operation.
9. Sort and remove all demolition arisings as site work progresses in accordance with current waste control legislation.
10. Mechanically break up the floor slabs and service trenches and grub up foundations and dispose off site under the agreed environmental disposal protocol. Water is to be made available to suppress dust during this operation.
11. Trace all below ground drainage back to the first manhole, cap the drain with concrete at the manhole and grub up and dispose off site all the secondary drainage and manholes within the site under the agreed environmental disposal protocol.
12. All open trenches and excavations to be temporarily fenced until backfilled.
13. Infill drainage and foundation excavations and generally level site with imported or certified type 1 recycled material on completion.
14. The site road to be left and the building footprint to be finished level with ground level with a crushed hardcore finish.

The demolition is proposed to begin in January 2022.

CONSULTATION RESPONSES

Town Council

No comments received

Highways

No comments received

Natural England

No comments - Natural England has not assessed this application for impacts on protected species

and makes reference to relevant standing advice

Conservation Officer

No comments received

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

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy SS4 –Community and Cultural Facilities and Services

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Policy DM21 – Protecting Community Facilities

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Other Material Planning Considerations

National Planning Policy 2021 (NPPF)

Planning Practice Guidance (PPG).

Countryside and Wildlife Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2017 (CHSR)

Emerging Copeland Local Plan

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

	<p>ASSESSMENT</p> <p>Demolition is classed as falling within the definition of development. The applicant is only required to give prior notification of demolition. This does not permit the Local Planning Authority to Object to the removal of the building but does ensure that the method of demolition is satisfactory.</p> <p>A bat scoping survey was submitted with the application and concluded that the building contains an abundance of potential roosting habitats and foraging opportunities. As a result, the report concludes that two further site visits are required to undertake presence and absence surveys. These surveys must be completed between May to September inclusive during the bat survey season, with at least one completed during the peak season of May to August.</p> <p>Regulation 9(1) of The Conservation of Habitats and Species Regulations 2017 states that the competent authority must exercise the functions which are relevant to nature conservation, so as to secure compliance with the requirements of the Habitats Directive. To ensure compliance with the Regulations, the proposed demolition would require further surveys to be undertaken to ensure that there is no threat to the protected species as a result of the development. Whilst such surveys may be undertaken and the works deemed to be acceptable, the Local Authority does not have this information to hand. Furthermore, the demolition is proposed to be undertaken in January 2022, which does not leave time for the surveys to be completed between the required months of May to September.</p> <p>As a consequence, in the absence of comprehensive information regarding the demolition and any effect on biodiversity and protected species, the Local Planning Authority cannot be certain that the proposal would adequately comply with the requirements of The Conservation of Habitats and Species Regulations 2017 or the requirements of the adopted Local Plan. Accordingly, without sufficient details it is concluded that the proposal would be likely to have a harmful effect on biodiversity and protected species, contrary to Policies ST1, ENV3 and DM25 of the adopted Copeland Local Plan and paragraphs 179 and 180 of the National Planning Policy Framework.</p>
8.	<p>Recommendation:</p> <p>Refuse</p>
<p>Case Officer: Sarah Papaleo</p>	
<p>Date : 03/11/2021</p>	
<p>Authorising Officer: N.J. Hayhurst</p>	
<p>Date : 08/11/2021</p>	
<p>Dedicated responses to:- N/A</p>	