

Recommendation Report for

REF NO: M/59/15/DEM

LOCATION: 80-86 Elmer Road
Middleton-on-Sea

PROPOSAL: Application for a prior notification of proposed demolition of a derelict terrace of four units which were last occupied as shops with living accommodation above.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a prior notification of the intention to demolish these premises. This notification requires the Council to determine whether prior approval of demolition is required.

The current application includes a Method Statement & Risk Assessments, together with a Method Statement Addendum which sets out how the applicant has responded to the Councils objection(s) to the previous application for demolition.

SITE AREA

The site area is approximately 0.06 hectares.

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected, although there is some overgrown planting to the rear of the site.

BOUNDARY TREATMENT

The site frontage is formed by the shopfronts of the units. To the rear boundaries are formed by buildings and some limited fencing.

SITE CHARACTERISTICS

The site is occupied by vacant shop/business units. The site boundary extends up to rear edge of footpath, although the front of the units are set back by at least 4.5m. The units have first floor accommodation and dormers top the front and rear. At the present time, the units appear to be vacant.

CHARACTER OF LOCALITY

The site is located within a mixed area, which includes retail, food and drink and residential uses. It is on close proximity to these uses and physically adjoins a restaurant use. The site is opposite a road junction with Willowbrook and close to other road junctions. Middleton Road is the main road serving Middleton on Sea.

There is a public shelter and bus stop to the immediate front of the site. There does not appear to be any rear access.

RELEVANT SITE HISTORY

M/37/15/DEM	Prior notification for proposed demolition of 4No. units	Objection 15-04-2015
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Objection was raised to the previous demolition application (M/37/15/DEM). This was on the following grounds:

The applicant has failed to provide a statement outlining the method of demolition of the premises and any proposed restoration of the site. Without one the Council is not satisfied that there will be no unacceptable adverse impact on residential amenity and highway/pedestrian safety.

REPRESENTATIONS

Representations received:

The Environmental Health Officer (EHO) has no objections and has requested that guidance on avoiding noise and dust nuisance be provided to the applicant. This can be included in an informative.

Given the limited timescale, not other consultee responses have been received and it has not been possible to obtain these. However, the EHO response is the key one and has been received.

Further consultee comments can be passed to the applicant and in particular any from WSCC highways.

Comments on Representations received:

See above.

CONSULTATIONS

WSCC Strategic Planning
Building Control
Environmental Health
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan is not relevant to this notification and is not a material consideration.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The Development Plan is not relevant to this notification and is not a material consideration.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations.

CONCLUSIONS

This is a notification of intention to demolish and the Council has to determine whether an application for prior approval to demolish is required.

Under Schedule 2, Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 a prior notification must be submitted to check whether the council requires prior approval of the method of demolition of:

- any listed building
- a building in a conservation area
- a building which is a scheduled monument
- any freestanding domestic or non domestic building with a volume exceeding 50 cubic metres (measured externally)
- any non-domestic building adjoining a dwelling house
- any dwelling house

This is in addition to other forms of consent required for demolition such as Listed Building Consent, Conservation Area Consent or approval via a Demolition Notice.

This Council must consider the application to see if prior approval is required for the method of demolition and site restoration. A demolition method statement or contractor management plan are typically supplied to show the level of information required to address the council's concerns and avoid further information being requested via a 'prior approval' application.

A response of either 'prior approval not required' (no objection) or 'prior approval required' (objection) detailing what information is required to overcome the objection will be made.

If no response has been received in 28 days this is deemed consent to carry out works in accordance with the information submitted.

Given the location of this site and the constraints, the agent and the applicant have been previously advised that a demolition method statement is required. This has been received with the application together with an explanatory addendum.

It is considered that previous concerns relating to impacts have been addressed in the method statement and addendum. In the absence of WSCC Highways comments, the applicant can be advised to contact WSCC direct to ensure that they are satisfied in highway and pedestrian safety contexts.

It is therefore recommended that no objection be raised and that informatives be added addressing Environmental Health and highway safety.

RECOMMENDATION

NO OBJECTION

- 1 The demolition shall be carried out in accordance with the submitted Method Statement & Risk Assessments and Method Statement Addendum.

Reason: For the avoidance of doubt and to ensure that demolition and associated activities are carried out in a satisfactory manner.

- 2 **INFORMATIVE:** Notwithstanding the submitted Method Statement & Risk Assessments and method Statement Addendum and in the light of the fact that the determination period for this application has not been sufficient to obtain the comments of West Sussex County Council Highways (WSCC Highways), the applicant is advised to contact WSCC Highways prior to commencement of activities or works on site in order to ensure that WSCC Highways are satisfied that the activities and works will not result in danger to highway safety (vehicular and pedestrian).

WSCC Highways may be contacted at:

Highways and Transport Customer Service Hub
Durban House
Durban Road
Bognor Regis
West Sussex
PO22 9RE

T: 01243 642105

E: highways@westsussex.gov.uk

W: <https://www.westsussex.gov.uk/roads-and-travel/contact-details-for-roads-and-transport/>

- 3 **INFORMATIVE:** Notwithstanding the submitted Method Statement & Risk Assessments and method Statement Addendum the applicant is advised that in respect of noise and dust, Arun district Councils Environmental Health Officer has requested that the following guidance be provided to the applicant:

ENVIRONMENTAL HEALTH INFORMATION SHEET

NUISANCES FROM DEMOLITION

Demolition has a potential for causing nuisances. Where such nuisances occur, Arun District Council are required to take formal action to abate them. In order to avoid such action being taken, the following guidance is offered to assist with meeting statutory obligations:

DUST

Airborne dust is a common source of complaint and can be a Statutory Nuisance if it affects the residents of neighbouring properties. It is more likely that action will have to be taken if 'dusty demolition operations' are carried out during dry and/or windy conditions.

Minimise dust generation where possible. It might be necessary to only carry out certain operations during wet weather or by 'wetting down' prior to starting and during the work, particularly if handling stockpiles of dusty materials.

Remember that some dusts are inflammable when mixed with air in the correct proportions.

ASBESTOS

The Council receives many complaints concerning the handling of materials which contain asbestos. If there is a danger of dust getting outside the site boundaries, then this would be a Statutory Nuisance and action will be taken to abate the nuisance. Only a licensed contractor is allowed to remove lagging and spray coatings which contain asbestos. A licensed contractor must also be used if the work with any other asbestos material such as Asbestos Insulation Board (AIB) is likely to release asbestos fibres in excess of the 'action' levels. In practice, this means that the only type of asbestos product that a demolition contractor can normally remove, will be Asbestos Cement Sheeting (ACS).

If demolition contractors decide to remove ACS they will need to be familiar with the HSE guidance note HSG 189/2 - Working with Asbestos Cement. It is expected that the contractors will have:

- Identified the type and location of all asbestos on site.
- Worked out a 'safety' plan for its safe removal
- Isolated the work area whilst asbestos products are being removed
- Ensured that the workers are properly supervised, protected and aware of the dangers of carefulness handling of asbestos products
- Ensured that asbestos products are thoroughly cleared up and stored in the approved method before other demolition works are commenced.

In order to minimise exposure and control the spread of asbestos, you need to consider the following generally precautions when working on ACS:

- where reasonably practicable, remove the asbestos cement before the rest of the structure is demolished;
- where possible, avoid further breaking the sheets;
- keep the material wet when working on it;
- where possible, lower the material onto a clean hard surface'
- remove waste and debris from the site as soon as possible to prevent it being crushed underfoot or by moving vehicles;

- do not bulldoze broken asbestos cement or sheet into piles;
- do not dry sweep asbestos cement debris;
- dispose of the waste and debris safely

NOTE 1

Waste material containing asbestos in excess of 0.1% is classed as 'special' waste and as such is covered by the Special Waste Regulations 1996 and the Environmental Protection Act 1990 - duty of care provisions. Asbestos waste can only be disposed of at a site licensed to receive it.

The Waste Regulations Section of the Environment Agency advise that broken pieces of Asbestos Cement Sheeting must be placed in heavy gauged polythene bags and labelled "asbestos waste". Whole sheets and large pieces (ones which will not go into polythene bags) must be put into enclosed containers, which are also suitably labelled. It is no longer permitted to transport asbestos cement in open containers and remember that mixing Asbestos Cement Sheeting with ordinary rubble will make it all 'special' waste.

Further advice can be obtained from the Environment Agency 08708 506506
www.environment-agency.gov.uk

NOISE

Noise should be minimised as far as possible and compressors and other plant should only be used during stated hours and silencing devices should be fitted where ever practicable. Attention should be paid to the recommendations given in BS5228. Developers/contractors may seek 'prior approval' under the Control of Pollution Act 1974 for noise emissions from the Environmental Health Service. Following an application for prior approval, conditions will be placed on the demolition/construction activity relating to hours of operation, plant and equipment used, methods of work, noise limits etc. Where prior approval is not sought, the Council has the option to impose conditions by Notice.

Where partial demolition or alterations are carried out in an occupied building, the use of non-percussive methods should be considered in order to minimise the structural born transmission of noise and vibration.

Remember weekend working and early starts and late finishes increase the likelihood of noise complaints.

FIRE & SMOKE

Smoke and fly ash from the burning of waste materials on demolition sites is a frequent source of complaint particularly when the contractor has little or no regard for the prevailing wind.

It is an offence under the Clean Air Act, if a fire emits dark smoke or if you burn any materials likely to emit dark smoke. Burning of plastics, rubber, linoleum, roofing felt etc are not able to be burnt without creating dark or black smoke. Any such materials found in the remains of a fire may result in prosecution. The practice of putting an old tyre into the material to be burnt will create black smoke - an automatic offence if you are caught.

Fires should be avoided wherever possible and particularly in residential areas. If a bonfire is unavoidable, it should not be left unattended and extra care should be taken that there are no smouldering timbers which could be fanned into a fire when the site is

unattended. If the Local Authority is satisfied that smoke from any fire is causing, or is likely to cause, a nuisance, formal Notice may be served requiring Nuisance Abatement. Causing further nuisance in breach of an Abatement Notice is an offence.

All gas cylinders and similar containers, even when empty, should be stored in a safe place as if they become involved in a fire, they may explode, causing injury to persons and serious damage to neighbouring property.

NOTE 2

We remind you that if this Authority is satisfied that dust, asbestos, noise or smoke are causing a Statutory Nuisance, then under the provisions of the Environmental Protection Act, 1990 we are obliged to serve a Notice requiring the abatement of the nuisance. Failure to comply with the Notice is an offence which may result in prosecution.