

Application Number:	2019/0473/PAD
Site Address:	Kiosk 1, Kiosk 2, Tourist Information Centre, Cornhill, Lincoln
Target Date:	24th July 2019
Agent Name:	None
Applicant Name:	Mrs Michelle Smith
Proposal:	Determination of whether or not Prior Approval is required for the demolition of all existing buildings on the site.

Background - Site Location and Description

The application seeks to confirm whether prior approval is required for the demolition of Kiosks 1 and 2 on the Cornhill.

The existing Kiosk buildings are modern, dating from 1999. In terms of the character and appearance of the Cathedral and City Centre Conservation area and the setting of the Corn Exchange, listed grade II, the area in which the kiosk is constructed was originally designed to be an open square, a designed piece which set off to good effect the Corn Exchange, a high status civic building, as the primary focal point.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 4th July 2019.

Policies Referred to

- National Planning Policy Framework

Issues

To determine whether prior approval is required and should be granted for the method of demolition and the restoration of the site.

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Consideration

The Town and County Planning General Development Order grants permitted development rights for the demolition of all buildings but by a direction from the Secretary of State buildings which are either a dwellinghouse, or adjoining a dwellinghouse are excluded and can avail of these rights only following a prior approval procedure in respect of the method of demolition and subsequent restoration of the application site.

Such a determination will not be necessary in some circumstances, for example in case of urgent necessity in the interests of health or safety, or where planning permission has been granted for redevelopment.

Part 11, Class B of the 'The Town and Country Planning (General Permitted Development) (England) Order 2015' requires applicants to 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. Under this procedure the developer must post a site notice. The Local Planning Authority will then have 28 days to consider whether they wish to their prior approval to the method and restoration. If the Local Planning Authority do not notify the developer within the 28 day period that prior approval of these details is required, demolition may proceed according to the details submitted to the authority in the application for determination or to those otherwise agreed.

This process gives Local Planning Authorities the means of regulating the details of demolition in order to minimise its impact on local amenity. Demolition should be carried out in accordance with the details agreed by the authority; demolition undertaken in breach of those details may be the subject of enforcement action.

In this case the applicant seeks to demolish the Cornhill Kiosks 1 and 2. As the regulations deal with demolition of whole buildings, it is considered that the demolition should be classed as development. Given the possible public realm enhancement opportunities for this area in the future, it is considered that prior approval is required for the demolition with regard to the method of demolition and the restoration of the site.

There is no requirement as part of this application process for the applicant to demonstrate why retention is not possible and there is no requirement to retain any elements of the existing building.

Method of Demolition

The applicants have submitted a statement with the application confirming the Kiosks will be manually dismantled using a small excavator and loaded into skip lorries to be taken away from the site. This will take place during times which have been agreed by Lincolnshire County Council as the Highway Authority.

The applicant has therefore demonstrated that the method of demolition is appropriate and other consents/ licenses will be in place before demolition commences.

Restoration of the Site

The application states that the site will be covered with temporary concrete paving slabs to match the existing paving and in the future as a minimum the paving slabs will be reinstated.

The opportunity to return the townscape to its original composition is welcomed by officers as it will preserve and enhance the conservation area and enhance the setting of the listed Corn Exchange building and its architectural and historic significance.

It is therefore considered that the applicant's submission shows that the site will be cleared and left to a suitable standard following the demolition of the buildings. There is no ability on the part of the local planning authority to prevent the demolition in circumstances such as these.

Application Negotiated either at Pre-Application or During Process of Application

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The method of the proposed demolition of the kiosks and the proposed restoration of the site is considered to be satisfactory, given the scale of these works it is considered that prior approval is required for the works and recommended prior approval is granted conditionally.

Application Determined within Target Date

Yes.

Recommendation

That prior approval is required and Approved with the following Conditions

Conditions

- The development must be begun not later than the expiration of five years
- The development hereby approved shall be carried out in accordance with the details submitted in the application