LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/3714 **Ward:** Seven Sisters

Date received: 14/12/2015

Last amended date:

Drawing number of plans: None

Address: 14 Lockmead Road N15 6BX

Proposal: Prior notification for demolition of dwelling house

Applicant: Mr Solomon Gardner

Ownership: Private

Officer contact: Valerie Okeiyi

2. SUMMARY OF RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for prior notification for demolition of dwelling house

Site and Surroundings

3.2 The site is situated on the eastern side of Lockmead Road close to the junction of Grovelands Park Road and comprises a mid terrace house. The property is not a listed building nor is it within a Conservation Area. It is situated within the boundary of the defined South Tottenham SPD 2013 which is subject to certain type of house extensions.

Relevant Planning and Enforcement history

3.3 There is no relevant planning history

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

Internal

1) LBH Building Control
2) LBH Contaminated Land
3) LBH Waste Team

The following responses were received:

Internal:

1) LBH Waste Team: Officers advise the following;

   - The business owner will need to ensure that they have a cleansing schedule in place and that all waste is contained at all times.

   - Commercial Business must ensure all waste produced on site are disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Council Official under section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system

5. LOCAL REPRESENTATIONS

N/A

6. RELEVANT POLICY

Schedule 2 of Part 31 of the Town and Country Planning (General Permitted Development) Order 1995

7. ANALYSIS/ASSESSMENT OF THE APPLICATION

Permitted development rights for such development apply, under Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, but an application to the local planning authority is needed to check whether the authority requires prior approval of the method of demolition (in line with the conditions to Part 31 of the GPDO). Demolition of this single storey industrial structure is 'development', however, that development is deemed granted by Schedule 2 Part 31 of the Town and Country Planning (General Permitted Development) Order 1995, if the conditions and limitations laid down by the Order are complied with.

Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 states that Development is not permitted where:

(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

(b) it is practicable to secure safety or health by works of repair or works for affording
temporary support.

In this instance, neither of the above criteria applies. It then goes on to state that Development is permitted 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 shall, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

(b) where the demolition does not fall within sub-paragraph (a) and is not excluded demolition-----

(i) the developer shall, 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 to the method of demolition of the site and any proposed restoration of the site;

(ii) the application shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with sub-paragraph (iii) and any fee required to be paid;

(iii) subject to sub-paragraph (iv), the applicant shall display a site notice by site display on or near the land on which the building to be demolished is sited and shall 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;

(iv) 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 sub-paragraph (iii) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development shall not be begun 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 his 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;

(vi) the development shall, 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; and

(vii) the development shall be carried out-----
(aa)where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb)in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (ii).

The applicant has provided a method of demolition and a site notice in accordance with the above conditions.

Conclusions

The determination of this application for prior approval is carried out under Part 31 Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 and as the Local Planning Authority is satisfied with the method of demolition and as such the Prior Approval is not required.

7. CIL APPLICABLE

N/A

8. RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED

Registered No. HGY/2015/3714

Applicant's drawing No.(s) None

1. The determination of this application for prior approval is carried out under Part 31 Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 and as the Local Planning Authority is satisfied with the method of demolition and as such the Prior Approval is not required.