

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

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| 1. | Reference No:  | 4/22/2098/NOI   |            |
| 2. | Proposed Development:  | PRIOR NOTIFICATION TO DEMLOLISH FORMER BARN AND AGRICULTURAL SHEDS            |            |
| 3. | Location:  | HIGH HOUSE FARM, SANDWITH   |            |
| 4. | Parish:  | Whitehaven  |            |
| 5. | Constraints:   | ASC;Adverts - ASC;Adverts,<br>Coal - Standing Advice - Data Subject To Change |            |
| 6. | Publicity Representations &Policy  | Neighbour Notification Letter   | No         |
|    |  | Site Notice   | Yes        |
|    |  | Press Notice  | No         |
|    |  | Consultation Responses  | See Report |
|    |  | Relevant Policies   | See Report |
| 7. | <b>Report:</b><br><br><b>Site and Location</b><br><br>This application relates to High House Farm, located to the south west of Sandwith. The farm benefits from a number of agricultural buildings, a farmhouse and a residential bungalow, all owned by the applicant.<br><br><b>Proposal</b><br><br>This application gives prior notification of the proposed demolition of the demolition of five redundant agricultural buildings. One of the buildings is of traditional stone construction and adjoins the farm house, High House. The other four buildings are located to the rear of High House and are of timber construction. The buildings are in a very poor state of repair and are no longer required for |   |            |

the ongoing management and maintenance of the site.

In terms of method of demolition, it is proposed to cut down and dismantle the existing structure in preparation for the removal of waste from the site. The roofs of the buildings will be removed first followed by the walls. All waste from the site will be removed by a licensed waste carrier and taken to an appropriate waste disposal site. Once works are completed all materials will be removed and the ground will be left clear and allowed to grass over to a natural state.

### **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. No comment have been received in relation to this notification period.

#### Whitehaven Town Council

No comments received.

#### Cumbria Country Council – Cumbria Highways & LLFA

As this falls under our Service Level Agreement (SLA) with your Council, 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 would therefore have to be decided by the Local Planning Authority.

#### Copeland Borough Council – Environmental Health

No comments received.

#### Natural England

No objections.

### **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**

### **Copeland Local Plan 2013 – 2028 (Adopted December 2013)**

#### Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

#### Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

## **Other Material Planning Considerations**

National Planning Policy Framework (2021)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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

## **Assessment**

#### Method of Demolition

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.

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 and the proposal will allow for the demolition of several dilapidated structures on the site.

#### Ecology

Policy ENV3 seeks to ensure that new development will protect and enhance biodiversity and geodiversity. The building to which this application relates falls within the planning and development

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|    | <p>trigger list for bat surveys contained within the Bat Conservation Trust Bat Surveys Good Practice Guidelines. The bat survey submitted for this application states that there are no past or current evidence of bats roosting at the site, therefore it is unlikely that the buildings are essential for species survival. Furthermore although old Feral Pigeon nests were found at the site and there is a potential for a disturbance during the demolition it is unlikely the loss of the site would have significant long term impacts on local bird populations. Appropriately worded planning conditions can be attached to any decision notice to ensure the recommended mitigation measures are implemented as part of this development.</p> <p>On this basis, the proposal is considered to comply with the provision of Policy ENV3 of the Copeland Local Plan 2013-2028 and Paragraph 175 of the National Planning Policy Framework.</p>  |
| 8. | <p><b>Recommendation:</b></p> <p>Approve Demolition</p>  |
| 9. | <p><b>Conditions:</b></p> <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.</li> </ol> <p>Reason</p> <p>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).</p> <ol style="list-style-type: none"> <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 28<sup>th</sup> February 2022.</li> <li>- Site Location Plan (Amended), Scale 1:1250, received by the Local Planning Authority on the 17<sup>th</sup> March 2022.</li> <li>- Method Statement (Amended), received by the Local Planning Authority on the 17<sup>th</sup> March 2022.</li> <li>- Bat, Barn Owl &amp; Nesting Bird Survey, Prepared by Envirotech February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022.</li> </ul> </li> </ol> <p>Reason</p> <p>To conform with the requirement of Section 91 of the Town and Country Planning Act 1990,</p> |

as amended by the Planning and Compulsory Purchase Act 2004.

3. Demolition must be carried out in strict accordance with the approved document 'Method Statement (Amended)', received by the Local Planning Authority on the 17<sup>th</sup> March 2022'.

Reason

To ensure a satisfactory standard of demolition.

4. Demolition must be carried out in strict accordance with the approved document 'Bat, Barn Owl & Nesting Bird Survey, Prepared by Envirotech February 2022, received by the Local Planning Authority on the 28<sup>th</sup> February 2022'.

Reason

To ascertain the presence of protected species prior to works commencing.

**Informative:**

During construction if any bats or evidence of a bat is found within this structure the applicant should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.

**Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

**Case Officer:** C. Burns

**Date :** 23.03.2022

**Authorising Officer:** N.J. Hayhurst

**Date :** 25/03/2022

**Dedicated responses to:-**