

(BUILDING ACT 1984)
(Section 81)

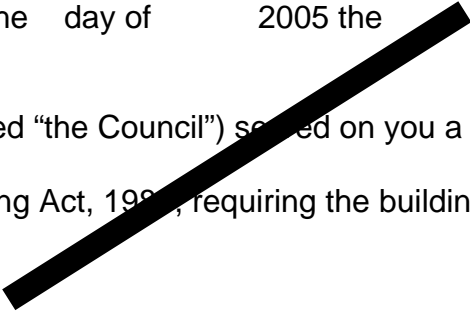
Notice To Person Undertaking Demolition

To Mr Riaz Alam, Patrick Parsons, 9 Frederick Road, Edgbaston, Birmingham, B15 1JD

- 1 WHEREAS on the **27/02/2018**, you served a Notice on the Staffordshire Moorlands District Council (hereinafter called "the Council") specifying certain works of demolition intended to be carried out in respect of demolition of building at **Fole Dairy Uttoxeter Road Fole Uttoxeter Staffordshire ST14 5EH**
- 2 WHEREAS on the day of 2005 the

(hereinafter called "the Council") served on you a copy of a demolition order made

under the Housing Act, 1984, requiring the building known as


- 3 TAKE NOTE that the Council
Pursuant to Section 81 of the Building Act 1984, HEREBY REQUIRE you during and upon completion of demolition, to take the following actions that is to say:
 - a) to shore up any building adjacent to the building to which this notice relates,
 - b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition,
 - c) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it,
 - d) to remove material or rubbish resulting from the demolition and clearance of the site,
 - e) to disconnect and seal, at such points as the Council may reasonably require, any sewer or drain in or under the building,
 - f) to remove any such sewer or drain and seal any sewer or drain with which the sewer or drain to be removed is connected.
 - g) to make good to the satisfaction of the Council the surface of the ground disturbed by anything done under paragraph e) or paragraph f)
 - h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building
 - i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required -
 - j) if the building is or forms part of special premises, by the Health and Safety Executive and the Fire Authority; and
 - k) in any other case, by the Fire Authority
 - l) to take such steps relating to the conditions subject to which the demolition is to be undertaken and the condition in which the site is to be left on completion of the demolition as the council may consider reasonably necessary for the protection of the public and the preservation of public amenity.

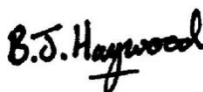
(in accordance with the Schedule overleaf)

(Before you comply with any requirement of paragraph e) or f) above, you must give at least 48 hours' notice to the Council. Before you comply with paragraph g) above, you must give at least 24 hours' notice to the Council. Failure to give such notice will incur liability to a fine not exceeding level 2 on the standard scale).

Attention is directed to the provisions of Section 83(1), (2) and (3) of the Building Act 1984. Any appeal in pursuance of these provisions should be made to a Magistrates' Court and must be brought within 21 days from the date of the service of this notice.

DATED this **06/03/2018**

(Signed)



Ben Haywood
Operations Manager – Development Services

(SCHEDULE)

- 1. No fires will be tolerated on site without the express permission of the Council.**
- 2. Construction Design and Management Regulations will apply.**
- 3. Ensure that the site is safe from trespass outside normal working hours.**

NOTES:

Construction/demolition

No construction/demolition work at the site shall take place outside the following hours:-

- (i) 07:30 hours to 18:00 hours Mondays to Fridays.
- (ii) 08:30 hours to 14:00 hours on Saturdays.
- (iii) No working is permitted on Sundays or Bank Holidays
- (iv) All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Environmental Health Section.

1. Dust Suppression

No visible emissions of dust or smoke shall leave the site boundary. Water suppression shall be used on all brick and stone crushing equipment, and cutting equipment. Contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456)

2. Asbestos : Request for Info

Prior to commencement of development the developer must either submit evidence that the building was built post 2000 or submit a intrusive pre-demolition asbestos survey in accordance with HSG264 and a mitigation plan to reduce risks to potential occupiers and the wider public.

NB it should be noted a management survey report is unlikely to be acceptable as this does not meet the requirements of the guidance.

Informative

Where work activities are likely to generate significant noise levels, or cause nuisance to neighbouring properties consideration should be given to a prior consent application under section 61 of Control of Pollution Act 1974. Your attention is drawn to BS 5228-1:2009. For further information regarding prior consent applications, or to make an application please contact:-

Pollution Control,
Environmental Health,
Staffordshire Moorlands District Council
Moorlands House, Stockwell Street,
Leek, Staffordshire Moorlands, ST13 6HQ
Tel: 0345 605 3013

BUILDING ACT 1984 and Section 83(1), (2) and (3) and Section 102

- 83 (1) Section 102 below applies in relation to a notice given under Section 81 above.
- (2) Among the grounds on which an appeal may be brought under Section 102 below against such a notice are –
- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up.
 - (b) In the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surface.
- (3) Where the grounds on which an appeal under section 102 below is brought include a ground specified in subsection (2) above –
- (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
 - (b) on the hearing of the appeal the court may make such order as it thinks fit:-
 - (i) in respect of the payment of, or contribution towards, the cost of the works by any such person, or
 - (ii) as to how any expenses which may be recoverable by the Local Authority are to be borne between the appellant and any such person.

BUILDING ACT 1984, Section 102

Appeal against notice requiring works.

- 102 (1) Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a Magistrates' Court on any of the following grounds that are appropriate in the circumstances of the particular case –
- a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given,
 - b) that there has been some informality, defect or error in, or in connection with, the notice,
 - c) that the authority have refused unreasonable to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
 - d) that the time within which the works are to be executed is not reasonably sufficient for the purpose,
 - e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served,
 - f) where the works are works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.
- (2) If and in so far as an appeal under this section is based on the grounds of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(3) The appellant :-

- a) shall, where the grounds upon which the appeal is brought include a ground specified in sub-section (1)(e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
- b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question.

and on the hearing of the appeal the court may make such order as it thinks fit with respect to :-

- (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
- (ii) the proportions in which any expenses that may become recoverable by the Local Authority are to be borne by the appellant and such other person.

(4) In exercising its powers under sub-section (3) above, the Court shall have regard :-

- a) as between an owner and an occupier, to the terms and conditions, where contractual or statutory, of the tenancy and to the nature of the works requires, and
- b) in any case, to the degree of benefit to be derived by the different persons concerned.

(5) This section has effect subject to any modification specified in the provision under which the notice is given.