

<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		

Knowsley Local Plan Allocation

Action Areas
Primarily Residential Area

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.

The local planning authority previously determined that Prior Approval for the demolition of 20 Fairhaven is required, and since that time further details for the means of demolition and site restoration have been received.

The application does not allow the local planning authority to refuse to allow the demolition but only determine how it will be demolished.

Consultations

Environmental Health - No objections, satisfied with additional information submitted by the Applicant.

Highway Authority - No objections, satisfied with additional information submitted by the Applicant.

Merseyside Environmental Advisory Service - Advice that the building has potential to support roosting bats and that a Demolition Method Statement detailing how the buildings would be demolished, informed by a bat Preliminary Roost Assessment survey and relevant recommendations to ensure that the method of demolition would not impact bats, which should ensure that if bats are present the applicant must obtain a European Protected Species licence and include mitigation.

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.

Planning History

N/A

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.

Article 35 Statement

N/A

Assessment

On 26 May 2023 the Local Planning Authority notified the applicant that prior approval for the demolition of the building was required and further information was needed to be submitted to fully assess the proposal.

The additional details have now been submitted and further consultations have been undertaken.

Following consultation, the following summary can be provided:

Highways Considerations

The Council's Highways Engineers have confirmed that the additional information received is satisfactory to demonstrate that the demolition works would be controlled sufficiently to mitigate impacts on the transport network and on highway and pedestrian safety and to ensure compliance with the NPPF and Policies CS2 and CS7 of the Local Plan.

Environmental Considerations

The Council's Environmental Health Officers have advised that, following the receipt of further information, they have no objection to the proposal. The information submitted is sufficient to demonstrate that adequate mitigation would be put in place both during and as a consequence of the demolition works to protect the local environment and residential amenity and to ensure compliance with the NPPF; Policy CS2 of the Local Plan and Saved Policies ENV2 and ENV3 of the UDP.

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 have now been submitted.

The application indicates that the demolition site will be secured using double-clipped Heras site boundary fencing and lockable gates. Safety signage would be erected on the boundary fence. There will be one clearly signed, dedicated entry and exit point to the site to ensure that only authorised persons can enter.

Officers are satisfied that the applicant has demonstrated that the site would be adequately secured during the works demolition works.

The additional information submitted in relation to the security of the site during demolition. Is acceptable and it is considered that the level of detail provided is satisfactory to ensure that the site would be adequately secured during demolition.

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.

Additional information in relation to the security and the provision of hoardings and gates surrounding the site have been submitted.

Officers are satisfied that the applicant has demonstrated that this would not have any significant impacts on the visual amenity of the locality and that the site would be adequately secured both during and following the demolition works, in accordance with the NPPF, Policy CS2 of the Local Plan and Saved Policies DQ2, ENV2 and ENV3 of the UDP.

Importation of Soil

As the proposed restoration of the site would involve importation of soil, the Council's Environmental Health Officer has requested that suitable methodology for the testing of the soil to be imported is provided and that it should be tested for contamination and assessed for its suitability together with the source material information.

Information to address this matter has now been submitted to support the application. The Council's Environmental Health Officer is satisfied that the information provided is acceptable and that there would be no adverse impact from contamination as a consequence of the importation of soil onto the site.

Ecology

Following the issuing of the Local Planning Authority's decision of 26 May 2023, Merseyside Environmental Advisory Service (MEAS) made comments on the proposal which were received outside of the initial 28 day timeframe that the LPA had to issue a decision. Their advice indicates that the building has potential to support roosting bats and that a Demolition Method Statement should be submitted detailing how the buildings would be demolished, which should be informed by a bat Preliminary Roost Assessment survey and relevant recommendations to ensure that the method of demolition would not impact bats. This should ensure that if bats are present the applicant must obtain a European Protected Species licence and include mitigation.

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 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 their ecologist with respect to this issue.

Other Issues

The following issues were previously addressed in the officer's report dated 26 May 2023.

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.

Conclusion

Having received additional information on the methods of demolition and restoration of the site, it is considered that the details provided 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

Date Received	Ref. No	Version	Drawing/Document Title
26/07/2023	-	-	Email from agent dated 26 July 2023 with additional information in relation to the soil supplier comprising R Draper & Sons, Kirkby which will include certification.
21/07/2023	-	-	Soil Sampling Methodology
20/07/2023	-	-	Email from agent dated 20 July 2023 with additional information in relation to timescales for the restoration of the site following demolition.
10/07/2023	Rev. 2 (10 July 2023)	-	Demolition Phase Health, Safety & Environmental Plan Rev. 2 (10 July 2023)
05/07/2023	-	-	Email from agent dated 5 July 2023 with additional information in relation to methods for the mitigation of noise and vibration from demolition works.
30/05/2023	-	-	Email from agent dated 30 May 2023 with additional information in relation to pest control; external lighting; contractors / delivery vehicles not arriving too early /no engines idling when close to residential properties.
02/05/2023	FDL001	-	Internal Soft Strip – Method Statement
02/05/2023	FDL002	-	Mechanical Demolition – Method Statement
18/04/2023	33350-SUT-ZZ-XX-DR-S-1101	-	Location Plan

Signed Case Officer¹: **M Wishart**

Signed Authorising Officer²: **K Foster**

Date: **31 July 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

Informatives

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.

Contd...

Appendix 1 – Site Photographs

