

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2335/0F1
2.	Proposed Development:	PRIOR APPROVAL APPLICATION FOR DEMOLITION OF OFFICE SECTION IN UNIT 2
3.	Location:	OLD PROSPECT WORKS, MAIN STREET, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM
6.	Publicity Representations & Policy	Neighbour Notification Letter: NO Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: PROPOSAL	<p>This application relates to Old Prospect Works off Main Street in Distington. There are other commercial buildings to the north and south, parking and open space to the west and Main Street to the east.</p> <p>The proposed demolition relates to the front section of a building that was originally built as a car showroom and later converted for office and educational use by a previous tenant. The area to be demolished is approximately 14m x 14m and will be replaced with car parking. The demolition is required due to the space no longer being required. A lease has been signed for</p>

the main building, but the front section is surplus to requirement and the building is deemed to be more suitable without the office space.

The proposal has been submitted with a Demolition Method Statement, written by a qualified person.

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.

Distington Parish Council

No response received.

Environmental Health

Environmental Health have no objections to the above demolition works, subject to the following comments for advice.

The site as a whole has a history associated with past use as a garage and haulage depot and is therefore marked on Council records as being potentially affected by contamination.

However, given that the demolition works involve relatively shallow groundworks and that the end-use of the site is commercial, with a tarmac car park to replace the office building, the risk of contamination release is seen as low.

Demolition operatives should be aware of unearthing any discoloured, foul smelling or oily materials / leachate below ground level and notify the Council in the event of doing so.

Standard PPE for site operatives is required.

In order to minimise noise disturbance to other neighbours, the demolition works should only be carried out during the following hours – 08.00 to 18.00 Monday to Friday and 08.00 – 13.00 Saturday.

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.



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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.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Strategic Policy DS4PU: Settlement Boundaries

Policy DS6PU: Design and Development Standards

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).

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



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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

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. The building to be demolished is of flat roof construction and there are no exposed beams. Any discovery of bats should result in the ceasing of works and the assessment by a suitably qualified person under the Conservation of Habitats and Species Regulations (2017).

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. The removal of the front section of the building will help to facilitate the reuse of the remaining section of the building.



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8.	<p>Recommendation:</p> <p>Prior Approval not required</p>
9.	<p>Standard Conditions:</p> <ol style="list-style-type: none"><li data-bbox="161 611 1492 913">1. The demolition/works must be carried out within a period of 5 years from the Date of this decision. Reason 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).<li data-bbox="209 1003 1492 1742">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 11th November 2023. Site Location Plan and Block Plan, received by the Local Planning Authority on the 2023. Letter to Cumberland Council RE Demolition Proposal, dated 21st September 2023 and received on 14th November 2023 Myres and Bowman Existing Elevations, received on 14th November 2023 Myres and Bowman Proposals - unit 2, received on 14th November 2023 Demolition Method Statement -- OLD PROSPECT WORKS MAIN STREET DISTINGTON, received on 16 th November 2023 Letter from Toyota received on 14th November 2023 Site notice and photo, received on 17th November 2023 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 16th November 2023'.

Reason

To ensure a satisfactory standard of demolition. Informative: 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.

Informative:

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.

Case Officer: Sarah Papaleo

Date : 12/12/2023

Authorising Officer: N.J. Hayhurst

Date : 14/12/2023

Dedicated responses to:- N/A