

REPORT SUMMARY

REFERENCE NO: 24/500047/DEMREQ		
APPLICATION PROPOSAL: Prior notification for the proposed demolition of all existing buildings on site.		
ADDRESS: Former Royal Mail Sorting Office, Sandling Road, Maidstone, ME14 1AA		
RECOMMENDATION: GRANT PRIOR APPROVAL		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed demolition has been assessed against the relevant criteria within the legislation. It meets all the criteria and is therefore permitted development subject to the 'prior approval' process. The Local Planning Authority has 28 days to advise whether 'prior approval' is required for the "method of demolition and any proposed restoration of the site" and this was carried out by officers within this short timeframe. The formal decision on 'prior approval' is therefore now for the Planning Committee to make as the applicant is Maidstone Borough Council. The relevant criteria for prior approval are limited to 'method of demolition' and 'restoration of the site'. The proposed demolition is considered to be appropriate to minimise any impact upon local amenity in terms of noise, dust, and disturbance and the restoration of the site is acceptable. Prior approval should therefore be given subject to informatives.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council is the applicant.		
WARD: North	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: Stantec
CASE OFFICER: Richard Timms	VALIDATION DATE: 08/01/24	DECISION DUE DATE: N/A
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

23/504552 Demolition of existing buildings and structures and erection of a mixed-use development comprising 217no. residential dwellings and 1,863.5sqm of commercial floorspace (comprising flexible E Use Classes) comprising Block A (6-7 storeys), Block B (8-9 storeys), Block C & D (7-8 storeys), Block E (3 storeys), public realm works (Sandling Road frontage and public piazza), car and cycle parking, landscaping, infrastructure (internal roads), earthworks, and ancillary works (sub-stations and generator) - PENDING

- 23/510020 Screening Opinion Request regarding construction of up to 220 dwellings and 1,400 square metres of non-residential floorspace – EIA NOT REQUIRED
- 22/501983 Extension to the time for a temporary use by a further 3 years. Use comprises offices, storage and retail warehouse, and car parking – APPROVED
- 16/507358 Change of use of Royal Mail Depot and ancillary offices to a mix use comprising B1a (Offices), use of main warehouse for public car parking, use of warehouse 2 for a mixed B8 and A1 retail warehouse, use of undercroft parking as a carpark; for a temporary period of 5 years – APPROVED
- 14/500483 Outline planning application for the redevelopment of land at Maidstone East to provide a new railway station and station building (330 sqm gfa), new large foodstore (8,296 sqm gfa), customer cafe, non-food retail units (4,364 sqm gfa), flexible units within class A1 (retail), A2 (financial and professional services), A3 (restaurant and cafe) use class A4 (drinking establishment) or A5 (hot food takeaways), petrol filling station, associated commuter parking (560 spaces), retail parking (580 spaces), and off site highways works with all matters reserved for future consideration - WITHDRAWN

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This prior approval request relates to the former Royal Mail Sorting Office site which is towards the northern end of the town centre and is accessed from Sandling Road. It contains a 3 storey office building at the east end fronting Sandling Road known as 'Cantium House' and 98 Sandling Road, and a 1 to 2 storey warehouse, with service yards and parking areas in the centre and west part that were the former sorting office buildings. There is some undercroft parking below the western part of the warehouse building and the remainder of the site is mainly hard surfaced.
- 1.02 The site has been used since 2017 for car parking, a mixed B8 storage and A1 retail warehouse unit and offices/community meeting rooms under temporary planning permissions, the latest of which expires in 2025.
- 1.03 The site falls within the northern part of allocation RMX1(2) which is a mixed-use allocation for retail, offices, and housing in the Local Plan. Under the draft Local Plan Review the allocation remains (LPRSA146) with a similar mix of uses but in different amounts.

2 PROPOSAL

- 2.01 This is a 'prior notification' application for the proposed demolition of all the buildings at the site. Under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) certain demolition is 'permitted development' subject to criteria (i.e. does not require a full planning application) but applicants must apply to the local planning authority (LPA) 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".

- 2.02 Within 28 days the LPA must then advise whether such 'prior approval' is required or not. If they advise not, or do not respond, the applicant can go ahead with the demolition.
- 2.03 The applicant is the Council and so a delegated decision on the application is not possible under the Council's constitution. Officers informed the applicant on 19th January of their view that prior approval is required in part because a final delegated decision cannot be made but also as the site is in a prominent location in a built up area. The applicant is now waiting for a decision on this to be given.
- 2.04 Therefore a formal decision is now needed firstly on whether the proposals comply with the permitted development criteria, and secondly if the "method of demolition and any proposed restoration of the site" is acceptable based on the information submitted.
- 2.05 The reasons for submitting the application are not relevant to the decision but are set out below for information only. Neither is the pending planning application to develop the site relevant and likewise any decision made now has no bearing on the considerations or decisions for the pending planning application.
- 2.06 The agent has stated the proposal has been submitted for the following reasons:

"Ultimately, the decision to submit the Demolition Notice was a commercial decision for the Council.

MBC have recently completed on Cantium House which is now currently empty, with no demand for a short term let. Therefore, there is currently another empty building on MBC's books which is currently not providing any income.

In addition, there have also been a number of ASB issues on the site which have resulted in additional expenditure required by the Council to secure the site.

Therefore, we are exploring the idea of demolishing the site whilst we await the outcome of the Full Planning Application, and also benefit from the site becoming secured from ASB issues. Ultimately, this reduces the cost to the Council."

3. POLICY AND OTHER CONSIDERATIONS

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

4 LOCAL REPRESENTATIONS

- 4.01 Local Residents: No representations received.

5 CONSULTATIONS

- 5.01 Environmental Health: No objections.

6 APPRAISAL

6.01 The appraisal is in two parts. Firstly, to confirm whether the proposals comply with the permitted development criteria and do not require a planning application, and if this is the case, secondly, consideration of the "method of demolition and any proposed restoration of the site". These are the only matters that can be considered under the terms of the legislation.

Permitted Development Criteria

6.02 The permitted development criteria are quoted in italics below with the assessment in bold.

6.03 *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;

This is not the case.

6.04 *(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)*

No it is not.

6.05 *(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;*

No it is/was not.

6.06 *(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*

No it is/was not.

6.07 *(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.*

N/A

- 6.08 The proposed demolition therefore qualifies as permitted development and does not require a full planning application to be submitted. The prior approval process is now considered.

Prior Approval Considerations

Method of Demolition

- 6.09 There is nothing within the permitted development order or any guidance advising what the context is for assessing the 'method of demolition' and Development Plan policies are not relevant. Previously revoked guidance in Circular 10/95: *Planning Controls Over Demolition* referred to Local Planning Authorities regulating details of demolition in order to minimise its impact upon 'amenity'. Whilst this is not within any current guidance it is considered to be a reasonable approach and so assessing whether the proposed method of demolition would be suitable to minimise any impact upon local amenity in the normal planning sense of noise, dust, and disturbance.
- 6.10 In summary, the proposed demolition would be carried out as follows as set out in the 'Demolition and Construction Environment Management Plan' submitted by the applicant:

Office Building

- 6.11 A high reach demolition excavator will be used from the top floor working from side to side. Sections of the roof structure will be removed to expose the structure with the corresponding walls then removed from one side to the other. The machine will demolish a section at a time way to ensure that structural stability is not compromised. The machine will stop at designated points to allow the debris to be cleared and processed. The debris will be transferred into the adjacent processing area where materials will be sorted into type and then stockpiled for crushing/transferred into skips.
- 6.12 On completion of the demolition, the building slab and hard standings will be broken up and all arising's moved to the material recycling area.

Former Sorting Office Buildings

- 6.13 The front canopy will be removed with 360° demolition excavators and then demolition of the roof will take place by ripping off / cutting the roof sheets. After the roof beams have been removed the corresponding supporting walls will be taken down to a structurally stable point to avoid any wind loading to the exposed wall. The machines will proceed using the existing car park floor as their base as they remove the roof, frame, walls, the sorting office floor using multi processors /shears /munchers and then finally any of the car park supports and walls.
- 6.14 For both elements, the 'Demolition and Construction Environment Management Plan' sets out measures to minimise impacts including limiting and controlling noise, dust and vibration, and complying with relevant legislation in relation to these matters.
- 6.15 The Environmental Health Protection team have raised no objections and state,

"I have reviewed the construction management plan which is comprehensive. It details acceptable hours of work and measures to mitigate noise and dust during the demolition."

- 6.16 The proposed method of demolition is a standard approach and with the nearest residential properties 105m to the south and west, and 120m to the north and no objections being raised by Environmental Protection, it is considered the method of demolition is acceptable to minimise the impact upon local amenity.

Proposed Restoration of the Site

- 6.17 The demolition is proposed to allow for redevelopment but the consideration under this section is how the site will be restored or appear in the short term following demolition.
- 6.18 The applicant has confirmed that other than the existing road by the access off Sandling Road all building slabs and hardstandings will be removed to expose soil ready for ground investigation/remediation and potential archaeological investigation (if required under the pending planning application 23/504552). The east part of the site where levels are stepped in places will be re-graded to a downwards slope with the central part of the site retained level as existing. At the west end where the undercroft parking exists, the site will drop down to this level with retaining walls kept.
- 6.19 Upon completion of the demolition, the entire site will be enclosed and secured by a combination of existing boundary walls and fences and new plywood hoardings and gates.
- 6.20 It is considered the restoration of the site is appropriate and acceptable and it will be secured for obvious safety reasons.

Other Matters/Legislation

- 6.21 The Building Act 1984 (as amended) covers demolition works of this scale and notice must be given to the Local Authority (Building Control Section of the Council) by the developer. Under this process the Building Control Section sets out certain requirements including relating to waste disposal; disconnection and sealing of sewers and drains; disconnection of gas, electricity, and water; demolition being carried out in accordance with the relevant 'British Standards'; securing sites; asbestos; hazardous materials; no burning; hours of operation; and general safety. Separate legislation relates to matters including wildlife, pollution, watercourses, and health and safety.

7 CONCLUSION

- 7.01 For the above reasons, the proposed demolition is permitted development and the 'method of demolition' and 'restoration of the site' is acceptable. On this basis, prior approval is recommended to be given.
- 7.02 It is not possible to attach planning conditions to permitted development but informatives are recommended as set out below.

8 RECOMMENDATION

GRANT PRIOR APPROVAL subject to the following informatives with delegated authority to the Head of Development Management to be able to settle or amend any necessary informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

INFORMATIVES:

1. The demolition shall be carried out in accordance with the following documents:
 - a) Demolition and Construction Environment Management Plan Version 1 (Goody Demolition) including the measures relating to traffic management, noise and dust mitigation, and odour control.
 - b) Site Waste Management Plan (SJN SPS Rev1)
2. The applicant is reminded of the need to comply with any relevant wildlife protection legislation and obtain any licences as necessary from Natural England.
3. The applicant must have regard to the 'Mid Kent Environmental Code of Development Practice' and compliance with this document is expected. This can be found at:
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
4. In line with the above referenced guidance hours of work should be restricted to the following times:

Monday to Friday: 8am to 6pm
Saturday: 8am to 1pm
Sundays/Bank Holidays: No work where noise is audible at the site boundary.
5. If during demolition works evidence of potential contamination is encountered, it is advised that works cease and the site fully assessed to enable an appropriate remediation plan to be developed in liaison with the Mid Kent Environmental Health Team and/or the Environment Agency.
6. Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition in order to prevent airborne fibres from affecting nearby properties and workers on site. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
7. The applicant is reminded of the need to comply with other legislation where relevant.