Title: **Prior Notification for Demolition: Supporting Statement**

Project: Prior Notification (Demolition), Fresca Group LTD, Crease Drove, Crowland, Lincolnshire

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1 INTRODUCTION

1.1 This statement sets out the case in support of a prior notification for demolition application under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2, Part 31. The application has been submitted to South Holland District Council on behalf of Fresca Group LTD. The application seeks prior notification for the demolition of a disused storage building off Crease Drove, Crowland.

1.2 Formerly, the demolition of buildings other than dwelling houses or those attached to a dwelling house was not considered to be development, under the provisions of the Town and Country Planning (Demolition-Description of Buildings) Direction 1995. This meant that the demolition of buildings including those used for industrial purposes were exempt from further planning control. However, a Court of Appeal Judgement however, in March 2011 (case of SAVE Britain's Heritage v Secretary of State for Communities & Local Government) changed this position, and the relevant provisions within the abovementioned Directive have now been quashed. Following this ruling, the demolition of a listed building, a building in a Conservation Area, a building which is a Scheduled Ancient Monument, or a building that is not a dwelling house or adjoining one, is now considered to be development.

1.3 As a result of this ruling; structures such as industrial and warehouse buildings; now fall under the same controls as those applied to residential buildings. This means that the provisions of the GPDO will apply. The most relevant section of the GPDO is part 31 of Schedule 2. This requires an application for prior notification to be submitted to the Local Planning Authority prior to demolition being undertaken.

1.4 The ruling has also led to a requirement for demolition to be considered against the provisions of the Environmental Impact Assessment (EIA) 2011 regulations and demolition projects could now trigger the need for an EIA. This means that any proposals for demolition which comprise more than 0.5ha in footprint will require a Screening Opinion to establish whether an EIA is required.

1.5 Section 2 of this statement provides a context appraisal of the site and surrounding area and a précis of the site development history; Section 3 provides a more detailed description of the development proposed including the request for a Screening Opinion for EIA; Section 4 reviews relevant local and national planning policy considerations; Section 5 considers the key planning issues relevant to the application and a justification of its merits in the context of environmental considerations; and Section 6 provides a summary and conclusions.

1.6 The following supporting documents and assessments are also included as part of the overall Prior Notification application:

- Demolition Methodology Statement (DMS); and
- Accompanying drawings.

2 BACKGROUND

Physical Description of Site and Surrounding Area

2.1 The proposals involve the demolition of a disused potato storage facility which has been vacant for over a decade. The site lies east of Crease Drove on the southern edge of Crowland, both adjoining and within the settlement boundary. Directly west of the site, fronting Crease Drove is a furniture and DIY warehouse, to the north lies housing and to the south lies agricultural land and other industrial uses. East of the site is a small grass area and beyond this lies more housing. The site also contains a large amount of litter and overgrown scrubland which is considered to be detrimental to the visual amenity of the locality.



Figure 1: Aerial Views of Crowland with the site outlined in red (Google)



Figure 2: View of the disused storage facility



Figure 3: View of the disused Storage facility following a break in



Figure 4: View of the disused storage facility after being re-secured following a break in

Summary of Planning History

2.2 There are no planning applications on South Holland District Council's Public Access facility in relation to the current building on the site. However there is an application for converting the units in front of the storage facility from industrial into retail use which dates from 1999. This application is outlined in the table below:

Application Reference	Proposal	Decision
H02-0420-99	Part change of use of existing industrial unit to retail and minor alterations to building	Approval

Figure 5: A table showing the planning history relating to the proposal site.

3 PROPOSED DEVELOPMENT

3.1 The potato store has been the subject of a number of break-ins over recent months. Following each of these incidents, the applicant has had to fund works to re-secure the building. In order to avoid these and other potential costs in the future, the applicant intends to demolish the disused storage facility to slab. Following this, the site would be left largely flat and would remain as hard-standing, the rubbish would also be removed from the site. The demolition is considered to be necessary as by removing the building which is currently considered to be an eyesore; there will be a vast improvement in the appearance of the southern part of Crowland and it is also likely that further anti-social behaviour and break-ins will be prevented as a result of the proposed works.

3.2 The demolition of the building will also enable the site to be redeveloped for a more suitable use in the future. The removal of the current building on the site is considered to be urgently required. This is due to the problems that it creates in terms of visual appearance and anti-social behaviour. It is therefore intended that work on producing a suitable replacement development scheme will take place once the site has been cleared.

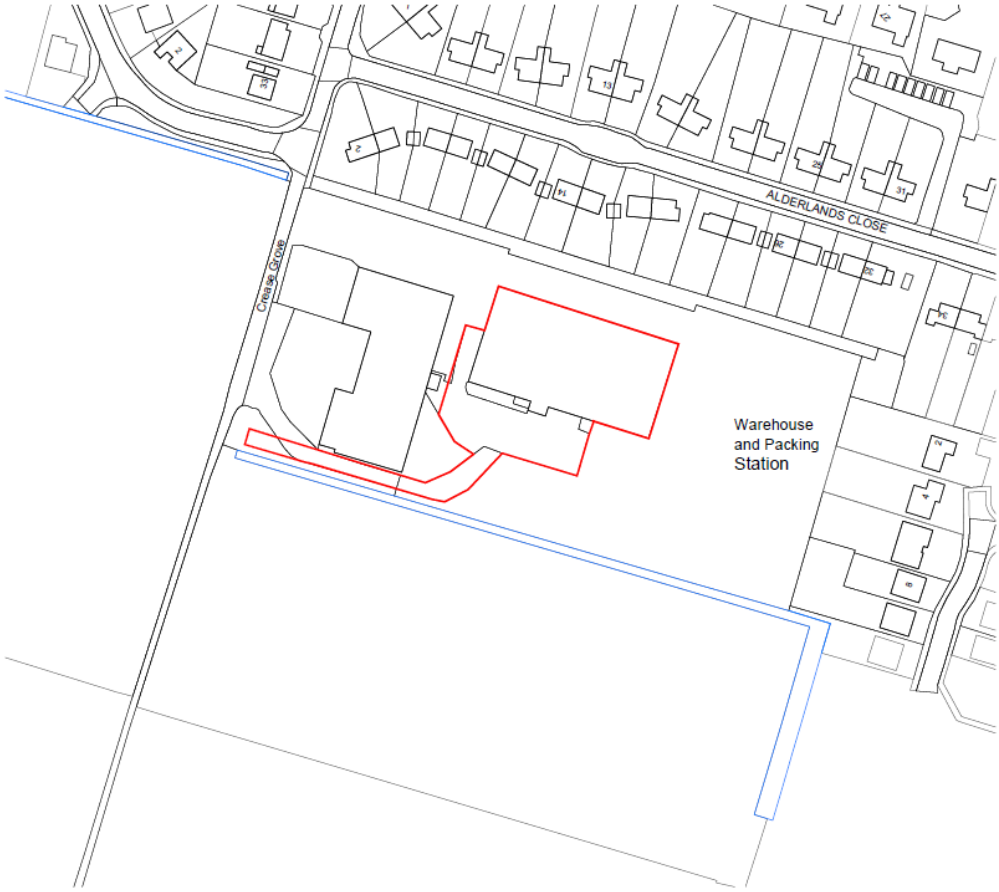


Figure 6: Site Location Plan

4 PLANNING POLICY FRAMEWORK

4.1 The proposed demolition of the disused potato store is considered to amount to permitted development, in accordance with the regulations set out in Schedule 2, Part 31 of the GPDO. This section outlines the relevant GDPO wording and also, although not essentially relevant in the context of the prior notification submission, considers the proposals against local planning policy.

Permitted Development

4.1 As previously stated the relevant national planning guidance is contained within Schedule 2, Part 31 of the GPDO and its accompanying Planning Practice Guidance Note.

4.2 Section A of Part 31 states that permitted development rights in relation to the demolition of a building include: "Any building operation consisting of the demolition of a building". Section A.1 details that development will not be permitted where:

(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

(b) It is practicable to secure safety or health by works of repair or works for affording temporary support.

4.3 Given that none of the buildings proposed for demolition as part of this prior notification application have been rendered unsafe or uninhabitable, Section A.1 is not considered relevant in this instance with the assumption accordingly that the proposed works qualify as permitted development.

4.4 The requirement for the Prior Notification process to be undertaken is outlined in Section A.2 of the regulations which details that any proposed demolition must comply with the following conditions in order to amount to permitted development:

(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 shall, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

(b) Where the demolition does not fall within sub-paragraph (a) and is not excluded demolition:

(i) The developer shall, 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 to the method of demolition and any proposed restoration of the site;

(ii) The application shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with subparagraph (iii) and any fee required to be paid;

(iii) Subject to sub-paragraph (iv), the applicant shall display a site notice by site display on or near the land on which the building to be demolished is sited and shall 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;

(iv) 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 sub-paragraph (iii) has elapsed, he shall be treated as having complied with the requirements of that subparagraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) The development shall not be begun 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 his 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;

(vi) The development shall, 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; and;

(vii) The development shall be carried out:

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

(bb) In any other case, within a period of five years from the date on which the Local Planning Authority were given the information referred to in sub-paragraph (ii)."

4.5 Although, the proposed demolition is considered to be urgently required. This is not due to health or safety reasons and it is considered that the proposals do not fall under Section A2a. Therefore, Section A2b is applicable and needs to be satisfied. Accordingly, this prior notification application has been made, accompanied by a DMS; and a written description of the proposed development has been included as part of this document. Also, in accordance with the GDPO conditions, the relevant site notices, application fee etc. are to be provided as part of this standard prior notification submission process.

Local Planning Policy

4.6 As stated above, the proposed demolition is considered to amount to permitted development. However, the proposed works are also considered to be in line with a number of local planning policies in any case.

4.7 South Holland District Council is currently producing a new Joint Local plan alongside Boston Borough Council. However, very limited weight can be given to this document as it is not scheduled for adoption until 2016. Accordingly, the 2006 Local Plan remains the main material planning considerations for the District.

4.8 In the context of the proposals there are three main policies in the 2006 Local Plan. Policy SG1 encourages General Sustainable development across the district and states:

"Planning permission for development will be granted where the Council is satisfied that the proposal is consistent with the principles of sustainable development, and where:

1) The quality of life for residents is unimpaired or enhanced;

2) Reasonable measures have been taken to conserve energy and natural resources; and

3) South Holland's essential character and main environmental assets are not damaged."

4.9 It is considered that the proposals comply with this policy. For instance, the detrimental impact on visual amenity and the anti-social behaviour caused by the building being located at the site will be alleviated and it is anticipated that the quality of life for local residents will improve as a result. Furthermore the measures detailed in the DMS will prevent the quality of life being impaired whilst the demolition works are being undertaken. In addition to this measures will be implemented as outlined in the DMS to conserve energy and natural resources and measures will also be taking in relation to the suppression of dust, noise and prevention of contamination that will ensure that the essential character and main environmental assets will not be damaged during the works. It could be argued however that the proposals will result in the essential character and environmental assets being protected, as it is considered that the disused potato store detracts from the essential character of the area. Therefore it is considered that the proposals comply with Policy SG1.

4.10 Policy SG3 outlines the settlement hierarchy for the District and identifies Crowland as an area centre. Area Centres are considered under the policy to be suitable settlements to: "*provide for housing, employment and commercial development to support their roles as service centres for surrounding rural areas."* This Policy clarifies that Crowland is considered to be one of the more sustainable settlements within the District. The current disused potato store does not make the best use of the site, and its demolition could enable a more suitable use to be provided at a later date. Therefore the proposals are considered to be in line with Policy SG1.

4.11 Policy SG17 is also applicable in relation to the proposed demolition. This policy states that: "*Planning permission will be granted for development which would not cause material harm to residential amenity. In considering proposals the following criteria will be taken into account:-*

1) The extent of any overlooking or loss of privacy;

2) The extent of any overbearing or overshadowing effect;

3) Potential noise nuisance including that associated with vehicular activity;

4) The levels of smell, emissions and pollutants."

4.12 As previously stated the proposals are expected to improve residential amenity by removing a structure which detracts from the visual appearance of the locality. In addition to this, the DMS outlines measures that will be implemented to reduce noise, smell and pollutants. Furthermore as the site is to remain vacant once the works have been completed until a replacement development scheme is produced, there will be no impact on overlooking, privacy, overbearing or overshadowing. Therefore the proposals are deemed to be in compliance with Policy SG17.

5 PLANNING CONSIDERATIONS

Planning Policy

5.1 The proposed demolition of the Crowland Store is thought to be fully in accordance with the requirements outlined in the GPDO and is therefore considered to amount to permitted development. The proposals are also considered to adhere to the main local policy aspirations as defined in Policies SG1, SG3 and SG17.

5.2 Therefore, demolition is proposed in order to minimise ongoing maintenance and future liabilities associated with unused buildings. Given that the relative impacts of the demolition works are anticipated to be minimal, and that if left derelict, the building would not represent an appropriate use of land and would continue to attract anti-social behaviour to the area, the proposals are deemed to be both beneficial and in line with the aforementioned policies.

5.3 The following provides an assessment of the environmental considerations associated with the development, outlining the measures in place to mitigate any potential risks which may arise during the demolition process. Based on the conclusions of this supporting statement and the DMS, the proposed demolition will adopt high environmental standards and any potential risks will be monitored throughout the demolition process in line with the principles that Local Planning Authorities are expected to recognise.

5.4 By paying regard to the GPDO and the 2006 South Holland Local Plan; it is considered that the principles of demolition are fully in accordance with local and national policy requirements for developments of this nature.

. **Nature, Size or Location of Development**

5.5 The site is located adjacent to a housing estate and agricultural land. Further along Crease Drove to the south are other industrial premises. Without the demolition of the storage facility, the visual appearance and structural condition of the building is likely to further deteriorate and anti-social behaviour is likely to return to the site. This is likely to cause problems for both the site owners and the occupiers of adjoining properties. This will be of no benefit to the character of the surrounding area and the continued presence of the building is likely to cause problems to all concerned. Its removal will consequently improve the appearance of the southern part of Crowland.

Site Conditions and Monitoring

5.6 As is detailed within the accompanying Demolition Method Statement, on site conditions have been effectively recorded. Standard demolition protocols, as detailed in the DMS, will be followed in order to minimise risks throughout the demolition process. On site operating hours will be in accordance with Local Authority requirements and it is anticipated that these will be dealt with by way of a planning condition. Meanwhile the demolition is programmed to last a total of 2-3 weeks from the commencement of operations. Regular monitoring will be undertaken in relation to dust and noise and any deviations from the proposed demolition method will be recorded on a variations form.

Asbestos Survey

5.7 An asbestos survey has been undertaken prior to the submission of this application. No asbestos was found. However, if during the demolition process any asbestos containing materials are found, they will be disposed of in accordance with the requirements set out in the Control of Asbestos Regulations 2006 (As Amended).

Pollution (Dust and Odour)

5.8 It is understood that demolition, crushing, excavation, loading and hauling works have the potential to create dust particulates. This is likely to already be kept to a minimum due to the building's steel construction. However a variety of practices have been included in the Methodology Statement whereby the creation of airborne dust particulates in the air through site activities will be minimised.

5.9 A water bowser will be used for the suppression of airborne dust particles. In addition to this, site boundary considerations across the site are also recognised as important during the demolition process. As well as maintaining security at the site, the solid panel Herras fencing will minimise a number of other potential impacts including noise, security and dust. In addition to this any areas of open type fencing will be covered by debris netting to reduce the propensity for wind-borne debris to exit the site.

5.10 It is not envisaged that the operations will give rise to odour problems beyond the site boundary. Nevertheless, the applicant and contractor recognise that efficient offsite disposal of any materials deemed unsuitable for reasons of odour control will be required to reduce the potential for odours reaching adjacent properties.

Noise and Vibration

5.11 In relation to noise and vibration, it is considered that the demolition and associated operations will not give rise to significant audible effects or vibration that would amount to a significant irritation beyond the site boundary. This conclusion is tangible given the extensive monitoring process intended for the works. In this instance, the contractor will carry out appropriate noise monitoring to keep levels compliant with Environmental Health policy and standards. Vibration Monitoring Equipment will also be provided and used in accordance with adopted standards. Furthermore the demolition is only expected to last 2-3 weeks and therefore any noise which does arise will only be short term.

5.12 It is also acknowledged that while the anticipated audible effects of the development are minimal, the plant and equipment used during the development will nevertheless contribute. Therefore, all plant and machinery to be used on the site will be fitted with approved noise suppression equipment and will only be used when required within operating hours specified.

5.13 Any plant which is required to work outside of working hours in exceptional circumstances, such as generators and pumps will be surrounded by a suitable acoustic enclosure to reduce any noise emitted to a satisfactory level. Equipment usage will also be bound by the operating hours stipulated in the DMS.

EIA Screening Opinion

5.14 The demolition of the storage facility is not considered to be within the scope of the EIA Regulations. This is due to the total footprint proposed for demolition comprising less than 0.5ha. Furthermore, the site does not fall within or adjacent to a 'sensitive area', as defined within Schedule 2(1) of the EIA Regulations. If it was located within a sensitive area, the proposals would require a Screening Opinion irrespective of scale. It is therefore argued that the proposed demolition does not require an EIA Screening Opinion.

Waste Minimisation

5.15 Procedures in the interests of waste minimisation will be operated in compliance with the Environmental Protection Act 1990, the Environmental Protection (Duty of Care) Regulations 1991 and all other relevant legislative requirements.

Initially a soft strip of the building will be undertaken in order to clear the structure of waste materials. All materials that result from this soft strip as well as the demolition in general will be segregated for re-cycling and placed in into skips and removed from the site.

Bats

5.16 Pre-application advice has been sought from Annette Faulkner; Co-ordinator for the Lincolnshire Bat Group. She explained that the discovery of bats within the building would be highly unlikely and females were very unlikely to choose the building to roost. However the project team was informed that there was a small chance that solitary males could use the building as a roost and that there was always a possibility of these being discovered in any building earmarked for demolition. The team were informed that should any evidence of bats be found during demolition, work must be immediately stopped and the relevant authorities contacted. Any bats that have been found should also be captured in a small box until a consultant ecologist arrives at the site. The project team will fully comply with this advice; however the advice stressed that the discovery of any bats on site would be highly unlikely.

Flood Risk and Watercourse Protection

5.17 The site is within both Flood Zone 2 and Zone 3 and, as determined by the Environment Agency (EA), the flood map designation is provided as follows:

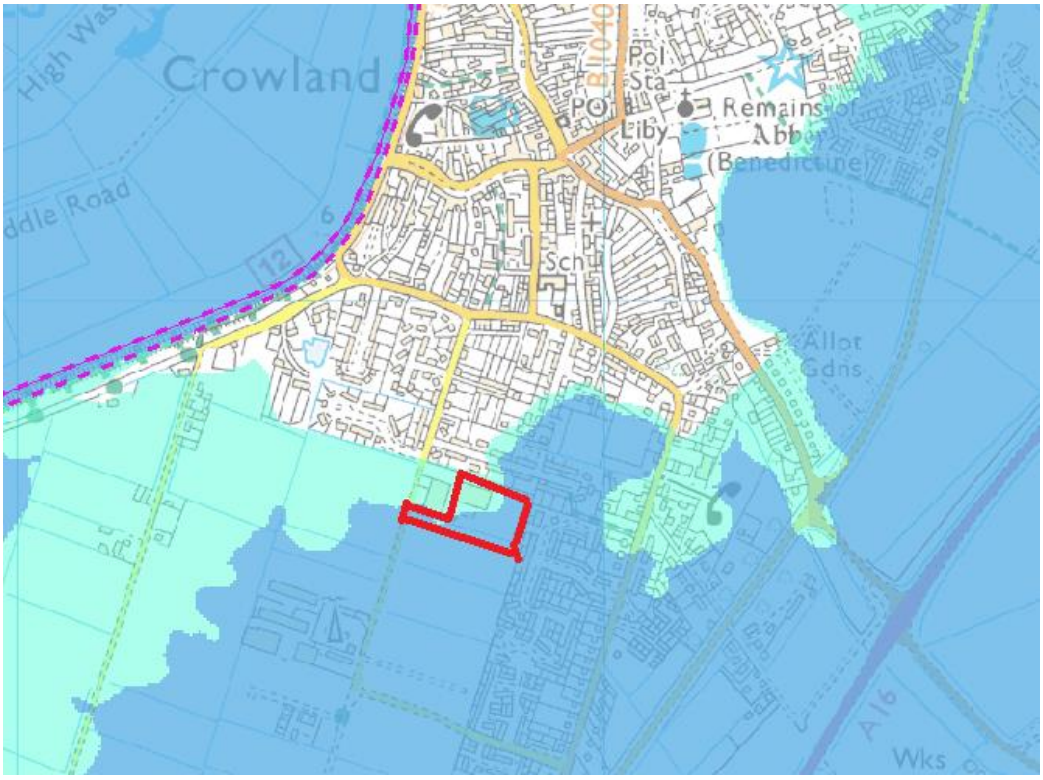


Figure 7: EA Flood Map Extract (approximate site indicated in red)

5.18 Once demolished, the affected areas will be laid to slab with surface water runoff channelled into the existing drainage system. Parts of the site are located in Flood Zone 2 whilst the rest is located in Flood Zone 3. The definitions of each flood zone are included in Table 1 taken from the NPPF below:

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	**This zone comprises land where water has to flow or be stored in times of flood.** Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

Figure 8: The Flood Zone definition table taken from Table D1 of the NPPF

In the context of any future development proposals on the site; any issues with flood risk in relation to the sensitivity of the development will be dealt with during the application process. It is anticipated however, that as there is no increase in impermeable surface area proposed as part of the demolition, the works will have no impact on flood risk.

Transport and Access

5.19 Vehicles associated with the demolition works will utilise the existing access to the site from the southern end of Crease Drove, as vehicles will only be passing industrial units at the southern end of Crease Drove, it is not considered that this will be an issue. Furthermore, as the traffic movements that will arise from the demolition works will be insignificant in the context of the neighbouring industrial uses, it is accordingly not expected that major impacts will arise in the context of highway capacity, traffic noise and pollution as a result of the proposal. However, it is

acknowledged that some procedures will have to be enforced in the interests of sustainable transport. It is anticipated that this will be dealt with by way of a planning condition.

Landscaping and Visual Impact

5.20 The current building acts as an eyesore in its position at the southern end of Crowland and this is likely to get worse as its condition deteriorates. Demolition is scheduled to last no more than three weeks and is likely to be beneficial in relation to the visual impact on neighbouring properties in the long term. Furthermore, the two retail units at the front of the site are likely to provide a degree of screening between the site and the Crease Drove frontage. The Herras style fencing proposed as part of the site demolition boundary will also allow some of the visual impact to be diminished.

Heritage

5.21 There is little in the way of heritage concerns regarding the site; it is largely surrounded by a mixture of 20th century housing, agricultural land and other industrial premises. Furthermore the site is located outside of the village Conservation Area and is not in close proximity to any listed buildings. The structure proposed for demolition is also generally seen as an eyesore that detracts from the visual amenity of the surrounding area rather than a building of architectural significance. In addition to this, the only Scheduled Ancient Monument within Crowland is located at the other end of the town and is unlikely to impact on the proposal site.

Concluding Environmental Case

5.22 As the site comprises a footprint of less than 0.5ha and is not located within a “sensitive area” as defined by the EIA regulations, it is anticipated that an EIA Screening Opinion will not be required. Furthermore given the fact that the development constitutes the much needed demolition of a derelict, disused structure which is causing problems to the surrounding area; it is accordingly anticipated that the proposed demolition will be beneficial to the local environment. In addition to this any potential negative impacts arising whilst the works are being undertaken will be minimised as a result of the measures set out in the DMS.

6 SUMMARY AND CONCLUSIONS

6.1 This statement seeks the demolition of a disused potato storage facility off Crease Drove, Crowland. It has considered the material planning considerations for the proposed development and through appropriate assessment, has demonstrated the proposals to be in accordance with established national and local planning policy and guidance.

6.2 The key environmental considerations of the development have been fully addressed in this statement and the accompanying DMS. Together they have highlighted that the process for handling the demolition is to be dealt with coherently, and in accordance with appropriate legislation, permits and certification procedures.

6.3 The proposed demolition will help to prevent future anti-social behaviour on the site, which in turn will help reduce any measures required to re-secure the site, which the applicant may be liable for in the future. Furthermore the demolition will improve the visual amenity of both the site and Crowland as a whole. This is again consistent with the sustainability priorities and principles of current national and local planning policy and guidance.

6.4 The proposals may represent a significant change to the site but by removing a redundant structure, opportunities could be delivered in the future to promote alternative land uses on the storage facility site.

6.5 In view of the above, South Holland District Council as local planning authority is respectfully requested to consider the proposals favourably without the need for prior-approval of demolition, and to confirm that an Environmental Impact Assessment (EIA) will not be required.