

Prior Notification – Demolition Applications Is Your Application Valid?

Following a court of appeal judgement in March 2011 the types of demolition that need 'prior notification' has been widened to include all demolition where planning consent has not already been granted for the redevelopment of a site.

Development has always included 'demolition' within its definition and as such been subject to control under the Planning Act. However, prior to this court appeal only the following formally required the approval of Manchester City Council via the 'Prior Notification' procedures:

- Demolition of a dwelling where the site was not being redeveloped.

The new ruling has now extended that and the following types of demolition will now need 'prior approval':

- Any demolition that is not part of an overall scheme for the re-development of a site.

Prior notification can be submitted online via the Planning Portal (www.planningportal.co.uk) where full details of what is needed to support the application, including details of appropriate fee, is provided. Please note that applications must include:

- An application form
- Site layout plan existing and proposed
- A method statement for the demolition of the structure and information about how the site is to be restored
- A construction management plan (Core Strategy Policy DM1)
- If ecology is to be impacted upon an appropriate ecological survey may be required e.g. Bat Survey (Core Strategy Policy EN15)

For all prior notification applications Manchester City Council has to determine if an Environmental Impact Assessment will be required.

Exceptions to prior notification

There are exceptions to the need for prior notification. These are as follows:

1. Where demolition is urgently necessary in the interest of safety or health and in this case a written justification needs to be submitted to the Council as soon as reasonably practicable.
2. The site is being redeveloped and planning permission has already been granted for this development.
3. Public Houses cannot be subject to a prior notification application for demolition.
4. Where and Environmental Impact Assessment is required.

Additional Information – you may be required to supply...

Demolition in a conservation area

In considering applications for the demolition of buildings in conservation areas the general presumption is in favour of retaining buildings that make a positive contribution to the character or appearance of the conservation area. In this context your application needs to include a more comprehensive Heritage Statement for the demolition that takes its lead from the requirements of The National Planning Policy Framework (NPPF), in particular Section 16. You should assess the existing historical, technical and architectural significance of the building and explain how the proposal would impact on the architectural and historical character and appearance of the conservation area. Your statement should include:

- (a) the relative importance of the building, its intrinsic architectural and historic interest and rarity (see Conservation Area Practice published by English Heritage October 1995) for advice on making this assessment;

- (b) the merits of particular physical features of the building;
- (c) the merits of the building's setting and its contribution to the street scene;
- (d) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- (e) the adequacy of efforts made to retain the building in use; and
- (f) the merits of alternative proposals for the site.

Linked to point (d) above, a full structural survey of the building is required.