

DELEGATED OFFICER REPORT

Site Address:	Former Gas Manager's House, 69 North Street, Emsworth		
Proposal:	Application to determine whether prior approval is required for the method of demolition of 1No.gas managers house.		
Application Type:	Demolition Notification/Application		
Application No:	APP/24/00711	Expiry Date:	07/10/2024
Applicant:	C/o Agent VHE and SGN		
Agent:	Mr Dann WSP	Case Officer:	Kayleigh Taylor
Ward:	Emsworth		

Recommendation: **GRANT PRIOR APPROVAL**

1 Site Description

- 1 The application site comprises a derelict residential property referred to as the 'Former Gas Manager's House' which is sited withing the SGN Place a former gas holder site, accessed from Palmer's Road. The wider gas holder site has been mostly cleared of structures. The surrounding area is residential and light industrial in character.

2 Planning History

APP/22/00155 - Demolition of 2 & 2a Seagull Lane and warehouses 1, 2 and 4. Existing unit 6 Seagull Lane retained with external amendments including cladding and utility enclosure. Construction of 3No light industrial buildings split into 8No units.(24.03.23). Request to discharge conditions 3,4,5 & 8 (30.05.24). Request to discharge condition 7 (11/11/2024). Request to discharge condition 9 (06/12/2024)., PERM.24/03/2023

3 Proposal

- 3.1 Application to determine whether prior approval is required for the method of demolition of 1No.gas manager's house.
- 3.2 The application is submitted for demolition under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), ("GPDO") Schedule 2, Part 11 Class B - the relevant parts of which for this consideration state:

Class B – demolition of buildings

Permitted development

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

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(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;

(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;

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

CS13 Green Infrastructure

CS16 High Quality Design

CS20 Transport and Access Strategy

DM10 Pollution

DM11 Planning for More Sustainable Travel

Havant Borough Local Plan (Allocations) July 2014

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comments received.

Councillor Charles Robert

No comments received.

Councillor Grainne Rason

No comments received.

Councillor Reuben Mychaleckyj

No comments received.

Ecologist, Planning Policy Team

The building has been subject to detailed bat surveys in 2023 and 2024 (CT Ecology, July 2024) during which a peak of three Common Pipistrelle bats were observed roosting within the building in 2023. The proposed demolition will obviously result in the total loss of this roost and therefore a European protected species mitigation licence will be required prior to demolition.

This development will affect bats, which receive strict legal protection under UK law by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where development affects a European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the Habitats Regulations and is unlikely to be granted a licence from Natural England to allow the development to proceed under a derogation from the law.

An EPS licence can only be granted if the development proposal is able to meet three tests:

1) the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?; (Regulation 53(2)(e))

2) there must be 'no satisfactory alternative? (Regulation 53(9)(a)); and

3) the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range? (Regulation 53(9)(b)).

It is for you as the case officer to assess the proposals against the first two tests ? you may wish to ask for further information from the applicant. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss or damage to bat roosts will be compensated. A mitigation strategy has been provided, detailing specific measures to avoid harm to bats during the demolition works and to provide compensatory roost features within the application site. I would support these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed. I would recommend that LPA's engagement with the Habitats Regulations is detailed in your report.

If you are minded to grant permission, can I suggest that ecological avoidance, mitigation and enhancement measures are secured by condition.

Development shall proceed in accordance with the ecological avoidance, mitigation, and compensation measures as detailed in the Bat Survey Addendum report (CT Ecology, July 2024) unless otherwise agreed in writing by the Local Planning Authority. Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy

March 2011.

HBC Environmental Health Officer – Noise and nuisance

From what I understand, it would appear that the Construction & Environmental Management Plan provided will cover two operations i.e. firstly demolition of the gas managers house and secondly site remedial works which are due to take place later in the year. A statement from the Method of Demolition statement suggests a likely period of around 20 days for the demolition of the house. Based on the information provided, I am satisfied that as long as the CEMP is closely followed, the proposed measures should suffice in limiting impact on nearby residential receptors and other businesses, during the demolition process. I would however ask that the additional measures I've included below are also included as part of the CEMP:

- * Communication measures are in place for liaison between site management and nearby residential receptors, to deal with any complaints which may arise, and the same are available to this office for contact with site management;
- * All deliveries to and removal of materials, plant, equipment, machinery, and waste from the site must only take place within the permitted working hours;
- * The use of any site lighting, whether required for safe working or for security purposes, must be used in such a manner to ensure no impact on any nearby residential receptors;
- * All vehicles working on the site, that require them, to be fitted with 'broadband' or 'white noise' reversing alarms;
- * It should also be noted that besides the keeping of haul roads damp during dry weather conditions, any areas where tracked excavators, and the like are working, must be always kept damp during the period of vehicle activity;
- * the methods of dust control should also be in accordance with the guidance as laid out in the BRE Report 456 - Control of Dust from Construction and Demolition activities, and the IAQM Guidance on the assessment of dust from demolition and construction 2014

Officer comment: An updated CEMP dated November 2024 has been received which addresses the above.

HBC Environmental Health Officer - Contamination

Procedure;

It is understood that Development Management has determined that prior approval is required, and has not at this stage been granted, pending comments from internal & external consultees. It is also understood that this application type cannot be conditionally determined, and that the approved documents represent the only opportunity to secure particulars of the means of demolition & any specific mitigation measures.

Whilst the subject of this application is narrow in scope, limited to the demolition of a residential dwelling; the scope of the supporting documentation is broader, covering unspecified remedial works which the application is able to proceed without seeking any formal consent from the LPA.

This conflicts slightly with references at 1.1 of the demolition method statement (DMS) to an application for remedial works under permitted development rights, however I note that the SI 2015/596 provision referred to within the cover letter does not require any form of approval. The cover letter post-dates the DMS and is assumed to

supersede – I have found no reference to a related remediation application on our internal systems which would indicate that an application has been made.

Asbestos;

I note that the asbestos re-inspection report submitted indicates that it should not be used in place of the original survey (not submitted), but should act as a supplement. Access to the property has been increasingly restricted during successive reports, and it is not clear that the original 2017 asbestos survey had access to the first floor, which was available at the time of the original structural condition survey.

At re-inspection, there was no internal access to the building. The DMS refers to this access as restricting the ability to undertake a 'demolition and refurbishment' asbestos survey ahead of the demolition, which the DMS implies would ordinarily be undertaken.

The submitted survey notes several types of asbestos as being present (or assumed to be still present, based upon the 2017 survey) within the fabric of the building, and in several locations externally. From a contamination perspective, above-ground asbestos can for these purposes be regarded as a matter for health & safety (and specific control of asbestos-) legislation, and not a material planning matter per se. This would include fragments of asbestos on the land. Asbestos fibres and small fragments at the surface that cannot be hand-picked and are likely to become entrained within the soil are ground contaminants, as would be any other buried asbestos containing materials.

There is no particular need to seek to control above ground asbestos as part of the demolition works, but its presence is relevant to the provisions of the CEMP, which covers both the demolition and remedial works.

The provisions of the CEMP are in line with best practice, and generally speaking, its provisions are excellent. There is however some ambiguity over how asbestos will be managed as part of the demolition process. At 2.2 the DMS indicates that access will not be possible to undertake a pre-demolition survey, and also states that the method of demolition will 'take cognizance of the prior [2017] survey, and that works will be 'under the supervision of' a licenced asbestos operative. This contrasts with the demolition risk assessment, which indicated that all asbestos will be removed by a licenced asbestos removal contractor (LARCS). It is unclear how this will be undertaken internally if there is no safe access to the first-floor of the structure (that has not been surveyed, but where asbestos is not unlikely to be present).

As above – largely matters for other regulations & regulators, but my expectation is that the demolition carries a risk of unlicensed personnel undertaking removal works for licensable materials, and/or of demolition works treating asbestos containing materials in such a way as to risk fibre release.

The air monitoring provisions of the CEMP are relied upon to minimise this risk, and it is implicit that these should be in place throughout the works, whether or not there is an expectation of disturbing asbestos containing material.

It follows that release of fibres to the soil surface is also possible, and this may include areas outside of the 3 areas identified (in documents not submitted) as requiring remediation. This may in turn impact the scope & effect of the remedial works insofar as it relates to future development of the site.

No further clarity on working practice around asbestos – monitoring provisions & management procedures outlined within the CEMP are adequate for nuisance purposes.

Method of demolition, residential building superstructure, general;

In so far as the scope of this application, the demolition of the structure will have no material impact on the contamination risk profile for the site, or its contamination conceptual site model. There is therefore no reason to seek to control the method of demolition for contamination purposes, inclusive of the grubbing-out of foundations and services.

Remediation works, CEMP provisions;

The subject of this application does not include the remediation works, and so the provisions of the CEMP covering this aspect have no bearing on the determination of this application. However, as the CEMP does cover the remediation work, it may be helpful to highlight some aspects which are relevant to nuisance and environmental pollution, assuming that this can be communicated back to the applicant for action.

In terms of nuisance, this is intended to aid the understanding of how the Council might define 'unreasonable interference', and in terms of environmental pollution, this is for information, in the interests of seeking to avoid a material pollution incident.

Nuisance;

Section 6.5.5 of the CEMP refers to monitoring of vapours, and management measures to minimise impacts. Quantitative Monitoring proposals are agreed to represent good practice, but it is noted that both quantitative and qualitative assessments are benchmarked to occupational exposure control values. The threshold of olfactory detection will be much lower, and nuisance (not being prejudicial to physical health) can occur at much lower levels.

Neutralising mists, odourising sprays, and PVA seals may need to be employed at lower vapour levels than the CEMP anticipates. This benchmarking is also material to how the applicant proposes to address complaints.

It is not clear that secure-site will be set-up and managed in a way which facilitates local residents making complaints to the site, and there is no explicit commitment to put management contact details on an information board at the front gate to facilitate direct contact. There is similarly no explicit procedures to liaising with complainants, or communication with the LPA or regulators (e.g. Environmental Health or the Environment Agency). All procedures relate to internal management measures and communication between principal contractor and other parties with which it has a commercial relationship. The management measures are explicitly benchmarked against occupational exposures, and qualitative measures are set at levels which probably exceed those which could amount to nuisance.

The CEMP tends to assume that nuisances are likely to arise from working practices – i.e. that stopping work serves as an ultimate backstop to temporarily cease nuisance until a solution is found. This may not apply to vapours, which may arise from the exposure of contaminated soils, and so (where occurring-) the impact would persist for the duration that the material remains exposed.

The Council will expect the complaints procedures to include a dialogue with the complainant about the actions taken, and to make clear that complainants dissatisfied with the outcome can approach the Council. When investigating alleged nuisance, the Council will also expect the monitoring and recordkeeping referred to in the CEMP to be made available on request.

Environmental Pollution;

Section 10 of the CEMP recognises the possibility of encountering perched groundwater, and accumulations of surfacewater in excavations containing contaminated soils. It's provisions for managing this are fairly vague however ('necessary precautions' to be taken in advance).

Backstop control measures essentially comprise dewatering by pumping to storage, and subsequent disposal. As an observation, I note that the storage provisions proposed are all low-volume, and there are no references to characterising the level of contamination before selecting a disposal route. This is likely to be necessary to satisfy the requirements a temporary trade effluent consent, or the receiving site for off-site disposal.

Section 11 refers to sealing 'routes identified as providing a pathway to impact surfacewaters'. For the purposes of these works, this should include a survey of site drainage, and the effective stopping-up of any surfacewater drains which may receive contaminated runoff or pumped groundwater that communicate with the public network (as local drainage discharges to the Ems). The applicant should inform the Environment Agency in the first instance where any issues are identified with contaminated runoff/pumped water from dewatering operations either directly migrating across the East boundary of the site, or reaching a surfacewater drain communicating with the public network.

Remediation works, general – future development of land;

The general principal of voluntarily remediating sources of gross contamination identified by the site owner/occupier is of course fully supported, and will achieve environmental betterment.

Such work does not need to be agreed by the Council, and there does not need to be any oversight of the process – it falls outside of any regulatory function, and as has been established, does not fall under any planning policy, being subject to existing permitted development rights that do not require approval, and cannot have conditions attached.

However, I would highlight that the site owner will need to take care in describing the scope and effect of the remedial works to any future purchaser or developer, as when a detailed scheme of development does come forward, relevant planning policy will apply. There is a risk of a mis-match between the marketing of the site, and how the Council would seek to apply relevant policy in connection with a future development.

No site investigation or assessment information has been submitted in connection with this application, and it is noted that the supporting documentation referring to the remedial works would suggest that the scope is limited to addressing serious contamination hotspots only, in consideration of human receptors (commercial) only.

In the interests of clarity, the Council expects controlled waters to be likely to be the primary risk driver at the site, residential human health to be significant, and commercial human receptors certainly secondary. In the absence of an agreed scope of works, remedial standard, or verification, there is a risk that further works will be required in future in the targeted remediation areas, and elsewhere within the development boundary.

At this stage it is not clear that all relevant sources of potential contamination have been identified, or are proposed to be addressed.

The site should not be marketed as 'clean & ready for development' on the basis of works that have not been agreed with the Council. Where detailed plans for future development are brought forward, that application should ideally include details of the works undertaken voluntarily, in order to inform an updated conceptual site model and avoid the Council requiring as a condition of development investigative works that seek to re-establish pre-existing site knowledge.

Where no such information is submitted with a future application, it is likely that the Council will require a comprehensive general site investigation to set the baseline, as it would had the (unreported) voluntary works not been undertaken. Remediation requirements will be driven by the risk posed by the land to the water/ecology of the river Ems, and also by the form of development proposed.

Conclusions;

No objections are raised to the demolition of the former Gas Manager's House, and no additional information required to support the granting of approval of the method of demolition – the supporting information submitted is adequate from a contamination and pollution perspective.

My nuisance/amenity colleague may provide additional advice under separate cover with respect to noise, working hours, smoke/burning, communication and complaints management procedures; these comments are made without prejudice.

There are no specific requirements for the voluntary remediation, in terms of information to support determination of this application for the method of demolition. The provisions of the CEMP referenced above are outside of the scope of this application.

The Council does not require oversight of the voluntary remedial works. The advice given above is for information only. Environmental Health may be able to review the prior investigations & scope of remedial works with a view to agreement, but this would have to take secondary priority to core functions. My expectation is that residual contamination at this site will be addressed if/when a detailed scheme is brought forward.

Hampshire Highways

Comments received 07/10/2024

The site has accesses from Palmers Road to the south and a shared access road off of North Street to the north-west. It is proposed that the site will be accessed by construction vehicles via Palmers Road only using the southernmost access from North Street.

Traffic generation of 1 two-way movement per day is expected during the demolition stage with a peak of 3 movements per day with an increased number of movements for a couple of days either side of the demolition stage. The level of HGV movements is therefore not anticipated to result in a significant impact to the safety or operation of the local highway network.

It is noted that a CEMP and a Demolition Plan have been provided in which the majority of traffic and demolition management measures have been addressed which is considered to be acceptable.

However, whilst it is noted that works are to be Monday to Friday between 0800-1800 with no work to take place on weekends and bank holidays, and it has been stated that deliveries will generally be limited to 0800-1600, stronger wording is required to state that deliveries are scheduled not to occur during network peak periods (AM 0800-0900 and PM 1700-1800).

In addition, wheel washing facilities are provided on site in the form of a powered jet-spray, however, the location of this should be confirmed on a site plan and a commitment for wheel washing facilities to be provided for the entire duration of the demolition works is also required.

Construction routing has been provided via the A259 and North Street and is considered to be acceptable. However, from the submitted plans, the size of the vehicles accessing the site is unclear, as is whether Palmers Road and the site access can accommodate these movements. Therefore, it is requested that vehicle tracking is provided which demonstrates that Palmers Road and the site access can safely accommodate the largest vehicle likely to access and egress the site.

In addition, it is noted that liaison will be undertaken with local businesses and local residents in relation to access via Palmers Road. Whilst this is acknowledged, this is not considered appropriate to ensure that the access road remains clear during the demolition period. The applicant will be required to apply for a Temporary Traffic Regulation Order (TTRO) in relation to any temporary parking restrictions that are required to facilitate the demolition works prior to commencement in order to ensure the access via Palmers Road remains clear. Further information about TTROs can be found via the following link:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening/trafficmanagement>

As such, the Highway Authority are unable to provide a recommendation at this time as further information is required.

Comments received 18/11/2024

A revised CEMP has been provided in which it has been stated that deliveries will be scheduled not to occur during the network peak hours (08:00-09:00 and 17:00-18:00) and as such, this matter is considered to be resolved.

It has also been stated that the wheel washing facilities will be located as close to the site access as practicable, however, it is requested that the location is confirmed on a site plan.

With the existing double-yellow lines and parking bays on Palmers Road, it has been

stated that a TTRO will not be necessary in order to accommodate construction vehicles accessing the site. As previously requested, this should be confirmed by providing tracking plans which demonstrate that Palmers Road and the site access can accommodate the largest vehicles likely to access and egress the site. The revised tracking plans should include the largest vehicle likely to use the site passing parked vehicles on Palmers Road.

The applicant should note that TTRO may be required if the tracking plans provided cannot demonstrate that vehicles can pass parked cars appropriately.

The Highway Authority are unable to provide a recommendation at this time as further information is required.

Comments received 05/12/2024

A site plan has been provided which shows the location of the proposed wheel washing facilities and therefore, this matter is considered to be resolved. A tracking plan has been provided showing a 17.9m x 3.3m Low Loader utilising Palmer's Road and passing parked cars to the northwest. However, the tracking provided is tight and considering the likely parking arrangements on Palmer's Road, there are concerns in relation to whether Palmer's Road can accommodate the proposed construction vehicle movements. As such, clarification is required on the usage of the Low Loader and how many movements are anticipated throughout the duration of the development. In addition, further construction vehicle tracking is requested for alternative vehicles that are intended to utilise the site to ensure that other construction vehicles can safely access the site and the parked vehicles on Palmer's Road. Dependent on what the tracking demonstrates, restrictions may need to be provided within the CTMP on the number and type of vehicles that are required to access the site to mitigate the impact on the local highway network.

Should the Highway Authority still have concerns upon receipt of the additional tracking, the applicant should be made aware that consideration may need to be given to the provision of a TTRO to ensure that Palmers Road remains clear, this would need to be supported by a parking survey to ensure that displaced parking can be accommodated on the local highway network or within local pay and display car parks.

The Highway Authority are unable to provide a recommendation at this time as further information is required.

Comments received 08/01/2025

Further information has been provided which confirms that Low Loader movements will be minimal and as such, the Highway Authority is satisfied that construction vehicles can safely access and egress the site in forward gear. However, the applicant should note that a banksman should be provided to manage deliveries and vehicles egressing the site. The Highway Authority therefore have no objection to the proposals.

Health and Safety Executive

No comments received.

Southern Electric plc, Network Investment Team

No comments received.

Southern Gas Network
No comments received.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 34

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Objection to factory units being built.	This appears to relate to application APP/22/00155 and therefore not relevant to this prior approval.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Method of demolition
- (iii) Habitat Regulations

(i) Principle of development

7.2 The GPDO grants a general permission for the demolition of buildings, with only the method of demolition and any proposed restoration of the site reserved for further consideration via the 'prior approval' process. The loss of the building on the site is not matter falling under consideration of this prior approval.

7.3 On 3rd October 2024, following initial consideration of representations and consultation responses received, it was confirmed that Prior Approval was required in respect of the method of demolition and any proposed restoration of the site. This report therefore goes on to assess the application proposals in this respect.

(ii) Method of demolition

Residential amenity

- 7.4 The application site lies within an area that is residential and light industrial in character. The process of demolition has the potential to adversely affect the amenity of these properties by reason of dust, noise and general disturbance.
- 7.5 The Council's Environmental Health Officer was satisfied with the proposed measures contained CEMP however request that additional measures were included. In response the applicant has submitted an updated CEMP including these points. Consequently it can be concluded that the proposed measures to mitigate the impacts on residential amenity meet the requirements of Policies DM10 and CS16 of the Core Strategy. Furthermore, there is separate Environmental Health legislation that the developer would need to comply with.

Impacts on the highway network

- 7.6 During the course of the application, the HCC Highway Authority have requested further information. The applicant has provided this information and therefore the HCC Highway Authority raise no objection to the proposal, on this basis it is considered that there would be no adverse impact on the safety and operation of the local highway network, the proposal therefore accords with the requirements of Policy CS20 of the Core Strategy.

Contamination

- 7.7 The Council's Environmental Health Officer has provided a detailed consultation response as set out earlier in this report. This concludes '*No objections are raised to the demolition of the former Gas Manager's House, and no additional information required to support the granting of approval of the method of demolition – the supporting information submitted is adequate from a contamination and pollution perspective.*'

On this basis it is considered that the requirements of Policy DM10 are satisfied.

(iii) Ecology and Habitat Regulations

- 7.8 The proposal to demolish the building would result in the loss of a roost of Common Pipistrelle bats. The Council's Ecologist has highlighted in their consultation response that a European protected species mitigation licence will be required prior to demolition.
- 7.9 An EPS licence can only be granted if the development proposal is able to meet three tests:
- 1) the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; (Regulation 53(2)(e))
 - 2) there must be 'no satisfactory alternative (Regulation 53(9)(a)); and
 - 3) the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range? (Regulation 53(9)(b)).

7.10 With regards to tests 1 and 2 the applicant has responded that the demolition is required so remediation of the contaminated site can take place in the interest of both public health and safety and that the remediation cannot take place in full without being able to excavate the land immediately adjacent to and below the existing derelict house proposed for demolition.

7.11 With regards to the third test the Council's Ecologist has commented that a mitigation strategy has been provided, detailing specific measures to avoid harm to bats during the demolition works and to provide compensatory roost features within the application site. The Council's Ecologist supports these measures on the basis of the information currently available.

7.12 Having regards to the above, Officers are satisfied that the requirements of the derogation test have been met.

7.13 It is noted the Council's Ecologist has recommended a condition to ensure compliance with the ecological avoidance, mitigation, and compensation measures as detailed in the Bat Survey Addendum report (CT Ecology, July 2024), however, there is no provision in GPDO to add conditions in determining this demolition proposal. Notwithstanding this, as this is a document submitted with this prior approval application, there is the expectation that demolition shall be in accordance with this document. Furthermore, as mentioned above an EPS license will be required from Natural England.

8 Conclusion

8.1 The GPDO grants a general permission for the demolition of buildings, with only the method of demolition and any proposed restoration of the site reserved for further consideration via the 'prior approval' process.

8.2 Following the submission of additional information and re-consultation with key consultees, it is considered that the proposals now incorporate appropriate levels of control and mitigation, and it is considered that Prior Approval can be granted. The works will need to be carried out in accordance with the approved details.

8.3 Owing to the presence of a roost of Common Pipistrelle bats on site an EPS license will be required. Officers are satisfied that the derogation test set out in the habitat regulations would be passed in this instance.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PRIOR APPROVAL** for application APP/24/00711.

The development must be carried out within a period of 5 years from the date on which this approval is given.

Reason: To comply with Part 11 paragraph B.2 (ix) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

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- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and other details:
- Site Location Fig 1 (uploaded 19/09/24)
 - Site layout plan (uploaded 19/09/24)
 - Method of demolition statement prepared by VHE Construction Ltd dated August 2024 (uploaded 19/09/24)
 - Wheel wash location (uploaded 27/11/24)
 - Structural building assessment prepared by Advisian dated 28 November 2022 (uploaded 19/09/24)
 - Summary of construction vehicles and frequency email 11/12/24 (uploaded 19/12/14)
 - Application form (uploaded 19/09/24)
 - Asbestos reinspection survey prepared by Environmental Essentials Ltd (uploaded 19/09/24)
 - Demolition method statement and risk assessment prepared by Prime Demolition dated 3/08/23 (uploaded 19/09/24)
 - Bat Survey Addendum report (CT Ecology, July 2024) (uploaded 19/09/24)
 - Cover letter (uploaded 19/09/24)
 - Amended Construction and Environmental Management Plan November 2024 prepared by VHE Construction Plc (uploaded 27/11/24)
 - Scaffold Risk Assessment (uploaded 19/09/24)
 - Swept Path Analysis – Low Loaded A24031-0120-001 (uploaded 27/11/24)
 - Demolition Notice Statement prepared by WSP Bat Survey (uploaded 19/09/24)
 - Demolition site notice (uploaded 19/09/24)

Reason: To comply with Part 11 paragraph B.2 (viii) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.