



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2259/OF1	
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR THE DEMOLITION OF A FARM BUILDING AND EXISTING LEAN-TO EXTENSION	
3.	Location:	FLEMING HALL, GOSFORTH	
4.	Parish:	Gosforth	
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 Letters	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		
		This application relates to Fleming Hall Farm, located to the west of Gosforth. The dairy farm comprises of a farmhouse, eight barns and associated outbuildings. The farm is accessed via a single access track and is within the open countryside.	
	Relevant Planning History		
		4/19/2328/OF1 – Application for prior notification of proposed demolition of barn – Approved	

4/19/2311/0F1 – Application for prior notification of proposed demolition of stable block – Approved

4/21/2347/0F1 – Construction of agricultural livestock building and stable block to replace now demolished barn building and stable block – Approved

4/21/2439/0F1 – Discharge of condition 3 of planning approval 4/21/2347/0F1 – Approved

Proposal

This application gives prior notification of the proposed demolition of a farm building and existing lean-to extension sited adjacent to the existing farmhouse at this site. The buildings are deemed to be structurally inadequate and in very poor conditions.

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.

Gosforth Parish Council

No comments received.

Cumbria County 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 comments received.

Cumbria County Council - Resilience Unit

There are no objections to the proposed works.

However it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

In view of the fact that this application, if granted, could increase the number of persons in the area (including trade people) I would be grateful if you could advise the applicant to liaise with this office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Public Representation

This application has been advertised by way of a site notice. No comments have been received in relation to the statutory notification procedure.

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

Policy DM25 - Protecting Nature Conservation Sites, Habitats and Species

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.

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 within an existing farm complex.

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 Preliminary Ecological Appraisal which concludes the following:

- Given the nature of the project and distance to nearest statutorily designated site, no adverse impacts are predicted as a consequence of the proposed works.

	<ul style="list-style-type: none"> - None of the habitats on site are considered of significant ecological value and do not represent a significant constraint for future redevelopment. - No evidence of bats and all buildings/tree offered negligible potential for roosting bats. If bats are encountered all works must stop and advice sought. - Likely that birds nest within the site. If development within nesting season is necessary to appoint a qualified ecologist to complete checks for active birds nest. If nests are active works will need to be delayed. - No other works in relation to other species are considered necessary at this time. <p>The mitigation measures set out within the update ecological appraisal will be secured as part of any decision notice for this application.</p> <p><u>Conclusion</u></p> <p>The method of demolition and proposed restoration of the application site as submitted are appropriate. The application is supported by an Ecological Survey which concludes that there is no evidence of bats at the site, however mitigation measures for breeding birds and any encounters of bats are specified. These will be secured by an appropriately worded planning condition.</p> <p>It is therefore recommended that prior approval is not required subject to the imposition of planning conditions securing completion of the works in accordance with the submitted details and specifications.</p>
8.	<p>Recommendation:</p> <p>Prior approval not required.</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The demolition/works must be carried out within a period of 5 years from the date of this decision. <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"> 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:-

- Application Form, received by the Local Planning Authority on the 10th June 2022.
- Location Plan, Scale 1:1250, received by the Local Planning Authority on the 10th June 2022.
- Statement of display of site notice, received by the Local Planning Authority on the 10th June 2022.
- Demolition Method Statement, received by the Local Planning Authority on the 10th June 2022.
- Visual Structural Inspection, Prepared by WDS Ltd November 2021, received by the Local Planning Authority on the 10th June 2022.
- Preliminary Ecological Appraisal, Prepared by BiOME Consulting May 2022, Version 2, received by the Local Planning Authority on the 10th June 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.

Other Conditions:

3. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement, received by the Local Planning Authority on the 10th June 2022'.

Reason

To ensure a satisfactory standard of demolition.

4. Demolition must be carried out in strict accordance with and implement all of the mitigation and compensation measures set out in the approved document 'Preliminary Ecological Appraisal, Prepared by BiOME Consulting May 2022, Version 2, received by the Local Planning Authority on the 10th June 2022'.

Reasons

To protect the ecological interests evident on the site.

Informative:

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.				
	<p>2. In view of the fact that this application could increase the number of persons in the area (including trade people) the applicant should liaise with the Resilience Unit office via emergency.planning@cumbria.gov.uk to allow for further discussion to ensure the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.</p>				
<table> <tr> <td>Case Officer: C. Burns</td><td>Date : 07.07.2022</td></tr> <tr> <td>Authorising Officer: N.J. Hayhurst</td><td>Date : 08.07.2022</td></tr> </table>		Case Officer: C. Burns	Date : 07.07.2022	Authorising Officer: N.J. Hayhurst	Date : 08.07.2022
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Dedicated responses to:-					