

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2277/0F1
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED TO DEMOLISH THE MAIN HOTEL BUILDING (RESUBMISSION OF 4/21/2451/0F1)
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: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: PROPOSAL <p>An application has been submitted giving prior notification of the proposed demolition of the Grove Court Hotel, situated off the A5086 in Cleator.</p> <p>The building was constructed to be used as a school, but was since converted into a hotel, closing in 2019. The Applicant wishes to demolish the building to clear the site for a future housing development.</p> <p>A full demolition statement has been submitted detailing the securing of the site and processes for demolition and site clearing.</p>	

CONSULTATION REPONSES

Cleator Moor Town Council

Resolved that in relation to application 4/22/2277/OF1 confirmation be sought that the measures stated in the Bat survey be adhered to should the planned demolition proceed. Clarification be sought on the buildings status as a non-designated heritage asset and what implications this may have on the planned demolition.

Conservation Officer

- I would view this proposal as entailing less-than-substantial harm to the setting of the grade II listed St Mary's Roman Catholic Church.
- I would view it as entailing total loss to a non-designated heritage asset.
- The harm to the building itself should be taken into consideration. The indirect harm to the church should be accorded great weight, require clear and convincing justification, and it should be demonstrated that the harm is necessary to achieve public benefit.
- It's not for me to appraise the viability of various options, however I would note that replacing distinctive historic buildings with fairly generic housing does harm to the sense of place through loss of unique character and the continuity of local history.
- Considering that harm to the setting of a grade II listed heritage asset should be accorded great weight in the decision-making process, great weight should therefore be afforded to the desirability of retaining and adapting this building.
- Additionally, the carbon cost of demolition and rebuilding should be considered, as this is rapidly coming to be viewed as poor practice, with an ever-increasing body of guidance urging adaptive reuse of historic buildings where possible.
- The above points concern the principle of demolition here, which I object to. I have not engaged deeply with the proposed replacement, which is indicative only; if the principle is approved, I will be able to provide more in depth comment.
- Please refer to the following list of policies and guidance, which are relevant to this proposal.

PLANNING POLICY

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

Schedule 2, Part 11, Class B – Demolition of buildings

Permitted development

B. Any building operation consisting of the demolition of a building.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(1); or

(c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition—

(i) the developer must, before beginning the development—

(aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site; and

(bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;

(ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

(iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developer’s contact address and, if the developer is content to receive communications electronically, the developer’s email address;

(iv)subject to paragraph (b)(v), the applicant must display a site notice by site display 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;

(v)where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(vi)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

(vii)subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following—

(aa)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb)where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc)the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii)the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa)where prior approval is required, in accordance with the details approved;

(bb)where prior approval is not required, in accordance with the details submitted with the application;

(ix)subject to paragraph (b)(x), the development must be carried out—

(aa)where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb)in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

(x)where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that

request.

ASSESSMENT

Policy Context

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.

The building is not structurally unsound or a community asset and can therefore be considered under the prior notification legislation.

The proposed demolition works satisfy the criteria and conditions of Schedule 2, Part 11, Class B of the GPDO.

The prior approval details received are considered to be adequate/satisfactory for the purposes of this prior approval application.

The scope of the assessment under prior approval is limited to the method of demolition and any proposed restoration of the Application Site.

Previous Application on the Site

A previous application for prior notification was refused on ecological grounds in November 2021. A bat scoping survey was submitted that recommended a further two full bat surveys during their active season (May to September). These had not been undertaken and the demolition was proposed to begin in February, therefore not allowing for the surveys.

Non designated Heritage Asset

Despite the building being considered as a non designated heritage asset by Townscape Heritage Consultants, as detailed in the submitted Heritage Statement and the Council's Conservation Officer, because the building is not formally listed, the legislation does not allow an exception to the Permitted Development Rights for demolition in this case.

Regrettably, the building is not considered to be suitable for formal listing, or with sufficient justification for the implementation of an Article 4 direction to protect it.

Method of Demolition

The method of demolition submitted includes the site preparation, details of the proposed demolition and remediation of the site post demolition. The statement is considered to be acceptable and provided that it is followed, there should be minimal effect on the neighbouring properties.

A planning condition is proposed to secure adherence to the method of demolition proposed.

Trees and Ecology

There are mature trees to the front of the Grove Court Hotel in close proximity to the road. These are protected by Tree Preservation Orders and should not be harmed during the demolition.

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.

A survey for bats, barn owls and breeding birds was submitted by the Applicant, undertaken by a qualified person. It concluded that 2 surveys were not necessary and that one survey had been sufficient to suitably assess any activity on the site. Despite some signs of bat activity, the report recommends that two bat boxes be placed on the retained extension as suitable mitigation. It also states that works should stop should any bats be seen or suspected within the building to be demolished.

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 level of impact on bats, 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.

Notwithstanding, short to medium terms works to maintain the buildings on the Application Site will reasonably result in comparable impacts. In conclusion there is no satisfactory alternative.

	<p><i>Will the favourable conservation status of the species be maintained within its natural range?</i></p> <p>Taking into account the use of the site by bats, together with the mitigation and compensation proposed 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 proposed development falls under the criteria set out in Schedule 2, Part 11, Class B of the Permitted Development Rights 2015 and therefore does not require Planning Permission.</p> <p>The method of demolition and proposed restoration of the Application Site as submitted are appropriate.</p> <p>The proposed scheme of mitigation in relation to the presence of bats 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 etc.</p>	
8.	<p>Recommendation: Approve</p>	
9.	<p>Conditions: See decision letter</p>	
Case Officer: Sarah Papaleo		Date : 21/07/2022
Authorising Officer: N.J. Hayhurst		Date : 29/07/2022
Dedicated responses to:- N/A		