

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AN	01/06/23
Planning Manager / Team Leader authorisation:	ML	01/06/2023
Planning Technician final checks and despatch:	CC	01.06.2023

Application: 23/00631/DEMCON **Town / Parish:** Beaumont Parish Council

Applicant: Mr Bob Wooley - EPC-UK Ltd

Address: Bramble Island Harwich Road Great Oakley

Development: Prior Approval Application under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed demolition of former production buildings.

1. Town / Parish Council

None received

2. Consultation Responses

Environmental Protection
11.05.2023

Thank you for your consultation regarding the proposed development above. The Environmental Protection Team's comments are given below:

Construction/Demolition Method Statement

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full demolition method statement to, and receive written approval from, the Environmental Protection, this document should include, but not be limited to the following information -

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

3. Planning History

00/00617/FUL	Continued siting of security cabin (Renewal of TEN/94/1474)	Approved	16.05.2000
00/01046/FUL	Erection of extension to existing building to cover a dryer and fusion box system. The installation of an externally sited scrubber and two flues	Approved	08.09.2000
01/00979/HSC	Storage of various toxic substances		06.02.2002
01/01518/FUL	The proposed development of estate land for the use of a bunded store for on site production facilities.		15.09.2006
01/01519/FUL	The proposed development of estate land for the use of a bunded store for on site production facilities	Approved	05.11.2001
91/00531/FUL	Building extension to house chemical processing and handling plant.	Approved	16.07.1991
92/00359/FUL	(Land to south-east of Exchem Industries Ltd, Beaumont cum Moze) Construction of earth bank to provide protection against tidal flooding from adjacent area	Approved	12.05.1992
92/01311/FUL	(Great Oakley Works, Great Oakley) 1) Relocation of bunded	Approved	26.01.1993

	acid storage tanks 2) Installation of new bunded effluent tanks		
94/01474/FUL	Continued siting of security cabin (renewal of permission TEN/0022/90)	Approved	11.01.1995
95/01330/FUL	(Exchem Industries Limited, Bramble Island, Great Oakley) Compressor House for refrigeration plant and equipment	Approved	04.12.1995
97/00079/FUL	() Extending the height of an existing building to accommodate laboratory equipment. Providing storeroom and control room facilities in part of raised section of building	Approved	14.04.1997
97/00304/FUL	(Exchem Organics, Bramble Island, Great Oakley) Erection of new building and storage silos with bund walls, for the process of metals recovery from granulate feed	Approved	16.04.1997
97/01516/FUL	(Exchem Organics, Bramble Island, Great Oakley) Storage tank and concrete bund	Approved	15.01.1998
04/00684/FUL	Replacement building for fine chemical production plant	Approved	17.06.2004
05/00687/ADV	3 flagpoles for flags	Withdrawn	06.02.2006
08/01167/FUL	Alterations to existing access road, erection of 2.9m high security fencing and gates, and siting of portacabin.	Refused	29.10.2008
90/00022/FUL	Continued consent for security cabin (renewal of 86/01603/FUL)	Approved	09.02.1990
09/00484/FUL	Alterations to existing access road, erection of 2.4m high security fencing and gates, siting of portacabin and erection of lighting bollards.	Approved	06.08.2009
13/00128/HSC	Application for Hazardous Substance Consent for the storage of Sulphur Trioxide (Part A33), 'Oxidizing' (Part B3), and 'Dangerous for the Environment' part B10(ii) substances.		28.03.2014
13/30085/PREAPP	Screening opinion for a proposed wind energy development		13.01.2014

consisting of 2 no. wind turbines.

22/00671/HSC	Application for Continuation of a Hazardous Substances Consent to vary 13/00128/HSC consent to: 1. Transfer consent from EPC United Kingdom Plc to EPC Chemicals. 2. Reflect that change of nitric acid has been reclassified as H1 Acute Toxic Category 1.	Withdrawn	31.10.2022
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4. Relevant Policies / Government Guidance

N/a

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

The application seeks confirmation as to whether prior approval is required to demolish former production buildings at this COMAH site which is licenced for the manufacture and storage of hazardous substances. The site is not accessible by the general public and is completely isolated from any dwellings.

Assessment

This prior notification application falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 11 Class B - demolition of buildings.

Schedule 2 Part 11 Class B states that any building operation consisting of the demolition of a building is permitted development. Paragraph B.1 states that 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;

The buildings are not stated to be unsafe, they are surplus to the operator's requirements.

(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)

The demolition is not "relevant demolition" for the purposes of section 196D of the Act. The proposal complies.

(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;

The proposal complies.

(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

The proposal complies.

(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

The proposal complies.

Conditions

B.2 Development is permitted by Class B 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 must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

Not applicable as the demolition is not required urgently in the interests of health and safety.

(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;
- (ii)an application described in paragraph (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

Proposal complies. The submitted Supporting Statement and associated plans detail the proposed demolition with additional detail provided by the Demolition Method Statement. Originally the submitted site notice was not signed and no evidence of it being posted at the site was provided. These were received 5th May and the application start date was therefore reset to this date. The correct fee has been paid.

(iii) (deleted)

(iv)subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must 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;

Proposal complies.

(v)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 paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

Noted.

(vi) (deleted)

(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;

Noted.

In response to the comments from the Pollution team the applicant has submitted a detailed Demolition Method Statement (DMS) which satisfactorily addresses all points raised. The DMS also confirms the separate approval process with the Environment Agency in relation to the testing and any necessary decontamination in advance of demolition to ensure that all materials removed from the site are safe. This matter lies outside the prior approval process.

(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;

(ix) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

Noted.

(x) (deleted)

Conclusion

The application satisfactorily complies with the requirements of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6. Recommendation

Determination prior approval not required

7. Conditions

1 The demolition of the buildings complies with the requirements of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

Reason - In accordance with Condition B.2 (ix) of Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 3 The demolition works shall be carried out in accordance with the Site Plan Drawing number 10; and Supporting Statement as amended by Demolition Method Statement dated May 2023.

Reason - In accordance with Condition B.2 (viii) of Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

None

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO