

Recommendation Report for

REF NO: AW/268/24/DEM

LOCATION: Former Montrose Hotel
2 Selsey Avenue
Aldwick
PO21 2QX

PROPOSAL: Prior notification under Schedule 2, Part 11, Class B for the demolition of the former Montrose Hotel.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This proposal seeks to determine if prior approval is required under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the proposed demolition of a detached 3-storey vacant building previously serving as flats, but having once served as a hotel.

SITE CHARACTERISTICS The site is a corner plot, once serving as the Montrose Hotel, and subsequently serving as residential flats. The building is a 3-storey rendered and flat roofed unit with hardstanding and grass to its surrounding land and sparse shrubbery to the western boundary. There is a young tree on the southwest corner.

CHARACTER OF LOCALITY The site is surrounded costal and residential in character. The foreshore can be found immediately to the south, and a mix of large, 2 & 3-storey flatted developments can be found adjacent to the east and west. To the north, two-storey, detached residential units are prevalent.

None of relevance to this application.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The relevant legislation relating to the demolition of building is The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The relevant legislation relating to the demolition of building (The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 11, Class B) states that an application to the Local Planning Authority is needed to assess the requirement for prior approval, and whether there are any objections to the method of demolition and any proposed restoration of the site.

CONCLUSIONS

Applications for Prior Notification of proposed demolition should be used for proposals to demolish buildings or structures. Demolition of buildings is generally not generally classed as 'development' and, planning permission is therefore, not usually needed. The demolition of certain buildings however, will need prior approval from the Local Planning Authority.

Part 11, Class B - demolition of buildings

Permitted development

B. Any building operation consisting of the demolition of a building.

Development not permitted

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 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

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 in 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);

COMPLIANCE WITH CRITERIA & CONDITIONS

B.1

(a) There Local Planning Authority (LPA) have no evidence of this.

(b) N/A.

(c) N/A.

(d) N/A.

(e) N/A.

B.2

(a) No such urgency has been relayed to the LPA. N/A.

(b) The demolition does not fall within paragraph (a) and is not 'excluded demolition'.

((b)i) Application submitted. Assessment of method of demolition laid out below.

((b)ii) A written description has been provided. Confirmation of the notice having been posted was received upon request.

((b)iv) 2 No. notices were confirmed to have been posted, with evidence, at the time of submission.

((b)v) N/A.

The remaining conditions of B.2 are procedural matters. The demolition is permitted development.

METHOD OF DEMOLITION

A comprehensive Demolition Management Plan has been submitted by NRG Consulting outlining relevant physical and logistical measures that have been, or are to be, undertaken ahead of the demolition phase. It includes planned step-by-step procedures for the removal of material and demolition, anticipated levels of vehicular movements, planned routes for such vehicles, restricted hours of operation, local engagement and communication methods, relevant Asbestos survey results, site-specific

dust and noise risk assessments alongside monitoring and mitigation measures, and material re-use and waste management methods.

From review of the comprehensive Demolition Management Plan, and on the basis of the temporary nature of the works and the detached nature of the property, it is considered that the works will not result in significant adverse environmental effects, or meet the criteria in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and a screening is therefore, not required.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** All demolition works are to be notified to the Local Authority's Building Control department with at least 6 weeks' notice. This gives time to notify all the statutory undertakers of the works, any adjoining owners/occupiers and any other parties of which could be affected by the works. There are a number of statutory undertakers to be notified. For further information and a list of these statutory undertakers, please email bldg.con@arun.gov.uk. The notice issued is served under Section 81 of the Building Act 1984.