

DELEGATED DECISION REPORT

DET/2024/0011 Valid 20/03/2024	1 KNOWLES INDUSTRIAL ESTATE BUXTON ROAD FURNESS VALE	PRIOR NOTIFICATION APPLICATION FOR PROPOSED DEMOLITION OF THE OFFICE BLOCK AND OLD CANTEEN (DEMOLITION DETERMINATION)
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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 a single storey annex relating to a larger existing light industrial unit known as No.1 Knowles Industrial Estate, Buxton Road, Furness Vale.

The annex is stated as being a former ancillary office block and canteen associated with the larger industrial unit which were constructed following the granting of planning permission under HPK/0003/3490 in May 1994.

PROPOSAL

This Prior Notification application submitted under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended seeks consent for the demolition of this building.

The Application Form states that the justification for the removal of this ancillary building is because it has not been in use for the past six years, is in a poor state, and hinders internal vehicle movements within the industrial estate.

The Method of Demolition is stated as follows:

“A soft strip will first occur. Safety barriers will be put in place, then a digger will knock the building down in a controlled manner with all debris being taken away”

The restoration of the site amounts to site clearance and the making good of the retained currently adjoining building.

CONSULTATIONS

Publicity

Site Notice expiry date: 10th April 2024
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None

Environmental Health

This isn't really a technical issue. Your principal concern should be dust, smoke and noise, and you should consider the appropriate conditions from the model construction conditions.

Derbyshire County Council Highways

Having looked at the submitted details, considering the scale of the demolition, it is considered that the demolition can be carried out wholly within the site without having any detrimental highway impact. I would not wish to raise any objection to this application.

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 specifically to the demolition of buildings 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 is not said to be unsafe or other uninhabitable by the applicant and thus the application is compliant with Paragraph B.1(a)

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

The site is not located within a Conservation Area and as such Paragraph B.1(b) is not relevant to this application.

- (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 lawful use of the building is in an ancillary capacity to an existing large industrial building that falls within the B2/B8 Use. As such the application does not conflict 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 proposed demolition does not relate to a statue and as such Paragraph B.1(d) is not relevant to this application.

2. Whether Prior Approval is required with regards the method of 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**

Not applicable.

- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition –**
- (i) the developer must, before beginning 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**

Local Plan Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

Paragraph 191 of the NPPF states:

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

A method of demolition of sorts has been provided on the Application Form as follows:

“A soft strip will first occur. Safety barriers will be put in place, then a digger will knock the building down in a controlled manner with all debris being taken away”

The above has been reviewed by both the County Highways Authority and the Council’s Environmental Health Officer, both of which have no objection to the proposed method of demolition.

However, given that the Method of Demolition lacks detail with regards to the method of control for the suppression of dust, the method of demolition, and waste collection/removal, the hours of operation, and how the restoration of the site will be made, it is judged that Prior Approval is required in relation to the method of demolition, and that a more detailed statement is required, in the interests of public

amenity, in accordance with Local Plan Policy EQ10 and paragraph 191 of the NPPF.

CONCLUSION / PLANNING BALANCE

In light of the above, it is recommended that Prior Approval is required and that the proposed demolition is permitted.

OFFICER RECOMMENDATION : Prior Approval Required

Case Officer: James Stannard

Recommendation Date: 17th April 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council