

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2019/0F1	
2.	<b>Proposed Development:</b>	PRIOR NOTIFICATION APPLICATION FOR THE DEMOLITION OF FARMHOUSE; ATTACHED BARN BUILDING; COACH HOUSE; AND OUTBUILDINGS	
3.	<b>Location:</b>	HIGH LING BANK, GOSFORTH	
4.	<b>Parish:</b>	Gosforth	
5.	<b>Constraints:</b>	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.	<b>Publicity Representations &amp; Policy</b>	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	<b>Report:</b> <b>Site and Location</b>	This application relates to High Ling Bank which is located within open countryside to the north west of Gosforth,. The property comprises of a farmhouse, an attached ban building, a coach house, and outbuildings. 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 barn building, coach house, and outbuildings.

An initial non-disruptive visual Structural Inspection was undertaken at the property in March 2019, concluding that the property was generally in a poor condition and was in need of significant remedial measures. A further non-disruptive visual structural inspection was carried out at the property in July 2023. Between March 2019 and July 2023 the property has been unoccupied and no remedial works were carried out. The farmhouse was found to be significantly affected by damp and the internal finishes were in a poor condition. The condition of the main structure had worsened since the inspection in March 2019 and the right hand portion of the property continues to be in need of rebuilding. Considering this, WDS conclude that the farmhouse is structurally inadequate and a total rebuild should be reconsidered over a refurbishment.

The adjoining barn was also perceived to have deteriorated since the original inspection, with significant amounts of rebuilding work required. The roof and timber lintels were in need of replacement with the front arch requiring a rebuild. WDS consider that the extent of structural remedial work required ensures that the structure is unsuitable for conversion to habitable space.

The coach house was found to be in a generally adequate structural condition with minor repairs required to the lean-to timber frame structure and the front stone arches. Additionally, a number of cracks and joints in the masonry will need to be re-tied. The trees adjacent to the building were found to be affecting the property causing movement of the rear wall, therefore any remedial works would involve the removal of the trees located within a 12m radius of the property.

The updated Structural Survey also found the outbuilding to be in a poor structural condition, with significant deterioration noted since the last inspection. The left hand third of the building had suffered further structural movement and is in need of a total rebuild. Similarly, the stone masonry to the mid portion of the front elevation is excessively weathered and likely needs rebuilding. Considering this, WDS deem the property inadequate for conversion, therefore demolition should be a consideration.

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



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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.

#### Gosforth Parish Council

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

Gosforth Parish Council considered application 4/24/2019/0F1 pertaining to the demolition of High Ling Bank, 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. Whilst Councillors appreciate that there is structural work to be done, they felt that the property could have been maintained or sold to a developer.

#### Ponsonby Parish Council

Although not within our Parish, this is a further NDA owned property which has other been maintained and has been allowed to fall into disrepair.

The Parish Council request that NDA should submit plans to rebuild a property at the site rather than demolition which should be available for local occupancy.

Whilst comments are noted that overall the property requires extensive work, the opportunity should have be given for a local resident to repair and this could have been sold before the property fell into further disrepair.

The Parish Council object to this, unless the site is redeveloped for housing.

#### 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:

- These buildings clearly have substantial maintenance needs, which appear to be as a consequence of a long term lack of preventative maintenance and underinvestment in remedial maintenance.
- By virtue of being a historic farmstead, with some historic and aesthetic value, this farmstead is cultural heritage. Good practice for cultural heritage maintenance suggests that the preservation and enhancement of those heritage values should be prioritised.
- I do not see any fundamental reason why this farmstead could not be brought back into use with investment.
- 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

There are no objection to this proposal from Environmental Health.

For information, it was noted on a recent site visit that there is an above ground banded plastic oil tank in the north west corner of the site, beyond the farmhouse.

This tank, and any associated pipework, should be emptied and de-gassed prior to its removal by suitably qualified competent persons in accordance with prevailing statutory requirements, and disposed of as hazardous waste or safely recycled if possible.

As indicated in the planning submission, Rhododendron is present on the site.

As a listed Non-Native Invasive Species, infected soil waste should only be disposed of to a suitably authorised licensed waste site.

Any vehicle used to transport such waste should be covered and tightly sheeted so that seeds and plant material cannot blow away in transit.



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The waste carrier will require a Waste Transfer Note.

The site will require secure fencing off during demolition works and best practice followed to ensure that any noise / dust controls are put in place.

Demolition works should be carried out between the following hours – Monday to Friday 08.00 to 18.00 and Saturday 08.00 to 13.00, with no noisy works on Sunday / Bank Holidays.

### 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

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



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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:

- An updated PEA survey and re-entry bat survey has been completed. Prior to demolition further additional survey/assessment works are required.
- Bat surveys completed (during 2020 and 2023) in line with best practice guidance concluded that the buildings on site are confirmed day roosts of:
  - o House: Peak count of seven Soprano Pipistrelles.
  - o Stone Barn: Maxima of five Brown Long-eared Bats, five Soprano Pipistrelles and a single Whiskered/Brandt's Bat.
  - o Outbuilding 1: Up to three Brown Long-eared Bats and one Natterer's Bat. No evidence of larger or more important (e.g. maternity) roosts were identified and it is considered that the results accurately reflect the status of roosting bats during spring/early summer 2020.
  - o Outbuilding 2 - No bats roosted in Outbuilding 2.
- Any works that could destroy/modify a bat roost/access point or disturb roosting bat/s will require a Natural England licence to enable the works to be completed legally. No works that may disturb roosting bats or prevent access to a potential bat roost should be completed until a licence is in place.
- 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. Following

submission of appropriate forms, the application takes up to 30 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).
- Works in the area of the roost will need to be supervised by Suitably Qualified Ecologist (SQE). Prior to works commencing, the SQE 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 SQE 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).
- Mitigation will be required for the loss of bat roosts. Once the full scope of works has been determined, the impacts to roost should be assessed and appropriate mitigation identified.
- Due to the potential presence of nesting birds within all buildings on site, any works with the potential to impact nests should ideally be completed outside the bird nesting season (1 March to 31 August). If demolition works must be undertaken during the nesting season, a survey to identify any nests which may be impacted will be required. Should an occupied bird nest (of any species) or a nest in the process of being constructed be encountered, works must cease in this area and should only recommence once the birds have fledged or the nest is abandoned.
- 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.
- Rhododendron is present within and in the vicinity of the site; this plant should be removed wherever the opportunity exists to do so in line with best practice guidance.
- No further works in relation to other species are considered necessary.

The submitted Ecological Constraints Study states that prior to demolition further additional survey/assessment works are required. The survey also states that Mitigation will be required for the loss of bat roosts, full details of this mitigation will be identified once full scope of works has been identified. Based on this an appropriately worded planning condition will be attached to any decision notice for this application to ensure the additional survey and mitigation measures are secured prior to the commencement of the development.

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





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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?*

It is unlikely that the development could proceed in such a way as to avoid the licensable activities. In conclusion there is no satisfactory alternative.

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

Taking into account the use of the site by bats and 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 by the Local Planning Authority.

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.

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.

### 8. **Recommendation:**

Prior notification required and approved.

9.

**Conditions:**

Standard Conditions:

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).

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 (Amended), received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Covering Letter, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Site Location Plan, Scale 1:1250, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Statement Site Notice Prior Notification of Demolition, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Demolition Method Statement (Amended), received by the Local Planning Authority on the 13<sup>th</sup> February 2024.
  - Structural Sketches, Prepared by WDS LTD, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Visual Structural Inspection of Farm House & Barn Buildings High Ling Bank, Prepared by WDS Ltd March 2019, Reference: WDS/05/4233/REP01, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Site Survey: Farmhouse, Coach House & Outbuildings, High Ling Bank, Prepared by WDS Ltd July 2023, Ref: WDS/05/4415/LETT0013, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.
  - Ecological Constraints Study 2023, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 17<sup>th</sup> January 2024.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act



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1990, as amended by the Planning and Compulsory Purchase Act 2004.

### Pre Commencement Conditions:

3. Prior to the commencement of the demolition hereby approved hereby approved an additional protected species survey must be undertaken and submitted to and approved in writing by the Local Planning Authority as set out in the approved document 'Ecological Constraints Study 2023, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 17th January 2024'. The development must be carried out in accordance with and implement all of the mitigation and compensation measure set out within this approved document and retained thereafter.

#### Reasons

To protect the ecological interests evident on the site.

4. Prior to the commencement of the demolition hereby approved, the European Protected Species Mitigation (EPSM) Licence secured from Natural England must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with and implement all of the mitigation and compensation measures set out within the approved Licence and retained thereafter.

#### Reasons

To protect the ecological interests evident on the site.

### Other Conditions:

5. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement (Amended), received by the Local Planning Authority on the 13<sup>th</sup> February 2024'.

#### Reason

To ensure a satisfactory standard of demolition.

6. 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 2023, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 17<sup>th</sup> January 2024'.

Reasons

To protect the ecological interests evident on the site.

**Informatives:**

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. 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.

**Case Officer:** C. Burns

**Date :** 13.02.2024

**Authorising Officer:** N.J. Hayhurst

**Date :** 14.02.2024

**Dedicated responses to:-**