

DELEGATED DECISION REPORT

DET/2024/0033 Valid 26/09/2024	ETHEROW HOUSE ETHEROW INDUSTRIAL ESTATE WOOLLEY BRIDGE ROAD HADFIELD GLOSSOP	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR A PROPOSED DEMOLITION OF TWO- STOREY BUILDING WITH IRREGULAR SHAPE FOOTPRINT (DEMOLITION DETERMINATION)
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MAIN ISSUES

- Whether prior approval is required for the proposed demolition of buildings under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B.

DESCRIPTION OF SITE

The site comprises Etherow House a stone and brick built two storey building that is located on Woolley Road and forms part of the Etherow Industrial Estate, which is designated a Primary Employment Zone. The property is not listed nor is it located within a conservation area. The property is currently vacant and has previously been used for storage/light industrial uses and in part as a dance school.

The site is in Flood Zone 3. A footpath runs along the eastern boundary of the site and provide a pedestrian access to Graphite Way. The Trans-Pennine Trail (NCN 62) a long distance bridleway and NCN 68 runs alongside part of Woolley Road and continues as a bridleway opposite the site.

The property is in a mixed use area, on the edge of the Primary Employment Zone but also close to residential properties on Woolley Bridge Road, Hadfield Road and Watkin Avenue, immediately opposite.

PROPOSAL

This application gives notification, pursuant to Class 11 part B of the General Permitted Development (England) Order 2015 (as amended), of the applicant's intention to demolish the building known as 'Etherow House' on Etherow Industrial Estate, Woolley Bridge Road, Hadfield.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Limited planning history, only one application relation to suite 1:

HPK/2010/0057: Change of Use to community dance studio – Approved 23/03/2010

CONSULTATIONS

Environmental Health

No comments received.

Derbyshire County Council Highways

I am concerned that supporting statement refers to the public right of way and footpath closures. I would expect in the interests of safe operation of the adjacent adopted highway during the demolition phase(s) of the development to be contained within the site and provide:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- Any associated highway works will have an impact on the operation of the highway network during its demolition, so you are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roadtraffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

OFFICER COMMENTS

The application seeks to determine if prior approval is required for the proposed demolition of buildings under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B.

This is not a planning application; it is a notification and the only matters the LPA can consider are in relation to the proposed method of demolition and any proposed restoration of the site.

This proposal involves the demolition of Etherow House on the Etherow Industrial Estate. The notification is accompanied by a Supporting Statement which briefs out the background to the proposal, method of demolition and proposed restoration of the site.

Class B of part 11 permits the demolition of any building subject to certain conditions/limitations which are as follows:

(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 of repair or works for affording temporary support;

(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)

(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;

(d) the building is used, or was last used, for the purpose of—
(i) a concert hall;
(ii) a venue for live music performance; or
(iii) a theatre; or

(e) 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 does not fall within any of the above mentioned categories; it is not been rendered unsafe, it has not been used for any of the above uses nor is it listed or within a conservation area.

Conditions associated with the development are set out in paragraph B.2:

Development is permitted by Class B subject to the following conditions—

(a) where demolition is urgently necessary in the interests 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 a 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;

(ii) an application described paragraph (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(vii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

(ix) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii)

The supporting statement does say that the building is in poor condition and demolition should be undertaken for public health and safety reasons, it does say that demolition is not immediately necessary (i.e. not an emergency situation) which condition B.2 (a) relates to.

Condition B.2 (b) specifies the exact procedures that the applicant must follow in order to seek the local planning authority's view whether prior approval is required for demolition relating to the method of demolition and proposed restoration.

The application includes a support statement which briefly explains the background to the proposal, method of demolition and proposed restoration of the site. A notice statement was submitted with the application which includes photographs of site notes posted outside the site (dated 25.09.24). A proposed date for demolition is stated as 6 January 2025 or as soon as possible. The site notice complies with the stipulations set out the GPDO.

Method of demolition

The Supporting Statement gives very brief details about the method of demolition stating:

- An experience contractor will be appointed to undertake the demolition and a licensed asbestos contractor will remove the asbestos material;
- The demolition process for the building will involve the use of 360 degree excavators with various attachments to dismantle the structure efficiently and safely, ensuring that the demolition work is carried out effectively. The roadside area of the property will be approached differently, with workers manually removing debris and dismantling sections of the building from a scaffolding platform.
- To ensure the safety of pedestrians and passers-by, a footpath closure may be necessary during the demolition phase along the Woolley Bridge Road elevation. This is a precautionary measure to prevent risk of potential accidents or injuries occurring, such as from falling debris or the movement of equipment.
- It shall be the responsibility of the appointed demolition contractor to assess whether any temporary footpath or road closure is required. If a closure is required, the appointed contractor will obtain the necessary consent from High Peak Borough Council as highways authority.

The method of demolition details are considered broadbrush and imprecise, no demolition plan was submitted with the application to explain exactly how the building would be demolished, the demolition management procedures (including health and safety considerations) how waste materials will be managed etc.

A matter of prime concern is how the demolition relates to the adjacent highway and public right of way and how these users will be protected during the works. Brief reference is made to the potential need for temporary closures and obtaining the necessary consents, which need to be from Derbyshire County Council, the highway authority, not High Peak Borough Council as stated. Derbyshire County Council Highways has been consulted on this prior notification application and they have indicated they are concerned by the potential impact on the highway and the public right of way and requested that further information is required to make the determination.

The Highways Authority has also advised the permits would be required:

- To place a Scaffold/Hoarding/Cherry picker or Tower/Skip/Container within the highway, on a verge or footway;
- To close the Public right of way during the works.

The supporting statement briefly references protected species and at paragraph 4.4 states that the building has been assessed by a licensed ecologist from Applied Ecological Services. At paragraph 4.5, it states that Etherow House offers negligible roosting opportunities for bats conclusions purportedly reached by the ecologist. However, no report was submitted with the application to verify this statement. The LPA wishes to view the bat survey and for this to be scrutinised by Derbyshire Wildlife Trust. The applicant acknowledges that the building has been vacant for some time therefore it does seem the building has potential for bats to be present.

Reference is made in the report about the building potentially having asbestos, again the LPA would like to see a survey undertake to establish whether the building has asbestos and what precautionary measures would need to be undertaken during the demolition.

The site is also close to residential properties, the impact on residential amenity needs to be considered as a result of the large potential for noise and dust from the demolition of such large buildings is a significant concern.

It is also noted that the site is in Flood Zone 3 and therefore the Environment Agency should be notified of the proposals to see if they offer any precautionary advice regarding the demolition and restoration plans.

Restoration plans

Limited details have been provided in a few brief paragraph which does not provide any reassurance that the site will be left in good order following the demolition. As there are no immediate plans for its redevelopment, the statement even suggests that it could be used for car parking. The site is highly prominent the public domain and visible from the highway and users of the PROW. The LPA needs reassurance that the site would be restored to a good standard. Reference is made to security fencing which could be unsightly in the streetscene a better boundary treatment could be achieved. As such further details of the restoration plans are required to be submitted and approved by the LPA before demolition can commence.

CONCLUSION / PLANNING BALANCE

Having considered the information submitted under the prior notification procedures, the LPA considers that "Prior Approval" is required for the demolition of the buildings and further information would need to be provided so that the impact on residential amenity, impact on the general character and appearance of the area, impact on highway safety and the impact on the current ecological value of the site from the demolition processes can be properly assessed.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED

Case Officer: Rosie Dinnen

Recommendation Date: 23.10.24

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council