

DELEGATED DECISION REPORT

DET/2023/0006
Valid 14/03/2023

THE WRENS NEST
WREN NEST RETAIL
GLOSSOP BROOK ROAD
GLOSSOP

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
DEMOLITION OF BUILDINGS -
VACANT PUBLIC HOUSE

(DEMOLITION
DETERMINATION)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards the method of demolition and the acceptability of such details and proposed restoration

DESCRIPTION OF SITE

The application relates to an existing redundant former pub and restaurant known as 'The Wrens Nest', within the Wrens Nest Retail Park, accessed off Glossop Brook Road, Glossop.

PROPOSAL

This Prior Notification application has been submitted under Schedule 2, Part 11, Class B of the General Permitted Development Order (GPDO) and seeks consent for the demolition of the existing building, in order to facilitate development for an alternative building the subject of a separate application.

The plans submitted with the application is supported by the Demolition Report, which are the subject of assessment within this report.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0651 Freestanding McDonalds restaurant with drive thru, car parking, landscaping and associated works, including customer order displays (COD) and associated works (Pending, resolution by the Planning Committee to approve)

HPK/2022/0034	Application for Advertisement Consent for installation of 6 No Fascia signs, 3 No booth lettering signs and 1 NO 15" digital booth screen (Pending)
HPK/2022/0036	Application for Advertisement Consent for installation of various site signage including 4no. freestanding signs, 2no. banner units and 19 No dot signs (Pending)

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
 Neighbour consultation period ends: N/A
 Press Advert: N/A

Public Comments

None

Environmental Health

No comments received at time of writing

Derbyshire County Council Highways

The information contained within the submitted Demolition Report meets County Council approval.

OFFICER COMMENTS

1. Whether the proposed development complies with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Schedule 2, Part 11, Class B relates specially to the demolition of building and permits "any building operation consisting of the demolition of a building", subject to compliance with all relevant parameters set out under Paragraph B.1 and conditions set out under B.2. An assessment against such criteria is undertaken below.

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

- (a) the building has been rendered unsafe or otherwise uninhabitable 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 or repair or works for affording temporary support**

The building has not at any time been rendered as unsafe or otherwise uninhabitable by any action or inaction of any person having an interest in the land, and as such the application complies with Paragraph B.1(a).

- (b) the demolition is “relevant demolition” for the purposes of Section 196D of the Act (demolition of an unlisted etc building in a conservation area); or**

The building is not situated within a Conservation Area and thus Paragraph B.1(b) does not apply in this case.

- (c) the building is used, or was last used, for a purpose falling within -**
- (i) Article 3(6)(p) drinking establishments etc.) of the Use Classes Order; or**
 - (ii) Article 3(6)(q) (drinking establishments with expanded food provision) of that Order;**

The planning history associated with the site shows that the building was granted full planning permission under HPK/2004/0511 a “Public House and Restaurant” on 3rd August 2004. The approved Floor Plans associated with this application clearly show that the primary function of the building was as a Restaurant serving food, most recently operated by “Crown Carveries” with the sale of alcohol a secondary, ancillary aspect (formerly within the A3 Use Class and now within the recently created Class E). As such, the application is compliant with Paragraph B.1(c).

- (d) the demolition relates to a statue, memorial or monument (a commemorative structure) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure –**
- (i) that is a listed building**
 - (ii) that is a scheduled monument**
 - (iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship**
 - (iv) within the grounds of a museum or art gallery; or**
 - (v) within the curtilage of a dwellinghouse**

The building in question is neither listed, a scheduled monument, located within a cemetery, consecrated land or within the curtilage of a place of public worship, nor is the site within the grounds of a museum or art gallery, or within the curtilage of a dwellinghouse. As such, the application is compliant with Paragraph B.2(d).

2. Whether Prior Approval is required with regards the method demolition and the acceptability of such details

Having established that the proposed demolition complies with Paragraph B.1 and thus constitutes permitted development, this is subject to compliance with all relevant

conditions set out under Paragraph B.2. An assessment of the proposal against these relevant conditions are undertaken below:

- (a) where demolition is urgently necessary in the interest of safety or health 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 the demolition**
- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition –**
 - (i) the developer must, before beginning the development, apply to the local planning authority for 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 application has been accompanied by a document titled “Outline Demolition Scope of Works” dated January 2023. The full scope of works as set out under paragraph 2.1 of this document is as follows:

- *The reduction to underside of slab/formation level of all structural and non-structural elements including the grubbing out of all foundations, decommissioning of existing services. All site boundary fences and retaining walls to be left intact*
- *All manholes which are not being retained are to be broken out to a depth of 500mm from the proposed finished ground level. Any sewage or slit must be rinsed out and the sewers plugged with concrete. The manholes must be backlifted with 6F1 or 6F2 capping material, rolled and compacted in 150mm layers in accordance with the DTP specification up to formation level*
- *All drains which are not to be retained shall be removed and ends made good*
- *All existing retaining walls and foundations are to remain intact, and not to be undermined by any excavation*
- *All uncontaminated concrete materials may be removed from site directly, or crushed, stored, and then reused for backfill. The material backfilled must be inert (physically tested) and shall be graded and compacted in accordance with the Specification for Highways Work Series 600. All excess unbound inert material may be removed from site. All other materials (including non-hazardous and Hazardous materials to be removed from site and recorded from a licenced waste facility via a verification plan)*
- *All road surfacing materials to be planed off and retained on site*
- *All reinforced concrete columns etc. to be broken down to remove all reinforcement. Reinforcement to be disposed of site, concrete arisings added to the stockpile*

- *Asbestos based materials present to be taken down and removed by a licensed asbestos remover*
- *The site to be left in a tidy condition, clear of debris*

The proposed demolition does not fall under paragraph (a) and as such the applicant is required to apply for determination as to whether prior approval is required regarding the specific method of demolition and proposed restoration.

The Highways Authority have no objections and as such there are not considered to be any adverse impacts to highway safety.

At the time of writing this report, no comments have been received from Environmental Health. Officers have reviewed the supporting Outline Demolition Scope of Works and consider this document to be comprehensive and thorough. It is however identified in the interests of ensuring that the amenity of both the general public and neighbouring residents are satisfactorily preserved, suitably worded planning conditions relating to aspects including the hours of demolition works are required, and satisfy the relevant tests within the NPPF of being reasonable and necessary.

Turning to other matters, the site has an application pending under HPK/2021/0651 for a new McDonalds fast food restaurant that will replace this building. The Council's Development Control Committee resolved to grant planning permission in March of this year. This application included a Preliminary Ecological Appraisal and Bat Roost Survey which identified no presence of protected species within the building itself. However the report noted that if works did not comment by 2023, the survey would be out of date, and require further submissions. Therefore it is recommended that a condition be imposed requiring the submission of a new survey if works for the demolition of the building are not commenced before May 2023.

CONCLUSION / PLANNING BALANCE

The above assessment concluded that the proposed demolition complies with the relevant parameters under Schedule 2, Part 11 of the GPDO and that prior approval is required and granted subject to the imposition of a number of conditions.

OFFICER RECOMMENDATION : Prior Approval Not Required

Case Officer: James Stannard

Recommendation Date: 11th April 2023

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council