





## Proposal

4. This is a 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). The application represents notification to the Local Planning Authority (LPA) that demolition is proposed to take place as outlined within the legislation.
5. In the case of this prior notification development plan policies and policies set out in the National Planning Policy Framework, do not apply. Consequently, the LPA cannot consider the loss of this community facility in the same way it could if the proposed demolition formed part of a planning application. In this instance, the principle issue is whether or not the proposed demolition is “permitted development” and whether or not the LPA’s prior approval is required as to the method of demolition and any proposed restoration of the site, in accordance with the criteria contained in the under the aforementioned legislation.
6. The application notifies the LPA of the intention to demolish the community centre (illustrated in figures 2-5 below), and includes a written statement setting out the manner by which this demolition will be undertaken and the manner in which the site will be restored.
7. A site notice notifying the public of intent to demolish the building was displayed on site on 22<sup>nd</sup> May 2018.

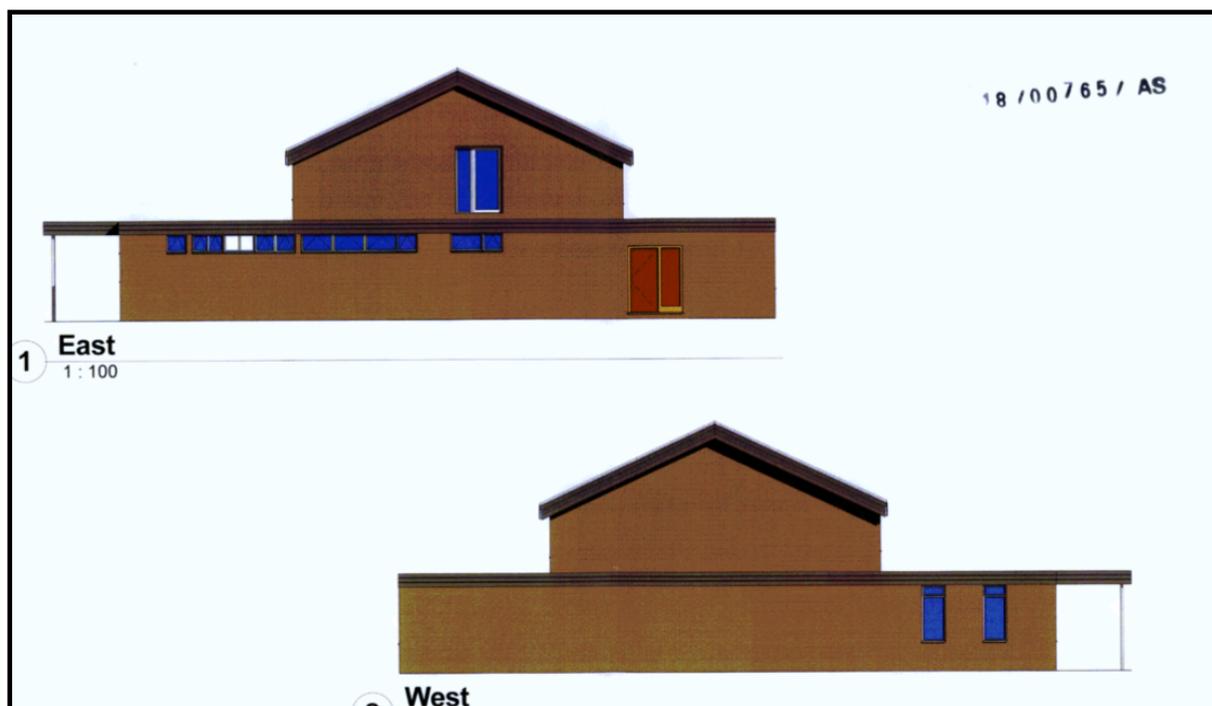


Figure 2; East and West Elevations



Figure 3: North and South Elevations

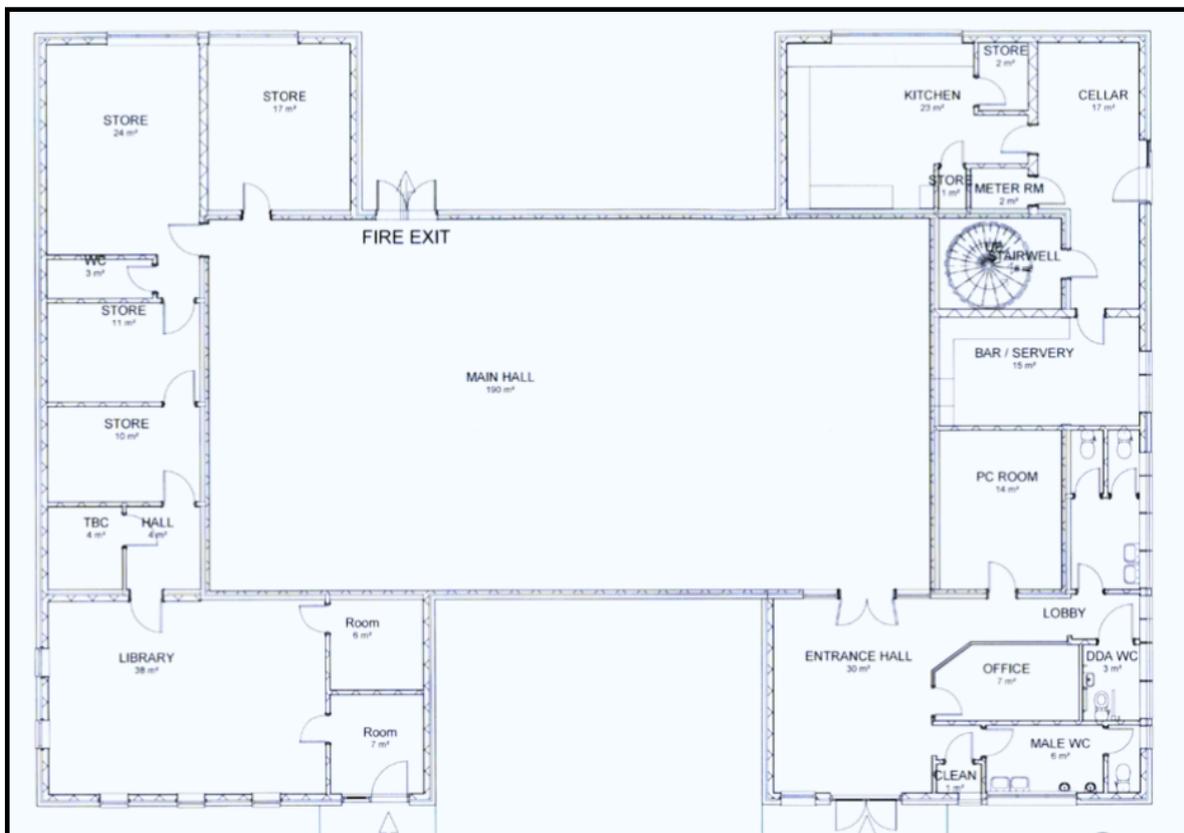
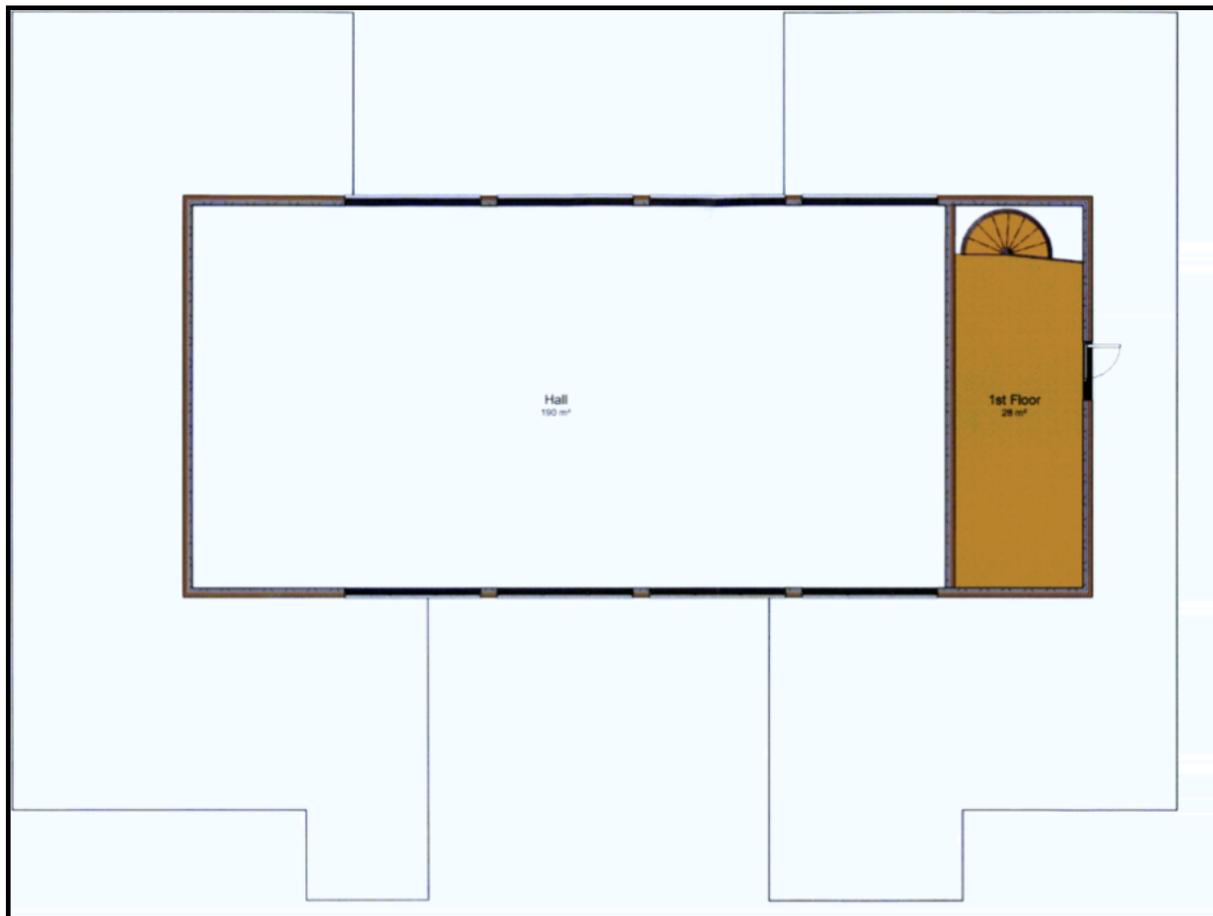


Figure 4: Ground Floor Plan



**Figure 5: First Floor Plan**

8. In support of the application the applicant has submitted a planning statement, summarised below:

### **Planning Statement**

- The planning statement confirms that the building has fallen into disrepair. The gas heating system is condemned and the water supply system is vulnerable to contamination. The cost of repair would be substantial.
- The anchor tenant in the building is KCC Libraries. KCC are aware of the intent to demolish the building. KCC have confirmed they will continue to operate out of the building until such time that it is demolished.
- Bockhanger Monkeys Nursery and 4 other user groups formally occupied the building. The nursery relocated in the Easter break after securing a new facility at the adjacent primary school. The 4 other user

groups (whose use of the building amounted to 4 hours per week), also no longer use the facility.

- The use of the facility generally, has declined as a result of the condition of the building.

The statement confirms that the method of demolition and restoration will comprise:

- The erection of hoarding around the site with secured vehicular and pedestrian access gates.
- A soft strip of the structure and the arising materials will be cleared to a recycling centre.
- Under controlled conditions, the mechanical demolition of the structure will commence to bring it down to concrete base level.
- Arising dust will be contained through the use of water suppression.
- The materials resulting from the demolition will be removed from site and taken to relevant recycling centres.
- Following this, the concrete base will be broken out together with foundations to a maximum depth of 1 m below ground level and cleared from site.
- The site will be left in a clean, tidy manner.

## Planning History

None

## Consultations

**Ward Members: The Ward Member is not a member of the Planning Committee.**

**Environmental Services:** Makes the following comment:

- The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities.
- the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

- The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction.
- Reference should be made to the asbestos plan to ensure any asbestos present is removed safely by competent contractors.

**Neighbours:** 6 letters of representation received, including letters from Ashford Access Group and Kennington Community Forum raising objections on the following grounds:

- Loss of library and community centre.
- It is wrong for ABC to be committing to retaining, enhancing and expanding existing community facilities in the draft Local Plan while at the same time removing one.
- A solution to compensate for loss of the community facility needs should be found.
- A condition should be attached for a replacement centre.
- No indication as to what will happen once demolition has taken place.
- A community facility is needed in the locality.

1 general comment received:

- Would like to have the centre replaced.
- Concerned about dust arising from the demolition work.
- Concern about hours of work

## **Planning Policy**

9. This is a 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). Therefore, the Development Plan is not applicable to this application.

## Assessment

10. For the avoidance of doubt, the building is not a listed building or a scheduled ancient monument. The site is not located within the conservation area.

The main issue in determining this application is whether or not it complies with the criteria set out in Class B, Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and whether or not the prior approval of the LPA is required as to the method of demolition and any proposed restoration of the site. The proposed method of demolition and restoration is set out above at paragraph 8 of this report. This method has been subject to consultation with ABC Environmental Services who raise no objection to these proposals. The informative notes cited by Environmental Services, can be copied to any subsequent decision notice.

11. Class B outlines permitted development rights for the demolition of buildings. Sub-section B.1 sets out that demolition is **not** [officer emphasis] permitted by Class B where the building:

- has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person not having an interest in the land and it is practicable to secure safety by repair works; or
- constitutes "relevant demolition" (demolition of an unlisted building in a conservation area)or
- is a "specified building" (as defined at Part B.3).

12. There is no evidence that the building has been rendered unsafe, and the demolition proposed would not constitute "relevant demolition" or demolition of a "specified building". As such, in this case the building does not fall into any of the categories identified in Class B.1. Demolition is therefore permitted by Class B subject to the conditions set out in Class B.2.

13. Part B.2 (a) requires written justification to be provided to the LPA if the demolition is urgently required for reasons of health or safety. The application does not set out that this is the case, it simply indicates that the building has fallen into significant disrepair. The development is not considered to constitute 'excluded demolition' as defined in subsection B.3 titled 'interpretation of Class B'. Therefore the consideration of the application is subject to the requirements under clause B.2(b) which requires:

- An application to be made to the LPA for determination as to whether prior approval is required as to the method of demolition and any proposed restoration of the site.

**[HDM&SS Comment:** The current application fulfils this criteria, and the method of demolition and restoration is considered to be acceptable].

- In cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishment), send a written request to the LPA as to whether the building has been nominated.

**[HDM&SS Comment:** The building is not used for a purpose falling within Class A4].

- The application shall be accompanied by a written description of the proposed development, and a statement confirming that a notice has been posted on or near the land on which the building to be demolished is sited.

**[HDM&SS Comment:** The applicant has fulfilled this criteria].

- The display of a site notice on or near the land on which the building to be demolished is sited concerning the demolition for 21 days in the period of 28 days beginning with the date on which the application was submitted.

**[HDM&SS Comment:** The applicant has fulfilled this criteria by displaying a notice at the site].

14. In conclusion, the purpose of prior approval under Class B is intended to give Local Planning Authorities the opportunity to regulate the details of demolition and restoration of a site only, in order to minimise the impact on local amenity. The process does not allow consideration of whether the building should be retained for other planning reasons or if the uses within the building can be replaced at an alternative locations.
15. The building does not fall into any of the categories identified in Class B.1. Environmental Services raise no objection to the method of demolition or restoration. As such, the proposed demolition would comply with the requirements of B.1(a) and the conditions under B.2

### **Health and Safety**

16. The method of demolition will be likely to include the removal of asbestos. Asbestos issues are subject to other, asbestos specific, legislation and therefore with regards to the prior notification, the submitted level of detail and proposals for dealing with asbestos during the demolition are acceptable.
17. In order to secure the site, the submitted statement sets out that wooden hoarding will be installed for site safety. The proposed boundary treatment will provide sufficient segregation between site and the surrounding properties and will provide sufficient containment of debris in the interest of public amenity.

### **Amenity Impacts**

18. The submitted written statement sets out the Council's demolition methodology which sets out the ways in which the development will be managed to control pollution of the surrounding environment.
19. Subject to contractors adhering to the method of demolition, the code of practice hours in relation to potentially noisy construction/demolition activities, and considering the proposed approaches to reducing emissions of noise, dust and other airborne pollutants which may cause nuisance/amenity issues, Environmental Services raise no objection and the proposed demolition is considered to be acceptable with regard to amenity aspects.

### **Human Rights Issues**

20. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

### **Working with the applicant**

21. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

The application is supported by documentation setting out how the demolition will be undertaken and the site restored. It is considered that the proposed method of demolition and restoration is acceptable. As such, the proposed demolition would comply with the requirements of B.1(a) and the conditions under B.2. On this basis prior approval is not required.

## Recommendation

### Prior Approval is not Required

### Notes to Applicant

- The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
- In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
- The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.
- Any asbestos present should be removed safely by competent contractors.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00765/AS.

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