

**CUMBERLAND COUNCIL
DELEGATED PLANNING DECISION**

1.	Reference No:	4/24/2016/0F1	
2.	Proposed Development:	PRIOR NOTIFICATION APPLICATION FOR DEMOLITION OF FARMHOUSE AND ATTACHED COTTAGE	
3.	Location:	LONGLANDS FARM, 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 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 Longlands Farm which is located to the north west of Gosforth, within open countryside. The property comprises of a detached two storey farmhouse and attached property. The site is connected to the A595 to the north by a single track service road.		
	Proposal		
	This application gives prior notification of the demolition of the farmhouse, attached cottage,		

and outbuilding. The structural assessment for this application has concluded that the property is in generally adequate structural condition and is in need of modernisation. Given that the property is in generally poor repair and would require substantial modernisation, the applicant believes it would be more beneficial to undertake demolition of the property.

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 will be demolished to include all floor slabs and footings down to a minimum of 300mm below ground levels, and the site will be graded in line with existing topography, seeded and maintained free of weeds and other invasive plant life up to 12 months following completion.

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. Three letters of objection have been received in relation to this notification period which are set out below.

Gosforth Parish Council

Thank you for the opportunity to comment and for allowing an extension.

Gosforth Parish Council considered application 4/24/2016/0F1 pertaining to the demolition of Longlands Farm, Gosforth and Councillors decision was to strongly object to the application. There is a shortage of rural properties in the Parish, particularly for local families and any loss of housing has an impact on the community. The structural report on this property concludes that it is generally in an adequate structural condition and therefore remedial works would have been possible or even preventable with adequate maintenance and occupation.

Ponsonby Parish Council

Whilst this application does not lie within our Parish Boundary, we are concerned that a pattern is emerging with properties owned by NDA.

This property could have been released to the open market for sale, or consideration given to redevelopment to allow for local occupants to have the opportunity of living within the area.



Cumberland Council

Given that the report states that the property is overall structurally sound, further consideration should be given that NDA should be responsible for overseeing the redevelopment of the property. Had they undertaken effective management and maintenance of the property in a timely manner, this would have been entirely preventable.

It is concerning that NDA are insistent upon demolition rather than restoration. This has resulted in a number of properties in the area with strong historical links now being lost due to their mismanagement.

We object to this proposal.

Cumberland Council – Highway Authority & Local Lead Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

The applicant will need to ensure any vehicles leaving the site do not drag mud or other debris onto the highway, which will need to be kept clean at all times, also any laden wagons are suitably sheeted.

Cumberland Council – Conservation & Design Officer

Conclusion: Objection

Assessment:

- Though these buildings do not appear to be of especially high significance, there is no heritage assessment with the application, and the range of photographs is limited.
- It is apparent from historic maps and aerial photography that there used to be a larger house on the east side of the yard opposite the house, and a smaller structure and a Dutch barn to the west. These structures were all in existence as of the 1961 map and have been demolished more recently.
- The survey report highlights that the property is in adequate condition, though requires complete modernisation.
- Given that demolition would entail total loss, the option that would best preserve the heritage asset, putting it to viable use, would appear to be to find a way to modernise it.
- I am not able to say from the submission that the buildings lack heritage value, or that they do not lend themselves to being brought back into use.

Cumberland Council – Environmental Health

Environmental Health have no objections to the above application.

For information, it is advised that the cleared site is overlain with between 300 – 600mm of clean topsoil, depending on the presence of any hazardous material (foul sewage effluent in / around drains and septic tank, fuel spillages etc) noted in the groundworks during demolition and clearance.

The site is sufficiently remote to make disturbance from noise / dust unlikely to local neighbours, though care should be taken with livestock and horses / donkeys that are present at buildings and in fields near the farm.

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.

Natural England's generic advice on other natural environment issues is set out at Annex A.

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



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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 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, 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 the buildings, including all floor slabs and footings down to a minimum of 300mm below ground levels. It is then proposed that the site would then be graded in line with existing topography, seeded and maintained free of weeds and other invasive plant life up to 12 months following completion.

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:

- Six non-statutorily designated sites are present within 2km of the site. Considering the nature of the proposed works, no effects to 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 5837:20127 .
- 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 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.



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- 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.
- Five roost access points were recorded.
- Specific roost sites could not be determined. However, the 3 Common Pipistrelle roosts were likely within the roof fabric and the 2 Brown Long-eared Bats are likely to have roosted within the roof void near to the ridge.
- The proposed works will result in the loss of all roosts.
- The confirmation of roosting bats within the site means that a licence from Natural England will be required to enable the proposed works to proceed lawfully. Given the identified roosts are of low conservation status, the site can be registered under the Bat Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC). Following submission of appropriate forms, the application takes up to ten working days to be assessed by Natural England.
- There are no restrictions with regards to when (e.g. certain months of the year) works can take place, although it would be best practice to avoid low winter temperatures when bats may be in torpor (pipistrelles can use the same roosts year-round).
- To inform the BMCL application surveys must have been completed during the most recent bat active season. Consequently, if works do not occur before May 2024 at least one update survey will be required.
- Works in the area of the roost will need to be supervised by an RC (or accredited agent). Prior to works commencing, the RC would provide a 'toolbox talk' to those contractors on site in which details of e.g. best working practices and what to do in the event of discovering a bat would be discussed.
- During supervised works to the area of the roost the RC would capture any bats that do not fly away and move them to a temporary bat box (erected on a nearby tree/structure prior to works commencing).
- Although there is no requirement for any compensatory roosting features to be installed under the BMCL scheme (favourable conservation status is maintained without any compensation), it is recommended that two Schwegler 2F9 bat boxes with double-front panels are installed on trees around the periphery of the site and a 1FF Schwegler10 bat box with built-in wooden rear panel is installed on a nearby retained building.

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.

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 low conservation significance of the building as a bat roosting site, 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.

Will the favourable conservation status of the species be maintained within its natural range?

Taking into account the use of the site by bats, together with the potential mitigation and compensation measure to be secured as part of the licencing application the favourable conservation status of the species will be maintained within its natural range.

It is therefore considered that the three tests are met and a licence would be likely to be granted by Natural England.

Conclusion

The Planning Legislation only allows the consideration of the proposed method of demolition and also the restoration of the site after demolition. Whilst the other comments raised as part of the consultation process are noted, these fall outside the remit of what can be considered



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	<p>by the Local Planning Authority.</p> <p>The method of demolition and proposed restoration of the application site as submitted are appropriate. The proposed scheme of mitigation in relation to the presence of bats and other protected species 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.</p>
8.	<p>Recommendation:</p> <p>Prior notification required and approved.</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 15th January 2024.- Covering Letter, received by the Local Planning Authority on the 15th January 2024.- Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 15th January 2024.- Statement Site Notice Prior Notification of Demolition, received by the Local Planning Authority on the 15th January 2024.- Demolition Method Statement, received by the Local Planning Authority on the 15th January 2024.- Visual Structural Inspection of Longlands Farmhouse & Cottage, Prepared by WDS Ltd June 2021, Reference: WDS/05/7082/REP01, received by the Local Planning Authority on the 15th January 2024.

- Updated Ecological Constraints Study 2023, Prepared by BiOME Consulting September 2023, Version 2, received by the Local Planning Authority on the 15th January 2024.

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 15th January 2024'.

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/enhancement measures set out in the approved document 'Updated Ecological Constraints Study 2023, Prepared by BiOME Consulting September 2023, Version 2, received by the Local Planning Authority on the 15th January 2024'.

Reasons

To protect the ecological interests evident on the site.

Informative:

1. During construction if any bats or evidence of bats 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.
2. It is advised that the cleared site is overlain with between 300 – 600mm of clean topsoil, depending on the presence of any hazardous material (foul sewage effluent in / around drains and septic tank, fuel spillages etc) noted in the groundworks during demolition and clearance.
3. The applicant will need to ensure any vehicles leaving the site do not drag mud or



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	other debris onto the highway, which will need to be kept clean at all times, also any laden wagons are suitably sheeted.
Case Officer: C. Burns	Date : 09.02.2024
Authorising Officer: N.J. Hayhurst	Date : 12/02/2024
Dedicated responses to:- 2 Parish Councils	