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| <b><u>APPLICATION NO:</u></b> | 23/02826/DEMCON                                                      | <b><u>CASE OFFICER:</u></b> | Reece Black |
| <b><u>WARD:</u></b>           | Swanside                                                             | <b><u>PARISH:</u></b>       |             |
| <b><u>LOCATION:</u></b>       | Thingwall Hall, Thingwall Lane, Roby                                 |                             |             |
| <b><u>PROPOSAL:</u></b>       | PRIOR NOTIFICATION FOR DEMOLITION OF DETACHED SWIMMING POOL BUILDING |                             |             |

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### **Site Description**

The application site is accessed off Thingwall Lane and is located within an area which is allocated as a Primarily Residential Area in the Development Plan. It refers to an existing detached building which has been closed circa 2015, it was previously a swimming pool. The buildings footprint covers an approximate 620 sq metres. It is associated with the nearby Thingwall Hall, an educational building.

The surrounding area is characterised by other associated buildings for Thingwall Hall and further beyond are residential properties, those within close proximity are situated to the West of the swimming pool building and the rear elevations of these properties are situated at an approximate interface distance of 37m. The relationship between the pool block and the residential properties are that the rear elevations face one another and are also divided by a line of mature conifer trees, adjacent the rear elevation of the pool block.

### **Proposal**

The application seeks consent for the demolition of the pool block building, which the application form states is unsafe. The proposed method of demolition would consist of predominantly a soft strip method and hand demolition. It is stipulated in the Method Statement that any debris and spoil will be removed from site by skip and taken to Oldham Bros licensed waste transfer station. Ground will be levelled to surrounding areas. The site would then be restored and seeded with grass seed and compacted material from the demolished materials.

The Local Planning Authority has considered that Prior Approval for the demolition of the swimming pool block is required. However, the date to inform them surpassed before the applicant could be informed. Therefore, it would not be possible to refuse any method employed for the demolition and site restoration of the building and associated curtilage land, and this would be at the applicant's discretion.

However, further discussion has allowed the Local Planning Authority to advise following the information learned or from consultation responses provided.

The application does not allow the Local Planning Authority to refuse to permit the demolition but only determine how it will be demolished.

### **Consultations**

Highway Authority – No objections.

Arboricultural Officer – No objections, but a recommendation for tree removal and replacement tree planting on a 2:1 basis.

Environmental Health - No objections, subject to confirmation regarding potential soil importation and neighbour consultation. Further information was requested.

## **Representations**

The applicant has submitted a copy of the notice of the proposed demolition, has been posted for a period of 21 days by the applicant, dated 08.12.2023 and expired after 29.12.2023. This was in accordance with the requirements of (b)(vi) of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Local Planning Authority also posted its own publicity by means of site notice which was posted on 12.01.2024 and date of expiry being 04.02.2024.

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

Following the consultation response provided by Environmental Health, it was requested that a leaflet would be sent to nearby adjacent residential dwellings to notify them of the intended works and to provide them with a contact number in case of any issues. In the submitted documents it was stated that a leaflet can be sent out. Following this, Environmental Health requested confirmation that these leaflets would be sent out. The agent confirmed via email on the 17.01.2024 that leaflets would be sent out and on the 24.01.2024 provided a copy of the leaflet as evidence.

## **Planning History**

N/A

## **Relevant Policy**

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.

The legislative context is that 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.

## **Article 35 Statement**

N/A

## **Assessment**

Following consultation responses, the following summary can be provided:

## **Highways**

The Council's Highways Officer have reviewed the information and confirmed the submitted information is acceptable on Highway considerations, no objections were raised and would be considered to not cause any significant impact on highway and pedestrian safety.

## **Environmental Health**

The Council's Environmental Health Officer reviewed the submitted documents and have raised no objections to the information, subject to further information requested. This was regarding any potential soil importation to level off the ground during the restoration phase. As well as, regarding leaflets that notify nearby neighbours of the demolition scheme.

Following this response, which was put to the agent. The agent confirmed via email that there would be no importation of soil, crushed brick or other material to fill and level the site. Instead, the debris and spoil of the compacted demolished building would form hardcore and would be used to level off the site. There would be no requirement to bring additional material onto site. However, an informative has been attached to provide guidance should soil be imported onto site when the area is grassed over during restoration works.

Furthermore, the Method Statement stipulated that leaflets can be sent to neighbours. Environmental Health requested that this be done, with the inclusion of a contact number should any issues arise. The agent confirmed via email that this would be done and submitted a copy of the letter sent to neighbours.

Upon receipt of these answers to the questions raised by Environmental Health, they confirmed this was sufficient and had no further queries. The information submitted is sufficient to demonstrate that appropriate mitigation would be put in place both during and as a result of the demolition works to protect the local environment and residential amenity.

## **Security**

Security issues are a material consideration and 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 and were included within the Method Statement.

The submitted documents outline that the demolition site will be secured by block and mesh Heras fencing will be erected around the perimeter of the pool building to enclose the working area. The site shall be made secure as soon as reasonably possible to prevent against accidental trespassing. Walk around checks and sign-off sheets would be completed daily. Signs would be erected and display that demolition works are being undertaken.

Officers are satisfied that the applicant has provided adequate information and consideration to demonstrate the site would be sufficiently secured during the demolition works.

The information submitted is considered acceptable to ensure that the site would be adequately secured during demolition.

### **Amenity**

The application stipulates that following demolition, the site is not intended to be re-developed and would comprise of seed. The agent has confirmed that there would be no importation of soil, crushed brick or other material brought onto site for levelling.

The proposed site area is considered to be within a private area and would not have any unacceptable impact on residential amenity to the local area.

Overall, it is considered that the information submitted would be adequate and would ensure that the demolition and restoration would have an unacceptable impact on residential amenity.

### **Arboricultural**

The Council's Arboricultural Officer reviewed the application and provided some comments given the proximity of mature, established trees to the rear elevation of the building.

The recommendations received stated that there are 12 trees to the West of the swimming pool, and it was the opinion of the Officer that these would potentially require removal due to their root plate being disturbed during demolition. If the roots are not severed, the disturbance of soil and removal of footings around the roof plate could still have the potential to destabilise the trees.

The site area is not within the curtilage of a Conservation Area and there are no Tree Preservation Order in place. It was the recommendation that this row of trees are removed and replaced on site at a 2:1 basis at 14-16 girth.

It is considered that the trees are conifers, and, on this basis, it would be acceptable to not request 2 for 1 replacement tree planting, as generally such trees do provide significant amenity or habitat value. Subsequently, it would be considered acceptable to not request replacement tree planting.

### **Ecology**

It is considered that the detached building would not provide a habitat for bats given the fact the roof is dilapidated and given the proximity of residential dwellings. Therefore, it would not be considered appropriate to request a bat Preliminary Roost Assessment or akin.

As the principle of demolition is permitted development, the legal duty to protect any protected species which may be present on the site rests with the owner of the site and the responsibility is on them to undertake appropriate precautions in carrying out the demolition works. If prior approval is granted, the applicant will be informed, via informative, that bats receive legal protection in their own right under the Wildlife and Countryside Act (1981) (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended) and that this legislation must be complied with regardless of the planning context of works proposed. The applicant should seek advice from an ecologist with respect to this issue.

### **Conclusion**

In conclusion, it is considered the details submitted for demolition and restoration of the site are acceptable. It is therefore recommended that the applicant be informed that Prior Approval is granted.

### **Recommendation**

That Prior Approval is required and granted.

### **SCHEDULE 1**

| <b>Date Received</b> | <b>Ref. No</b> | <b>Version</b> | <b>Drawing/Document Title</b> |
|----------------------|----------------|----------------|-------------------------------|
|                      |                |                |                               |
| <b>08/12/2023</b>    | -              | -              | <b>LOCATION PLAN</b>          |
| <b>08/12/2023</b>    | -              | -              | <b>SITE NOTICE</b>            |
| <b>08/12/2023</b>    | -              | -              | <b>METHOD STATEMENT</b>       |
| <b>08/12/2023</b>    | -              | -              | <b>RISK ASSESSMENT</b>        |

**Signed Case Officer<sup>1</sup>:**

**Reece Black**

**Signed Authorising  
Officer<sup>2</sup>:**

**K Foster**

**Date:**

**5 February 2023**

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<sup>1</sup> 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

<sup>2</sup> 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

## **Informatives**

- 1 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats & Species Regulations 2017, the latter of which deems them a European Protected Species. It is a criminal offence to deliberately kill or injure a bat, to disturb or destroy a bat roost or to obstruct an entrance to a roost.

If the building is found to contain evidence of bats, work should stop immediately and an ecological consultant engaged for advice on how to proceed. A European Protected Species license will be required from Natural England before any works can take place.

All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

- 2 Importation of Soil/Material

If soil is required to be imported to the site it should be tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. 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. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

## Appendix 1 – Site Photographs



