

<b>App.No:</b> 190103	<b>Decision Due Date:</b> 9 April 2019	<b>Ward:</b> Meads
<b>Officer:</b> Mr Leigh Palmer	<b>Site visit date:</b> <b>Numerous</b>	<b>Type:</b> Prior Notification (demolition)
<b>Site Notice(s) Expiry date:</b> 13/03/14		
<b>Neighbour Con Expiry:</b> NA		
<b>Press Notice(s):</b> NA		
<b>Over 8/13 week reason:</b> NA		
<b>Location:</b> Kempston, 3 Granville Road, Eastbourne		
<b>Proposal:</b> Application for prior notification of proposed demolition. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B		
<b>Applicant:</b> Mr William Saville		
<b>Recommendation:</b> Prior Approval is not required for the demolition of the building		

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## 1. Site Description

- 1.1 The site is located at the corner of Granville Road and Blackwater Road, the site is not situated within a conservation area. The existing property is a detached red brick Victorian villa converted into flats which are now vacant: the building is in a poor state of repair. Whilst the property is reflective of the broad character of the wider area however it is of no significant value to sustain an objection to its demolition in principle.

## 2 Background

- 2.1 The application proposes the demolition of the existing building under a 'prior approval procedure as outlined within the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B.
- 2.2 This procedure outlines the content of information to support an application and the area of influence that the determining authority has.

## 3 Legislative provisions

- 3.1 When making its determination the committee can only assess the application against the criteria contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 11 Class B.

### Class B

- 3.2 Class B Part 11 of Schedule 2 of the Order is concerned with permitted development rights that are afforded to any building operation consisting of the demolition of a building subject to certain criteria as outlined in Class B1. Class B does not provide for consideration of the impact on the street scene, the existing use of the building or its contribution to the character of the area.

### Class B1

- 3.3 Development is not permitted by [Class B](#) if -

- The building has been rendered unsafe by a person having an interest in the land on which the building stands- not applicable.
- The demolition is "relevant demolition" for the purposes of [section 196D](#) of the Act (demolition of an unlisted etc building in a conservation area)- not applicable.
- The building is used as a drinking establishment – not applicable.

### Class B2

- 3.4 Development is permitted by Class B subject to certain conditions:

- Demolition is urgently necessary in the interests of health and safety then the developer must give written justification of the demolition - written justification is not required.
- The developer must apply for a determination as to whether the prior approval of the council will be required – this requirement has been met.

- Condition relating to drinking establishments – not applicable.
- The application must contain a written statement of the proposed development, a notice has been posted on the site and any fee paid- This requirement has been met.
- Site notice must be displayed at the site where the building is being demolished for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted – This requirement has been met.
- If the site notice ,without the fault or intention of the developer, is removed defaced, obscured before the 21 day period the applicant is treated as having complied, if they have taken reasonable steps for the protection of the notice and if needs be its replacement- This will be monitored and if necessary actioned by the applicant.
- The development must not begin before the council gives written notice of their determination that prior approval is not required, or the granting of such approval – Officers will issue the formal decision of the Council (within the statutory time-frame) following Planning Committee.
- The building must be demolished within five years following whichever of the following dates is applicable; the date of approval, if prior approval was given or the date of receipt by the council of the application for prior approval, if prior approval was not required.

#### **4 Assessment**

- 4.1 The supporting evidence supplied by 'Best Demolition' outlines the scope and method statement of the proposed demolition works.
- 4.2 The Council are satisfied that the proposed demolition would be undertaken in a safe manner with all controlled materials (if they exist) being handled by the necessary expert contractors. In addition all demolition material will be disposed to an authorised waste/recycling site (s) using the classified local highways.
- 4.3 The Council have assessed the implications of the loss of this building in the previous planning applications for the demolition of the existing building and replacement with a new build block of apartments. The decision of the Council on those applications was that planning permission was refused on the quality of the replacement building and not on the principle around the loss of the existing property, or its loss in terms of its impact on the local context/character.
- 4.4 As part of the assessment of the earlier applications officers were informed by specialist conservation advice that the existing building was not merit worthy, it terms of its architectural integrity or association such that it is of Listing quality. It is noted that this building was requisitioned and used/known as Kempston House Auxiliary Hospital during the Great War 1914 -1918. However this association alone is not considered sufficient to require its on-going protection.
- 4.5 The views of officers, in this regard, have not changed.
- 4.6 It is noted and Members will be aware that the College Conservation Area is out for public consultation. Within this document the application building and its plot has been reviewed and falls within an area suggested as an extension to the

conservation area boundary.

4.7 This is a consultation document and is far from being adopted and without any certainty until the completion of the consultation/adoption process that the boundary will be changed then the assessment of this submission has to be made against the current position.

4.8 At the time of considering this submission the application property is not a Listed Building, the plot is not in a conservation area, the application has been submitted in accordance with the necessary legislation and thereby is accompanied with an appropriate method statement relating to its demolition.

## 5 CONCLUSIONS

5.1 Possible grounds to resist the application.

5.2 Method of demolition:- The terms of demolition and site appearance post demolition are deemed to be appropriate and are no grounds to withhold demolition.

5.3 Planning Policy Position:- The property is not a listed building; the property is not in a conservation area, the property is within an 'Area of High Townscape Value' and is deemed to be a non-designated heritage asset. The plot was assessed as part of the potential expansion to the College Conservation Area as far back as the 1980's and again is being reviewed in the regard.

5.4 The policy position does not form part of the assessment criteria for this prior approval procedure and therefore the demolition of the building and the harm caused by a vacant plot without knowledge/certainty of what will be going back cannot be utilized.

5.5 Unsafe or otherwise uninhabitable:- Demolition is not permitted if the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of the owners. At the application stage supplementary reports outlined on viability grounds the costs of repair and upgrading the quality of the existing housing stock.

5.6 Notwithstanding these reports it could be argued that the owners have to some extent deliberately and wilfully run down the quality of the building and as such it does not now provide safe habitable accommodation.

5.7 There is no justification on health and safety grounds that the building should be demolished.

5.8 This ground, if pursued, is not certain of success and could be challenged on appeal and if not supported by the appeal inspector would be the source of a cost claim for unreasonable behaviour.

5.9 Building Preservation Notice:- essentially this is a spot listing procedure where an application is submitted to Historic England for them to consider the properties Listing potential. If unsuccessful there is a compensation element to

this process.

5.10 As already outlined in this report there are in the views of the Council's conservation officers no grounds for the building to be listed.

5.11 **OVERALL CONCLUSIONS**

5.12 Given the above reasons officers are recommending that there are no grounds to withhold consent for the prior approval.

## **6 Human Rights Implications**

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

## **7 Recommendation**

Prior Approval is not required for demolition of the existing building.

## **8 Background papers**

Previous applications.