

Recommendation Report for

REF NO: LU/58/25/DEM

LOCATION: North Street Public Toilets
Littlehampton
BN17 7JS

PROPOSAL: Prior notification under Schedule 2, Part 11, Class B for the demolition of public toilets.

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 public toilets.

SITE CHARACTERISTICS The site is a disused public toilet block, which comprises a single storey building to the rear of shops on Wick Street.

CHARACTER OF LOCALITY The site is to the rear of buildings in retail use, and is situated adjacent to residential dwellings.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Demolition of buildings is generally not generally classed as 'development' and planning permission is not usually required. 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) The Local Planning Authority (LPA) have no evidence of this.

(b) N/A.

(c) N/A.

(d) N/A.

(e) N/A.

The applicant has complied with the procedure set out in B2, and the demolition is permitted development. The proposal relates to the demolition of a small single storey building, and a demolition method statement has been provided. The Local Planning Authority does not require further details of the method of demolition, and the proposals will not result in adverse environmental impacts or disturbance. As such, prior approval is not required and no objection is made to the application based on matters of demolition and restoration.

RECOMMENDATION

NO OBJECTION