

<u>APPLICATION NO:</u>	23/00432/DEMCON	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Shevington	<u>PARISH:</u>	
<u>LOCATION:</u>	20 Fairhaven, Tower Hill, Kirkby		
<u>PROPOSAL:</u>	PRIOR NOTIFICATION FOR DEMOLITION OF DETACHED BUILDING		

Site Description

The application site covers an area of approximately 224 sq metres and contains a detached building know as 20 Fairhaven, located in Tower Hill, Kirkby together with curtilage land.

The building has been unoccupied since 2006 and was a scheme Manager's house / office located withing the Fairhaven sheltered extra care scheme of bungalows.

The premises face onto a cul-de-sac of residential properties comprising the bungalows.

Proposal

The application seeks consent for the demolition of the building, which the application states is beyond repair. The proposed method of demolition would consist of a top-down method. It is indicated that spoil would be disposed of through land fill. The site would be restored with top soil and seeded.

Consultations

Environmental Health - Advise that the method statements provided in support of the application do not detail any information in relation to the control of noise, location of site compound or areas of storage. Furthermore, on completion of the demolition topsoil is proposed, this will require proof that the material is suitable for use.

Highway Authority - No objections.

Building Control – No response

Merseyside Environmental Advisory Service – No response.

Representations

The applicant has submitted a copy of the notice of the proposed demolition, which has been posted for a period of 21 days by the applicant expiring 22 May 2023 (dated 2 May 2023), in accordance with the requirements of paragraph (b)(vi) of Part 11, Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (as amended).

There is no requirement for the Local Planning Authority to notify neighbours of this application.

Policy Context

The application is not determined having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Development Plan is not decisive in this instance.

Legislative Context

This is not a planning application; it is an application to determine whether prior approval is required for the means of demolition and restoration of the site.

The application is submitted under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In accordance with the above, the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

The purpose of this control is to give Local Planning Authorities the opportunity to regulate the details of demolition in order to minimise the impact that activity/process on the local amenity. The merits of the demolition of the buildings are not open for consideration.

Highway Considerations

The Council's Highways Engineers have raised no objection to the proposal.

Environmental Considerations

The application is not supported by a Site Plan which identifies the site set up during demolition works. The Council's Environmental Health Officers have been consulted and have advised that the information submitted in support of the application is insufficient at this stage and that further details are required.

The additional information relates to such matters as controlling noise and disturbance; dust mitigation measures and pest control. In addition, the site would be restored with top soil and seeded.

Contamination / Importation of Soil

It is considered that there will be no harm in relation to contamination provided an informative is added in relation to unexpected contamination.

A condition, requested by Environmental Health Officers in relation to the importation of soil/material is not permitted with this type of application. Further details will be required.

Asbestos

The application documentation indicates that a *“Demolition & Refurbishment Asbestos Survey has been carried out by AEC (ref N-179026-2). A copy is located in the H&S Plan for reference”*. This information does not support the application.

Officers are not satisfied that the applicant has demonstrated that the demolition works would not have any significant impacts on the surrounding environment in terms of the above issues and further details including that noted below is required.

Security

Security issues are also a material consideration. Given the location of the site within a Primarily Residential Area, details of the means of enclosure during demolition and restoration works are necessary to know.

The application indicates that *“all works will be undertaken inside the existing fence located around the perimeter of the buildings... safe segregation using Heras fence panel’s double clipped and signed demolition keep out...”* However, the building is in parts immediately adjacent to the pavement and there is low level fencing that would not serve to secure the site during demolition works.

Officers are not satisfied that the applicant has demonstrated that the site would be adequately secured during the works demolition works.

Amenity

The application indicates that following demolition it is not intended to re-develop the site and the restoration would comprise top soil and seed. No details of the timescales when this would be done following demolition is submitted.

Officers are not satisfied that the applicant has demonstrated that the site would be adequately restored following demolition.

Other Issues

Public Right of Way

The application form indicates that there is a public Right of Way within or immediately adjoining the site.

The Definitive Map and Statement is the Council’s legal record of Public Rights of Way in Knowsley and there are none identified on the Definitive Map on the site or the immediately surrounding area.

Building Act 1984 Sections 81 & 82

The applicant has provided confirmation that they have received the necessary demolition consents under the Building Acts from the Council's Building Control Services.

Need For Prior Approval

As part of the process the Local Planning Authority have consulted with Environmental Health and the Local Highway Authority, Environmental Health have requested that further information will be required to be incorporated into a Demolition Plan / Method Statement as detailed below.

Under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 it was concluded that Prior Approval for the demolition of the building is required due to the necessity to submit further information.

The applicant will be informed of what information will be required and until then no works can be carried out until those details as indicated in the sections below and in the recommendation have been complied with.

Conclusion

The applicant has not provided the information that confirms how demolition works will be undertaken having regard to the surrounding environment and highway network. Further information is therefore required and should be submitted to and approved in writing by the Local Planning Authority.

The application lacks vital information to enable the Local Planning Authority to grant Prior Approval and further information must be submitted.

Recommendation

- i. The applicant be informed that under terms of Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 prior approval for the demolition of the building is required.
- ii. The applicant be informed of the additional information required to be submitted and that demolition works cannot be carried out until the information, as detailed below, has been submitted to and Prior Approval is granted by the Local Planning Authority.
 - Hours of demolition works (which should not take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays);
 - Methods for the mitigation of noise and vibration from building works (will vibration monitoring be carried out. Where will the monitors be located? What will be the alarm level the monitor is set at?), including any piling works, and from the operation of any temporary power generation or pumping plant which will operate overnight (should be away from noise sensitive buildings and / or

make use of acoustic barriers to shield such buildings / details of noise levels from any temporary plant needs to be provided and the location of the generator / ensure it is located as far away as possible from existing residents with any vents facing away from the closest residents);

- Methods that can be put in place quickly, should odour control be required. (There is potential for odour from the historic use of the site, particularly when ground excavations take place);
- Methods for dust control and suppression (all wagon loads entering and / or leaving site, with the potential to cause dust emissions, will be covered;
- Details of wheel washing facilities including location and type;
- Areas for the storage of plant and materials;
- Location of site compound and site set up / welfare facilities;
- Details and a plan identifying how the site will be secured during demolition works.
- Details of relevant pest control measures that will be put in place during the demolition works (an assessment must be carried out prior to commencement to determine if the site is harbouring any pests, such as rats. Should evidence of pests be found, then control measures must be put in place. It may be necessary to bring in a suitably qualified pest control contractor to take the necessary action);
- Detail of temporary external site lighting (should be located and positioned so that it does not cause a nuisance or annoyance to nearby residents;
- Contractors / delivery vehicles should not arrive too early at the site and sit with their engines idling, particularly when close to residential properties;
- No burning of materials or rubbish shall take place on site (burning waste on site is an offence and not a recognised method of waste disposal);
- Radios should not be used on site;
- It is considered good practice to inform the neighbours of the intended works by way of a letter/leaflet. Any letter / leaflet should contain the following:
 - Brief description of the intended works, including details of any works likely to cause disturbance;

- Anticipated start and finish date of the works;
 - A site contact name and phone number in case issues arise.
- A suitable methodology for testing for the importation of soil onto the site which will be required to be tested for contamination and assessed for its suitability for the proposed development. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information.
 - Details and timescales for the restoration plan for the site following demolition.
 - Risk assessment for Asbestos.

**Signed Case
Officer¹:**

M Wishart

**Signed Authorising
Officer²:**

K Foster

Date:

26 May 2023

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Appendix 1 – Site Photographs



Imagery@2023 Google Map Data

