



CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2177/0F1
2.	Proposed Development:	PRIOR APPROVAL APPLICATION FOR DEMOLITION OF UNUSED GARAGE ATTACHED TO OFFICE
3.	Location:	ROBERTSON MEMORIALS, LOW ROAD, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Coal - Development Referral Area - Data Subject to Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: NO Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: PROPOSAL	<p>This application relates to Robertson Memorials, situated on Low Road in Whitehaven. The proposal is for the demolition of the unused garage which is attached to the office. It measures 4m x 8m.</p> <p>Information has been received from the Applicant to state that the roof timbers in the garage have collapsed, making it dangerous. Furthermore, the garage is unused and the cost of repair would be greater than demolition.</p> <p>The roof is to be removed by a professional contractor with the walls being knocked down</p>

thereafter. The west wall will be retained at the same height as the fence for neighbour privacy and skimmed and painted to match the office.

CONSULTATION REPOSES

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 objections.

Natural England

No response 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).



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PLANNING LEGISLATION

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



Cumberland Council

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

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 a satisfactory method of demolition is secured.

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

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.

Ecology

There are no trees with Tree Protection Orders in the vicinity.

A survey for bats, barn owls and breeding birds was submitted by the Applicant, undertaken by a suitably qualified person. It concluded that there was no evidence of bats or bird nests in the garage and that it provided a low suitability for roosting bats. It is also considered that the proposal will not have any effect on the surrounding foraging habitat.

Conclusion

The proposed development falls under the criteria set out in Schedule 2, Part 11, Class B of the Permitted Development Rights 2015 and therefore Prior Approval is not required.

8.	Recommendation: Prior Approval Not required
9.	Conditions 1. The development must be carried out entirely in accordance with the details submitted. 2. The development must be carried out within a period of five years from the date of this letter.
Case Officer: Sarah Papaleo	
Date : 18/07/2023	
Authorising Officer: N.J. Hayhurst	
Date : 19/07/2023	
Dedicated responses to:- N/A	