DELEGATED DECISION REPORT

DET/2019/0038 **Valid 25/11/2019**	**201 HIGH LANE** **BROWN EDGE**	**PROPOSED DEMOLITION OF DILAPIDATED BUILDING** **(DEMOLITION DETERMINATION)**

MAIN ISSUES

- Whether the proposed development comprises permitted development in accordance with Part 11, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015

- Whether Prior Approval is required as to the method of demolition and any restoration of the site in accordance with Part 11, Class B, Paragraph B.2

DESCRIPTION OF SITE

The application site refers to two small detached building that stands immediately north of High Lane, Brown Edge, and east of Keith's Supermarket. The buildings are both single storey and are unsympathetic in appearance.

PROPOSAL

This prior notification application has been submitted under Schedule 2, Part 11 of the General Permitted Development Order (GPDO) and seeks permission for the demolition of the two buildings as shown on the submitted Site Plan, in order to facilitate the re-modelling of the car park to maximise parking provision.

The remodelling of the car park and maximisation of car parking spaces follows the granting of outline planning permission for 8 x residential units on the western part of the current car park under SMD/2019/0142.

CONSULTATIONS

Publicity

Site Notice expiry date: 13th January 2020
Neighbour consultation period ends: 16th December 2019
Press Advert: N/A

Public Comments

No comments received at time of writing

SMDC Environmental Health

Initial Response:

No objections subject to conditions:

1. Construction & Demolition works: time of operations
2. Construction & Demolition: Construction Method Statement

Updated Response:

Asbestos Survey acceptable. The Construction Method Statement needs to be produced, to include a note siting that the identified asbestos had been removed

Staffordshire County Council Highways

No Objections.

Please note that the applicant will likely need a traffic management licence.

OFFICER COMMENTS

Does the proposed development comprises permitted development in accordance with Part 11, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015

Part 11 Class B of the GPDO permits "any building operation consisting of the demolition of a building". Paragraph B.1 sets out the criterion for where such works are not permitted. An assessment of the proposal against these criteria is undertaken below.

B.1 Development is not permitted by Class B if –

(a) the building has been rendered unsafe or otherwise inhabitable 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;

The proposed demolition relates to a single storey building and has not been rendered unsafe or otherwise by the applicant or any other person with an interest in the land. The proposal complies with Paragraph B.1(a)

(b) the demolition is "relevant demolition" for the purposes of 196D of the Act (demolition of an unlisted etc. building in a conservation area(a); or

The site is not situated within a Conservation Area and as such is not 'relevant demolition' for the purposes of 196D of the Act. The proposal therefore satisfies Paragraph B.1 (b)

(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

The term 'specified building' is defined within the list of interpretations under Paragraph B.3 as 'a building used for the purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order.' The building subject of this prior approval application is not in use as a drinking establishment and as such the proposal satisfies the requirements of Paragraph B.1(c)

Is Prior Approval required as to the method of demolition and any restoration of the site in accordance with Part 11, Class B, Paragraph B.2

Paragraph B.2 states that development is permitted (i.e. complies with the requirements of Paragraph B.1) subject to the following conditions.

(a) where demolition is urgently necessary in the interests of health or safety 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 demolition;

And..

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

(i) the development 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 proposed restoration of the site; and

(bb) in cases where the building is not a community asset and is used for the purpose falling within 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.

The application does not relate to a building whereby demolition is urgently necessary in the interests of health of safety, and as such, paragraph B.2(a) does not apply in this case.

The term 'excluded demolition' is defined under Paragraph B.3 as meaning demolition:

(a) on land which is the subject of planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part 3 of the Act (control over development)

(b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monuments consent)(b)

(c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed buildings consent)(a);

(d) required or permitted to be carried out by or under any other enactment, or

(e) required to be carried out by virtue of a relevant obligation

The land subject to this application does not relate to any planning permission which has been granted or an application deemed to be granted under Part 3 of the Town and Country Planning Act and as such the proposed development is not excluded development under paragraph (a).

The proposed demolition does not relate to any heritage asset and as such cannot be defined as excluded demolition with regards to paragraphs (b) and (c). Further, no information has been submitted which argues that the demolition is required in accordance with an other enactment or relevant obligation.

In light of the above and in line with paragraph B.2(b), the local planning authority is required to make a judgement as to whether prior approval is required as to the method of demolition and any proposed restoration.

The Proposed Demolition Works are described under Section 4 of the Application Form, which merely states that the method of demolition would be by hand and small machine, with spoil/rubble being disposed of by lorry to a licenced tip. The motivation of the works is to maximise car park capacity following the loss of part of the existing car park to residential development under a separate planning application. The proposed restoration would therefore be surfacing to form carparking. No detail of the carpark surface and finish has been provided but this could be secured by condition.

The Environmental Health Officer has commented requesting that an Asbestos Survey and Construction Method Statement are submitted and approved prior to the commencement of demolition. There are no objections from the County Highways Officer. However he notes that these works may require an appropriate traffic management licence.

In light of these comments, the Planning Officer notified the applicant that Prior Approval would be required in accordance with the necessary information. As part of the consultation process, the applicant has responded in part of comments made by the Environmental Health Officer, by submitting an Asbestos Survey, which was duly reviewed and accepted.

However, a Construction Method Statement, which is critical given the nature of these works, is yet to be received. Following discussions with the applicant's agent, it has been agreed that this information can be secured by way of a pre-

commencement condition. Written confirmation of the agreement to this condition was received by email from the agent on 24th January 2020.

CONCLUSION / PLANNING BALANCE

Subject to compliance with this pre-commencement condition, it is considered that the proposed method of demolition would not result in any adverse harm to public amenity or highway safety, and it is therefore recommended that Prior Approval is required and granted subjected to appropriate conditions.

OFFICER RECOMMENDATION: **Prior Approval required and Granted subject to conditions**

Case Officer: James Stannard
Recommendation Date: 27th January 2020

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council