

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2299/0F1	
2.	Proposed Development:	PRIOR NOTIFICATION OF APPLICATION FOR PROPOSED DEMOLITION OF A TWO STOREY HOUSE AND SINGLE STOREY DETACHED OUTBUILDING	
3.	Location:	TARN COTTAGE, SEASCALE	
4.	Parish:	Beckermest with Thornhill	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report:		
	Site and Location		

This application relates to Tarn Cottage, located to the North West of Seascale and to the west of Sellafield.

The property comprises of a two storey house and a single storey detached outbuilding adjacent to the dwelling.

The site is access via an unnamed road that adjoins Sellafield Main Gate to the A595, and is located within open countryside.

Relevant Planning History

No relevant planning history.

Proposal

This application gives prior notification of demolition of the two storey house and single storey detached outbuilding. A structural assessment has been submitted with the application which concludes that the house is in need of total refurbishment, and due to the presence of rot and wood worm and the inadequate structural size of the roof and floor timber elements requiring the removal of the floor structures, it would be more cost effective to demolish the house rather than refurbish. The assessment also concludes that the outbuilding is derelict and requires demolition.

In terms of method of demolition, it is proposed that residual parts of the building will be taken down by mechanical means and loaded into wagons or equivalent for removal from the site. Best practice methods will be followed with regards to noise, dust control, etc. All waste from the site will be removed and recycled wherever possible. Road sweeping will be carried out on a reactive basis where required. The buildings and all external infrastructure will be demolished with all floor slabs and footings down to a minimum of 300mm below ground level. All drainage and ancillary items to include any septic tanks will be pumped out excavated and removed. The site will then be graded with existing topography and seeded.

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.

Beckermeth with Thornhill Parish Council

No comments/observations.

Cumberland Council – Environmental Health

The Environmental Health team have no objections to this proposal, subject to the following comments.

Tarn Cottage appears on an OS Map of 1860, adjacent to the wooded area marked as Sellafield Tarn.

Sellafield Tarn has been designated as a Non-Statutory County Wildlife Site, “identified and selected locally for their nature conservation value based on important, distinctive and threatened habitats and species...”

Suitable care should therefore be taken by workers undertaking the demolition.

The age and construction of the property should lend itself to straightforward demolition, notwithstanding the asbestos survey, and footings of the buildings are likely to be shallow. A level of at least 300mm clean soil cover, and up to 600mm clean soil cover, should suffice on the footprints of both buildings, depending on any evidence of ground contamination and the future end use of the plot.

As far as drainage is concerned, the main house foul soil vent pipe and kitchen waste water pipes are evident on the south west elevation.

There appears to be a septic tank or cess tank, of unknown construction, under the grassed area inside the property boundary.

This area is of insufficient size to accommodate a drainage field, suggesting that any septic tank may have outlet in to Sellafield Tarn.

This should be confirmed prior to any demolition works commencing.

The decommissioning of a small sewage treatment tank is regulated by Rule 14 of the General Binding Rules, see the attached web link:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Such tank should be emptied and decommissioned by a properly licenced contractor.

It is advisable to keep a record of the position of any former tanks below ground level.

If the surrounding sub soil is contaminated by leaks, overspills etc it should be removed to the appropriate waste stream.

A 600mm clean soil cover would be recommended over this area.

Natural England

No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local 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

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the NPPF.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (2023)

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 the 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, site finishes, 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 with all floor slabs and footings down to a minimum of 300mm below ground level. All drainage and ancillary items to include any septic tanks will be pumped out excavated and removed. The site will then be graded with existing topography and seeded. 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 an Ecological Constraints Study which concludes and recommends the following:

- Nine non-statutorily designated sites are present within 2km of the site. Taking into account the nature of the proposed works, no effects to these locally designated sites are predicted, assuming all works strictly follow pollution prevention best practice.
- None of the habitats identified on-site were considered to be of significant ecological value and are not considered to represent a constraint to the proposed works.
- Retained trees on/near site should be protected in line with BS 5837:20126 . Where vegetation clearance is required, vegetation should be reinstated on at least a like-for-like basis. Standard pollution control measures should be implemented during construction to protect all habitats.
- No evidence of roosting bats was identified during surveys and bat activity in the general area was low. No further survey work is required; in the apparently unlikely event that bats are encountered during demolition, all works must cease and the advice of a Suitably Qualified Ecologist (SQE) obtained. No further survey work in relation to the on-site trees present is required. However, in the unlikely event that bats are disturbed during tree removal, works must cease and the advice of a SQE sought.
- As some limited scrub clearance is likely to be required on site, the works have the potential to cause disturbance, killing and injury of reptiles and/or common amphibians. Further surveys are not necessary given the scale/nature of the habitats affected, but careful vegetation clearance to temporarily displace animals should be implemented.



Cumberland Council

- Vegetation clearance should be undertaken over winter (November-February). Alternatively, if carried out outside of this period, a two-stage clearance should be implemented, subject to an ecological watching brief by a SQE, with vegetation cut to 150 mm and then to ground level.
- No Badger setts were present within the site or adjacent accessible areas. Nevertheless, the occasional presence of foraging Badgers is considered possible; it would therefore be prudent to consider Badgers during renovation works, including covering trenches and capping of open pipes.
- If possible, any vegetation clearance/building works should be completed outside the nesting bird season (1 March to 31 August).
- If any protected species are encountered during the works, all works in the vicinity should stop immediately and a SQE contacted for advice on how to proceed.

The report also sets out opportunities for enhancements for the site which include the following:

- The creation of habitat areas through landscape planting using native, locally sourced plants/trees.
- The planting of native fruiting species to provide a food source for invertebrates, birds and mammals.
- The installation of bird and bat boxes on retained tree/s. S41 priority species such as the House Sparrow (which were noted in the area) and Barn Owl *Tyto alba* could potentially benefit from the provision of appropriate boxes.
- Pond creation.

The mitigation and enhancement measures set out within the Ecological Constraints Study will be secured as part of any decision notice for this application.

Conclusion

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 no evidence of bats at the site, however mitigation and enhancement measures for are specified therefore these will be secured by an appropriately worded planning condition.

It is therefore recommended that prior approval is not required and will be approved subject

	to the imposition of planning conditions securing completion of the works in accordance with the submitted details and specifications.
8.	<p>Recommendation:</p> <p>Prior notification 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:- <ul style="list-style-type: none"> - Application Form (Amended), received by the Local Planning Authority on the 8th November 2023. - Covering Letter, received by the Local Planning Authority on the 27th October 2023. - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 27th October 2023. - Statement of display of site notice, received by the Local Planning Authority on the 27th October 2023. - Demolition Method Statement, received by the Local Planning Authority on the 27th October 2023. - Visual Structural Inspection, Prepared by WDS Ltd October 2019, Reference: WDS/05/6133/REP02, received by the Local Planning Authority on the 27th October 2023. - Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 27th October 2023.

	<p>Reason</p> <p>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.</p> <p><u>Other Conditions:</u></p> <p>3. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement, received by the Local Planning Authority on the 27th October 2023'.</p> <p>Reason</p> <p>To ensure a satisfactory standard of demolition.</p> <p>4. Demolition must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the approved document 'Ecological Constraints Study, Prepared by BiOME Consulting June 2023, Version 2, received by the Local Planning Authority on the 27th October 2023'.</p> <p>Reasons</p> <p>To protect the ecological interests evident on the site.</p> <p>Informative:</p> <p>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>
Case Officer: C. Burns	Date : 17.11.2023
Authorising Officer: N.J. Hayhurst	Date : 24.11.2023
Dedicated responses to:- N/A	