

## DELEGATED DECISION REPORT

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**DET/2024/0028**  
**Valid 09/07/2024**

**BALL HAYE GREEN**  
**WORKING MENS CLUB**  
**BALL HAYE GREEN**  
**LEEK**

**APPLICATION TO DETERMINE  
IF PRIOR APPROVAL IS  
REQUIRED FOR -  
TO BE DEMOLISHED - THE  
BUILDING WAS USED AS A  
WORKING MENS CLUB. IT  
HAS BEEN DEEMED TO BE A  
DANGER TO THE PUBLIC BY  
THE COUNCIL. IT IS BEYOND  
REPAIR AND HAS NO ROOF  
AND NO UTILITIES GOING TO  
IT.**

**(DEMOLITION  
DETERMINATION)**

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### MAIN ISSUES

- Whether the application complies with the provisions of the GPDO
- Whether or not the method of demolition of the buildings applied for and any proposed restoration of the site is acceptable.

### DESCRIPTION OF SITE

The site is on the north of Ball Haye Green in Leek and the road provides the access to the site between two rows of terraced houses which face the road. The site comprises a two-storey redundant brick building which was a "Working Men's Club". This is close to the access. To the rear of this, to the north, is a football pitch formerly used by Ball Haye FC. Industrial buildings lie either side of the rear part of the site and more open land with trees lies to the north.

### PROPOSAL

The application is a "Prior Notification" application for the prior approval of the Council to demolish the entire clubhouse building. Class B of Part 11 of the GPDO allows the demolition of certain types of building without the need to apply for full planning permission. However, the same legislation also requires that the site owner apply to the Council 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. The reason for the demolition of the building is because it has been "deemed to be a danger to the public by the Council" and is beyond repair, with no roof and no utilities going to it.

The method of demolition would be via Pusher Arm Technique and also “manual demolition where required in places.”

The application forms also state that the contractors will dispose of the rubble/spoil with a licensed waste disposal firm.

With regard to the subsequent restoration of the site, the forms state that once the building is demolished, the site will be cleared and put up for sale.

The site was purchased by the applicant a few years ago and the football club and clubhouse uses ceased and an application was submitted at the start of 2021 (SMD/2021/0022) to put approx. 40 houses on the site. However, the application although still shown as “Pending” has stalled and it appears the proposal is no longer being pursued.

The application is a resubmission of a previous Prior Approval for Demolition application for the same building, submitted in late 2023 under ref DET 2023 0035. This was refused on 5.1.24 for the following reason:

*The demolition.....can only lawfully proceed if carried out in accordance with the submitted plans and in accordance with the conditions and limitations imposed on the Planning Permission granted by the Town and Country Planning General Permitted Development Order 2015 (as amended) (the GPDO).*

*The applicant has failed to provide a statement or evidence to demonstrate that a site notice has been posted in accordance with paragraph (b)(iv) of Part 11 of Schedule 2 of the GPDO and therefore the demolition cannot proceed as Permitted Development under the provisions of the Order and if works commence the proposed development will be at risk of enforcement action by the Council.*

This new application now includes a photo of the required site notice, installed outside of the site on 8<sup>th</sup> July 2024. The applicant also states that all asbestos at the building has now been removed and later submitted a Waste Consignment Note confirming that asbestos has been safely removed.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

N/A

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

SMD/2021/0022: New housing development. Undetermined.

DET/2023/0035: Previous Prior Approval application for demolition. Deemed not to be permitted development.

## **CONSULTATIONS**

### **Publicity**

Site Notice: Placed on 8.7.24. Expires 29.7.24.

Neighbour consultation period ends: N/A

Press Advert: N/A

### **Public Comments**

None.

### **Town / Parish Comments**

None.

### **Environmental Health**

No comments were received but in response to the previous application raised no objection subject to conditions which require before demolition, the submission of a Construction and Environmental Management Plan (CEMP) for approval, with details of the control of dust, noise and other forms of pollution from the demolition process and also details of the control of asbestos from the demolition process also to be submitted for approval before works are carried out. Another condition is recommended to restrict the hours of demolition.

### **OFFICER COMMENTS**

#### Method of demolition

The demolition of buildings can lead to potential harms such as noise/polluting impacts on nearby neighbours, harm to the appearance of the area, loss of heritage assets (if the buildings have historical interest) and in rural areas, harm to the ecological value of the site as bats tend to roost in rural buildings particularly if vacant. The main potential harms that could be identified in this particular demolition case would be harm to residential amenity of the nearest dwellings via noise, dust or other polluting effects.

SMDC Environmental Health Section was consulted on the previous application. It has no objection to the principle of the demolition, based on the method of demolition and subsequent site restoration, details of which are given in the application form. However, due to the close proximity of the building to several dwellings, in this case a row of standard terraced houses, the backs of which are a short distance from the club building to be demolished, it considers conditions should be added which require details of the control of dust, noise, asbestos and other potential pollutants, throughout the demolition process, to be submitted to the Council for approval before demolition works commence and that the details once approved should be implemented throughout the process.

Since the previous decision, all asbestos has now been removed from the building by a licensed waste/asbestos removal company and evidence has been provided of this. Therefore details relating to this are not required.

However, there are a number of aspects of dust, noise etc which do need to be controlled and therefore prior approval of the method of demolition will be required.

#### Site Restoration

The application form simply says that "Once demolished the site will be cleared and put up for sale". Given the urban nature of the site and the currently dilapidated condition, along with the intention to sell it for redevelopment, further detail of site restoration is not considered to be needed.

#### Other matters

However, in order for the building to be demolished under "permitted development" not requiring full planning permission, the application needs to comply with a number of "conditions" as set out in Part 11 Class B.2 of the GPDO. One of these is the submission of this current "Prior Approval" application. However, another of the conditions requires the applicant to put up a Site Notice giving details of the demolition including the building to be demolished and the proposed date of demolition. This was not carried out last time but with this new application a site notice was installed in accordance with the GPDO on 8<sup>th</sup> July 2024 and a photo of it was provided as evidence. This overcomes the previous "refused" decision confirming that the demolition was not permitted development (and which would have otherwise required full planning permission).

#### Conclusion

As required by Environmental Health a Construction and Environmental Management Plan (CEMP) will need to be approved by the Council before demolition, in order to protect the residential amenities of the neighbours. Therefore prior approval of the method of demolition is required.

**OFFICER RECOMMENDATION :     Prior approval required**

**Case Officer: Chris Johnston**  
**Recommendation Date: 6.8.24**

X 

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**