

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2311/0N1
2.	Proposed Development:	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR THE DEMOLITION OF THE NON-ORIGINAL 1931 TWO STOREY EXTENSION TO THE SOUTH AND THE SINGLE STOREY NON-ORIGINAL EXTENSION TO THE NORTH OF ABBOTS COURT
3.	Location:	ABBOTS COURT, ABBEY ROAD, ST BEES
4.	Parish:	St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION Abbot's Court is one of the most prominent buildings in St Bees. It was constructed in the 1860s as a large house with stables and stable yard to the side, and is situated on a raised position in expansive grounds. It is not listed and is outside St Bees Conservation Area. This building is a non-designated heritage asset. It has been approved for addition to Cumbria's Local List of non-designated heritage assets, which is in a draft form. RELEVANT PLANNING APPLICATION HISTORY 4/11/2269/0F1- CHANGE OF USE FROM RESIDENTIAL ACCOMMODATION ON PART GROUND FLOOR TO PREP SCHOOL - Approved	

PROPOSAL

This is an Application to determine if prior approval is required for the demolition of the non-original 1931 two storey extension to the south and the single storey non-original extension to the north of Abbots Court.

Method of Demolition

A Demolition Method Statement has been submitted with the application. This sets out that demolition will be undertaken on a phased basis. Following the removal of any asbestos the building will be soft stripped with the removal of slate undertaken by hand. The roof timbers will then be removed by mobile crane.

The external masonry will be dismantled and pulled into the centre of the structure. Any waste material will be crushed.

Once demolition has taken place the entire site will be cleared of all debris and the ground surface trimmed with hardcore. A Heras type fencing will remain to secure the site post demolition.

CONSULTATION RESPONSES

Parish Council

It is not entirely clear from the application why it is intended to demolish the later additions to the original building, although the application suggests that it is linked to future plans for the site and the original building. Without a better understanding of the wider context it is difficult to assess the situation. The building is outside the conservation area and is not listed but it is mentioned in the Conservation Area Appraisal as being a significant feature in the village landscape, occupying a prominent site on Abbey Road.. Whilst the extensions may be later additions, they are in keeping with the character of the original building and demolition would change the external appearance of the building. Despite this, the application does not explain whether any consideration has been given to the renovation and retention of the extensions and why demolition is considered to be the preferred course of action.

If demolition is approved, the Parish Council would wish to see inconvenience to residents kept to a minimum. Abbey Rd is a narrow road and a traffic management plan would be needed.

Highways and LLFA

Taking in to account the location of the site, i.e. a large site off the highway, the demolition itself is unlikely to impact the highway nor flood risks. However, the HGV movements associated with delivery of plant and equipment and removal of rubble etc, could cause impact to the highway and have road safety implications for highway users, especially since

this is near to St Bees School. The parking of site vehicles and storage of materials also needs to be planned to avoid any impact on the highway. We recommend that you seek a Construction Phase Traffic Management Plan to manage any short term impact on the local highway network while these works are ongoing

Environmental Health

Notwithstanding the comments from the Conservation and Design Officer, Environmental Health can only respond within the confines of its remit. In this regard, Environmental Health would not object to the development but would make the following comments on the Demolition Method Statement that has been submitted:

- Site working hours should be amended to read 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 Saturday with no working on Sunday and Bank Holidays;
- Environmental Health would not be in favour of a mobile crusher being brought on to this site due to the proximity of residential dwellings and the likely impact on residential amenity from noise and dust emissions during the crushing process. The site is near the coast and is relatively exposed to high winds that can cause airborne dust transmission;
- Any site heras-type fencing should also be fitted with debris netting to prevent the escape of debris from the site works.

Conservation Officer

This building is a non-designated heritage asset. It has been approved for addition to Cumbria's Local List of non-designated heritage assets, which is in a draft form.

The reduction in stature of the building will entail harm to its significance, both from the loss of the stable block, which attests to the building's original plan and usage, and the later infill section, which provides context to its use as a hotel.

It is apparent from the photos and from a site visit I previously undertook that the section of the building under consideration had fallen into a poor state of repair.

Would it be viable to retain the façade of the stable block and infill section, which are of good quality red sandstone, and make use of the footprint to the rear for a new structure?

In the event of the demolition taking place and prior approval being required, I suggest requiring a recording to be made prior to demolition equivalent to Level 2 in Historic England's four-level recording structure.

I also suggest retaining and re-using whatever good quality materials can be salvaged from the structure, including red sandstone, slate and potentially timber and metal features.

Others

Three letters of opposition have been received which make the following points:-

- This building (even with the later additions) is a landmark within the village and should be maintained as such

- The building has previously been inhabited by the School and a small amount of investment could make it habitable again. The investment would probably be less than the cost of demolition.
- It is presumed that demolition is a prelude to a future planning application to get access to build elsewhere. If this is the case the whole development should be offered up for consideration.
- The application states the area cannot be seen from a public road, it clearly can be.

PLANNING POLICY

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 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.

Cumberland Council continued the preparation of the Copeland Local Plan 2021 - 2039 (LP) as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2013-2028.

Copeland Local Plan 2021 - 2039 (LP):

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Policy DS9: Protecting Air Quality

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Policy N5: Protection of Water Resources

Policy N14: Woodlands, Trees and Hedgerows

Strategic Policy BE1: Heritage Assets

Policy BE4: Non-Designated Heritage Assets

Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Planning (Listed Building and Conservation Areas) Act 1990 (LBCA).

Cumbria Development Design Guide (CDDG).

PLANNING ASSESSMENT

This prior notification application falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 11, Class B - demolition of buildings.

Schedule 2, Part 11, Class B states that any building operation consisting of the demolition of a building is permitted development. Paragraph B.1 states that 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;

There is no evidence before Officers to suggest that the building has been rendered unsafe or otherwise uninhabitable due to the action/inaction of any persons with an interest in the land.

(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);

The demolition is not considered to be 'relevant demolition' on the basis that the site is not an unlisted building located within a conservation area.

(c) the building is used, or was last used, for a purpose falling within—

(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or

(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

The building is not used/was not last used as a drinking establishment, and this criterion is therefore met.

(d) the building is used, or was last used, for the purpose of—

(i) a concert hall;

(ii) a venue for live music performance; or

(iii) a theatre; or

The building is not used/was not last used as a concert hall, a venue for live music performance, or a theatre. This criterion is therefore met.

(e) the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—

(i) that is a listed building;

(ii) that is a scheduled monument;

(iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;

(iv) within the grounds of a museum or art gallery; or

(v) within the curtilage of a dwellinghouse

The demolition does not relate to a statue, memorial or monument, and this criterion is therefore met.

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;

Not applicable as the demolition is not required urgently in the interests of health and safety.

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition:

(i) the developer must, before beginning the development, 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;

(ii) an application described in paragraph (b)(i) 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;

The submitted Planning Statement and associated plans detail the proposed demolition, and the submission is also accompanied by a copy of the site notice. The correct fee has been paid. This criterion is therefore met.

(iii) (deleted)



Cumberland Council

(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;

The submission is accompanied by a copy of a site notice, evidenced by the submission of a photograph, and therefore a site notice has been in place for at least 21 days since the application was submitted. This criterion is therefore met.

(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;

Noted.

(vi) (deleted)

(vii) 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;

Noted.

(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;

Noted.

(ix) 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

Noted.

(x) (deleted)

Heritage

Policy BE2 seeks to protect, conserve and where possible enhance non-designated heritage assets and their settings.

The site falls outside of the Conservation Area boundary. Abbey Court is not a heritage asset but does provide some townscape value to this part of St Bees. The removal of the modern additions to the building will return it to its original form. The Demolition Statement submitted with the application sets out the method of demolition which will ensure that the original building form will be protected.

Ecology

The building has been the subject of a Bat Survey.

The Bat Survey concludes that there is considered to be 'low level potential for roosting bats to utilise the building but no evidence of any presence was recorded during the survey.

A scheme of mitigation is outlined including the timing of the works, precautionary working methodology, oversight by a qualified ecologist.

It is confirmed that subject to the mitigation, a European Protected Species Licence would not be required.

A planning condition is proposed to secure completion in accordance with the mitigation measures detailed.

Highways Impacts

The demolition of the building will result in highway movements in the transportation of machinery, personnel and materials. Given the scale of the development, the level of traffic generation will not cause substantive impacts on the highway network.

Cumberland Council – Highways were consulted and raised no objection to the development subject to a planning condition re. securing a Construction Traffic Management Plan (CTMP) to control the impacts of the traffic generated by the development.

Residential Amenity

The act of demolition of the existing building will result in some harm to the residential amenity of the nearby properties; however, this will be for a limited period only.

The Demolition Statement which has been prepared includes details working practices and

	measures that seek to minimise impacts and health/safety risks. A planning condition is proposed to secure completion of the development in accordance with these details. <u>Conclusion</u> The application satisfactorily complies with the requirements of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be acceptable in relation to heritage, amenity, ecology and highways subject to the planning conditions proposed.
8.	Recommendation: Approve
9.	<u>Standard Conditions:</u> 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 dated 11th September 2025 - Site Location Plan, reference 20/08/981-01 - Site Plan, reference 20/08/981-02 - Demolition Method Statement - Bat Report prepared by Whistling Beetle Ecological Consultants Limited, dated August 2025 <u>Pre Commencement Conditions:</u> 3. Demolition must not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must include details of:

- Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Deliveries and movement of equipment on the road network surrounding the site must not take place during school muster times in the interests of road safety.

Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

4. Notwithstanding the submitted detail, no work relating to the demolition, shall take place on the site, except between the hours:

08.00 - 18.00 Monday to Friday; and
08.00 - 13.00 on Saturdays;

In particular, no work should be carried out on Sundays or officially recognised public holidays.

Reason

To safeguard the amenity of neighbouring occupiers in accordance with the requirements of the National Planning Policy Framework

5. The development shall not proceed except in accordance with the provisions of the Bat Report undertaken by Whistling Beetle Ecological Consultants Limited, dated August 2025.

Reason

For the avoidance of doubt and to prevent harm to protected species in accordance with the provisions of Policy N1 of the Copeland Local Plan 2021-2039.

Informative Notes

Highways

Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team.

www.cumberland.gov.uk/parking-roads-and-transport/streets-roads-and-pavements /street-licences-and-permits/street-permit-and-licence-fees-and-charges

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

Air Pollution

Any site heras-type fencing should also be fitted with debris netting to prevent the escape of debris from the site works

Discovery of Bats

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.

Salvaging Traditional Materials

Any good quality materials that can be salvaged from the structure, including red sandstone and slate should be retained for re use on the site.

Please read the accompanying notice

Case Officer: D. Gibson

Date : 13/10/2025

Authorising Officer: N.J. Hayhurst

Date : 13/10/2025

Dedicated responses to:- N/A