

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2180/OF1	
2.	Proposed Development:	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF BUILDINGS IN SERIOUS STATE OF DISREPAIR	
3.	Location:	CALDER TOWN END FARM, SEASCALE	
4.	Parish:	Ponsonby	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations &Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Calder Town End Farm, which is located to the north of Seascale. The site comprises of a house, stables and stone barn.	
	Proposal		
		This application gives prior notification of the proposed demolition of the buildings on this site. The	

dwelling is fabricated in stone with a render outer wall and slate roof, the barn is stone with an unlined cement-bound asbestos roof, and the stables are fabricated in metal sheeting. The buildings are in state of disrepair which makes refurbishment of the structures unviable.

In terms of method of demolition, it is proposed to disconnect all services from the site and take down the residual parts of the building by mechanical means, with wagons or equivalent use for material removal. All waste from the site will be removed and recycled wherever possible. Road sweeping will be carried out where required. The buildings will be demolished to foundation level and the site will be left tidy in appearance and will be secured by way of the existing site boundary treatments.

### **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.

#### Ponsonby Parish Council

No comments received.

#### Cumbria County Council – Cumbria Highways & LLFA

The Local Highway Authority have no objections to the proposal but the applicants will need to contact our streetworks and traffic management teams for any permits, traffic management and road/footway closures that are required.

They will need to ensure their demolition vehicles are parked off the highway, show the proposed routes for debris removal by sheeted vehicles, ensure the highway is swept and that they do not work during peak school hours.

I would therefore recommend the inclusion of a condition requiring a Demolition Traffic Management Plan to be submitted and approved in writing prior to the commencement of demolition at this site.

#### Copeland Borough Council – Environmental Health

This EH Team has no objections to the above planning application. The Demolition Method Statement is acceptable.

I would highlight the following advice however:

- Dust suppression measures should be carried out as necessary.
- Attention is drawn to BS5228-1:2009 + A1:2014 Code of Practice for Noise and Vibration Control on Construction and open sites in avoiding unreasonable and excessive noise and vibration from the demolition activities to any nearby noise sensitive receptors.

#### Natural England

No comments received.

#### **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**

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 for the purpose of this prior notification application.

#### Method of Demolition

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

The Council's Environmental Health department have confirmed that the submitted method statement is acceptable but has provided advice in relation to dust suppression, and noise and vibrations. These details will be included as an informative within any decision notice.

Cumbria Highways have offered no objections but have requested a Demolition Traffic Management plan prior to the commencement of works at the site, in order to ensure the development does not impact on the surrounding highway network.

#### Proposed Restoration of the Application Site

It is proposed to demolish the buildings to foundation level and leave the site tidy and secure. The proposed finish is acceptable given the location of the application site.

#### Ecology

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

This application is supported by a number of Ecological Assessments carried out in 2018, 2020, and 2022. These surveys concluded the following:

- Preliminary Ecological Appraisal 2018: Within the 2018 survey it was concluded that both the house and stone barn were considered to have a moderate potential to support roosting bats. It was there recommended that once full works had to confirmed a further survey would be

required to identify the impacts of the proposed works. If these additional surveys determined works would have an impact on bat roost a EPF licence from Natural England will be required. Other mitigation measures were also identified in relation to badgers and breeding birds.

- Bat Survey Report 2020: This 2020 survey found that day-roosting bats were recorded in all three of the buildings to be demolished. Based on this for works to legally proceed a European Protected Species (EPS) mitigation licence, issued by Natural England will be required. However this reports confirms that in terms of mitigation given the low conservation significant of the building as bat roosting site there is no requirements on the timing of works and works should be completed by hand with a full programme of mitigation finalised at the licence application stage.
- Update Preliminary Ecological Appraisal 2022: This updated appraisal confirmed that due tot eh previous confirmation of day-roosting bats within the building to be demolished a European Protected Species (EPS) mitigation licence, issued by Natural England will be required. An additional survey and a full programme of mitigation will need to be submitted as part of the licence application. This report also provides mitigation measures for badger sets if found at the site, and mitigation measure for barn owls including the timings for carrying out work and the requirement for the installation of two barn owl boxes unless further surveys are carried out to assess the potential presence of active nests.

The mitigation measures set out within the update 2022 ecology appraisal will be secured as part of any decision notice for this application.

In accordance with the CHSR, it is necessary to consider the likelihood of a license being granted by Natural England and in doing so engage with the three derogation tests. The rigour and stringency with which the tests are applied increase with the importance and significance of the roost.

*Is the proposed development necessary for imperative reasons of overriding public interest?*

The proposed works are a permitted development. For these reasons it is considered that the test is passed.

*Is there a satisfactory alternative?*

Given the low conservation significant of the building as a bat roosting site, the level of consideration of alternatives should be correspondingly low. It is unlikely that the development could proceed in such a way as to avoid the licensable activities.

In conclusion there is no satisfactory alternative.

*Will the favourable conservation status of the species be maintained within its natural range?*

	<p>Taking into account the use of the site by bats, together with the potential mitigation and compensation measure to be secured as part of the licencing application the favourable conservation status of the species will be maintained within its natural range.</p> <p>It is therefore considered that the three tests are met and a licence would be likely to be granted by Natural England.</p> <p><u>Conclusion</u></p> <p>The method of demolition and proposed restoration of the application site as submitted are appropriate. The proposed scheme of mitigation in relation to the presence of bats and other protected species is acceptable.</p> <p>It is recommended that prior approval is required and be approved subject to the imposition of planning conditions securing completion of the works in accordance with the submitted details and specifications.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve</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 must be carried out in accordance with them:- <ul style="list-style-type: none"> <li>- Application Form, received by the Local Planning Authority on the 25<sup>th</sup> April 2022.</li> <li>- Calder Town End Stable, Scale 1:100 &amp; 1:200, Drawing No A101, received by the Local Planning Authority on the 25<sup>th</sup> April 2022.</li> <li>- Calder Town End House, Scale 1:100 &amp; 1:200, Drawing No A102, received by the Local Planning Authority on the 25<sup>th</sup> April 2022.</li> <li>- Calder Town End, Scale 1:200, Drawing No A103, received by the Local Planning Authority on the 25<sup>th</sup> April 2022.</li> <li>- Demolition Method Statement, received by the Local Planning Authority on the 25<sup>th</sup> April</li> </ul> </li> </ol>

2022.

- Update Preliminary Ecological Appraisal (2022) , Prepared by BiOME Consulting March 2022, received by the Local Planning Authority on the 25<sup>th</sup> April 2022.

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.

Pre Commencement Condition:

3. Demolition must not commence until a Demolition Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The DTMP must include details of:
  - pre-demolition road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the demolition;
  - 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;
  - demolition 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 details during the demolition phase
  - deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety

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.

**Other Conditions:**

4. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement, received by the Local Planning Authority on the 25<sup>th</sup> April 2022'.

Reason

To ensure a satisfactory standard of demolition.

5. Demolition must be carried out in strict accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Update Preliminary Ecological Appraisal (2022) , Prepared by BiOME Consulting March 2022, received by the Local Planning Authority on the 25<sup>th</sup> April 2022'.

Reasons

To protect the ecological interests evident on the site.

**Informatives:**

1. During construction if any bats or evidence of bat is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.
2. Dust suppression measures should be carried out as necessary.
3. Attention is drawn to BS5228-1:2009 + A1:2014 Code of Practice for Noise and Vibration Control on Construction and open sites in avoiding unreasonable and excessive noise and vibration from the demolition activities to any nearby noise sensitive receptors.

**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 :** 20.05.2022

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

**Date :** 23.05.2022



**Dedicated responses to:- N/A**