ES 11/00219/ROM log to planning app. DCAPPLET

Steve Atkinson MA(Oxon) MBA MioD FRSA
Chief Executive

Please Ask For: Paul Marsden
Direct Dial/Ext: 01455 255850
Direct Fax: 01455 619897
Email: buildingcontrol@hinckley-bosworth.gov.uk
Your Ref:
Our Ref: 11/00022/DEM
Date: 7 September 2011

Hinckley & Bosworth Borough Council

A Borough to be proud of

FIRST CLASS MAIL
Planning (Internal)
Planning Department
Hinckley & Bosworth Borough Council
Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Dear Sir/Madam

Proposed Demolition of convent buildings and associated out buildings
St Martins Convent Hinckley Road Stoke Golding Nuneaton

The person proposing to demolish the above building has served notice on the Borough Council under Section 80 of the Building Act 1984.

In response, the Borough Council has inspected the site, and served a counter notice under Section 81 of the same Act on the person proposing to demolish the building. Under the terms of the Section 81, the council also has to provide you with a copy of the notice. This notice is not served on you.

Please note that this notice does not give the councils consent to demolish the building (or structure). Consent to demolish the building, if it's required, must be sort from the relevant organisations, which may include the Borough Council, prior to the demolition commencing.

Should you have any concerns regarding this demolition, please contact the applicant/contractor direct, their contact details are contained on the enclosed notice. If you are unable to contact this organisation, please do not hesitate to contact me.

I trust this meets with your approval.

Yours faithfully

ROB HARBOUR
BUILDING CONTROL MANAGER

Enc.

Copy

HINCKLEY & BOSWORTH BOROUGH COUNCIL

BUILDING ACT 1984
Section 81

Notice to person undertaking demolition

Reference No 11/00022/DEM

To
Mar City Developments Limited - Mr M Horsley
1036 Stratford Road
Shirley
West Midlands
B90 4EE

WHEREAS ON THE 10 August 2011 you served notice on the Hinckley & Bosworth Borough Council (hereinafter called "the Council") specifying certain works of demolition intended to be carried out in respect of the building known as **St Martins Convent Hinckley Road Stoke Golding Nuneaton**

TAKE NOTICE that Hinckley & Bosworth Borough Council pursuant to Section 81 of the Building Act 1984, HEREBY REQUIRE you within 28 Days from the date of the service of this notice on you (or within such further period as the Council may by notice in writing permit) to take the following action, that is to say:

(d) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it

(e) to disconnect and seal, at such points as the Council may reasonably require, any sewer or drain in or under the building

(f) to remove any such sewer or drain and seal any sewer or drain with which the sewer or drain to be removed is connected

(g) to make good to the satisfaction of the Council the surface of the ground disturbed by anything done under paragraph (e) or paragraph (f)

(h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building

(i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required –
(1) if the building is or forms part of special premises, by the Health and Safety Executive and fire authority; and
(9) In any other case, by the fire authority

(j) to take such steps relating to the conditions subject to which the demolition is to be undertaken and the condition in which the site is to be left on completion of the demolition as the Council may consider reasonably necessary for the protection of the public and the preservation of public amenity

in accordance with the Schedule overleaf

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Before you comply with any requirement of paragraph (e) or (f) above, you must give at least 48 hours notice to the Council.

Before you comply with paragraph (g) above, you must give at least 24 hours notice to the Council.

Failure to give such notice will incur liability to a fine not exceeding level 2 on the standard scale.

Attention is directed to the provisions of section 82(2), (4) and (5) and section 83(1), (2) and (3) of the Building Act 1984, set out below. Any appeal in pursuance of these provisions should be made to a Magistrates' Court and must be brought within 21 days from the date of the service of this notice.

DATED: 7 September 2011



Building Control Manager

[SCHEDULE]

(1) To comply with all relevant legislation. You are advised that all demolition works are subject to The Construction (Design and Management) Regulations 1994, a legal requirement addressing health and safety issues. Further information and advice may be obtained from the Health and Safety Executive.

(9) **Environmental Health Service Comments**
(Please telephone 01455 238141 for further advice in respect of the following):

All works associated with the redevelopment of this site shall take place between the hours of 0700 – 1900 hrs Monday to Friday and 0700 – 1300 hrs on Saturday. No work shall be undertaken on Sundays or Bank Holidays.

Works associated with the recovery/recycling of on site materials shall be controlled so as not to cause noise or dust nuisance to nearby residents.

A risk assessment of the materials on the site must be initiated to evaluate any hazardous materials and their appropriate disposal. The demolition of the site cannot result in further contamination from materials present. Before commencement of work a copy of the risk assessment shall be submitted to and be to the satisfaction of local authority's Environmental Health Service.

Any storage tanks on site must be completely drained into a suitable container. Containers must also be available in order to catch any liquid that may drain from any pipes or any other associated apparatus. Any liquid that drains from tanks or associated apparatus must be disposed of to a suitably licensed landfill site. Due care must be exercised at all times to ensure any liquid already spilled or already present in the ground is not added to and exacerbated.

Evidence of asbestos must be assessed to ascertain in which form it is. Suitable practices must be adopted to clear the asbestos to a suitably authorised site as set out in the Special Waste Regulations 1996. Further information can be obtained from the Health and Safety Executive and the Environment Agency.

There must be no burning of any materials on this site.

BUILDING ACT 1984, Section 82(2), (4) and (5) and Section 83(1), (2) and (3)

82.-(2) No one shall be required under paragraph (c), (e) or (f) of subsection (1) above carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to section 101 below, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by any enactment to carry on an undertaking for the supply of electricity, gas or water.

(5) Without prejudice to the generality of subsection (4) above, this section does not exempt a person from –

(a) the obligation to obtain any consent required under section 67 of schedule 3 to the Water Act 1945 (which relates to interference with valves and other apparatus) or section 68 of that schedule (which relates to alterations to supply pipes and other apparatus)

(b) criminal liability under any enactment relating to the supply of gas or electricity, or

(c) the requirements of the regulations under section 31 of the Gas Act 1972 (public safety).

83.-(1) Section 102 below applies in relation to a notice given under section 81 above.

(2) Among the grounds on which an appeal may be brought under section 102 below against such notice are –

(a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished and ought to pay, or contribute towards, the expenses of shoring it up

(b) in the case of a notice requiring any surfaces of an adjacent building be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.

(3) Where the grounds on which an appeal under section 102 below is brought include a ground specified in subsection (2) above –

(a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and

(b) on the hearing of the appeal the court may make such order as it thinks fit –
  (i) in respect of the payment of, or contribution towards, the cost of the works by any such person, or
  (ii) as to how any expenses which may be recoverable by the local authority are to be borne between the appellant and any such person.

BUILDING ACT 1984, Section 102

Appeal against notice requiring works.

102.-(1) Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a Magistrates' Court on any of the following grounds that are appropriate in the circumstances of the particular case –

(a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given,
(b) that there has been some informality, defect of error in, or in connection with, the notice ,
(c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
(d) that the time within which the works are to be executed is not reasonably sufficient for the purpose,
(e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served,
(f) where the works are works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(2) If and in so far as an appeal under this section is based on the grounds of some informality, defect of error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(3) The appellant –

(a) shall, where the grounds upon which the appeal is brought include a ground specified in subsection (1) (e) or (f) above, serve a copy of his notice of appeal on each person referred to, and
(b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to –
    (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
    (ii) the proportions in which any expenses that may become recoverable by the local authority are to be borne by the appellant and such other person.

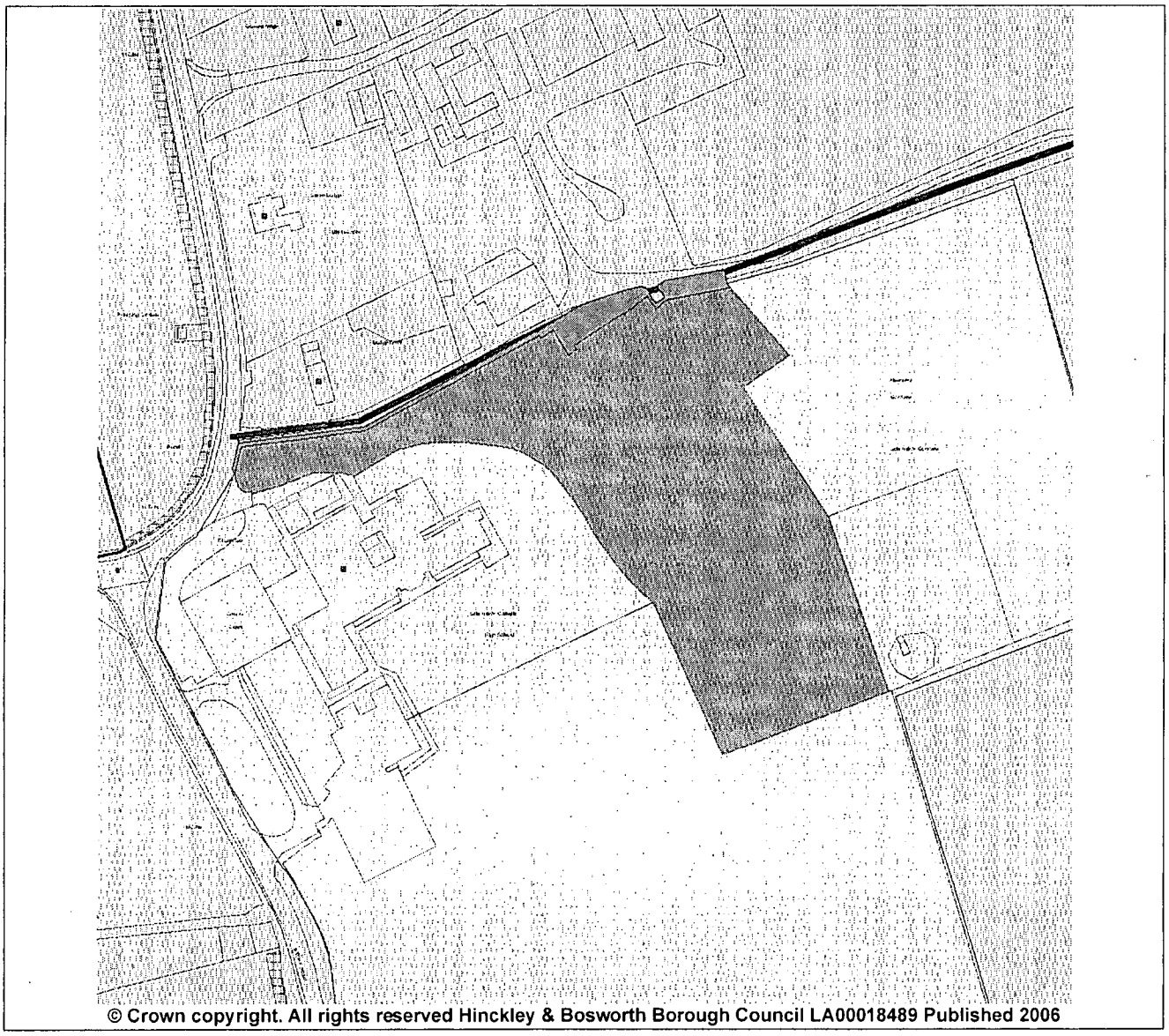
(4) In exercising its powers under subsection (3) above, the court shall have regard -

(a) as between an owner and an occupier to the terms and conditions, whether contractual or statutory of the tenancy and to the nature of the works required, and
(b) in any case, to the degree of benefit to be derived by the different persons concerned.

(5) This section has effect subject to any modification specified in the provision under which the notice is given.

Reference:11/00022/DEM

HINCKLEY & BOSWORTH BOROUGH COUNCIL
BUILDING CONTROL



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