

Demolitions

What do I need to know?

If you intend to demolish the whole or part of a building you need to inform us (subject to certain exemptions). Legally you should not start any demolition work unless you have notified us.

Exemptions

Notification of a demolition is not required where:

The building is less than 1750 cubic feet, measured externally (approximately 50 cubic metres).

The demolition is of an internal part of any occupied building, which is intended to remain occupied

The building is a greenhouse, conservatory, shed or prefabricated garage, even if the building forms part of a larger building.

Certain agricultural building, unless it is near or touching another building that is not an agricultural building.

A demolition order under the Housing Act 1985 has been served.

Demolition notice

This notification must specify the building to which it relates and the area of demolition.

Notification can be provided by letter or email, however, for your convenience we have designed a form that you can complete.

When you notify us of a proposed demolition, you must also send a copy of the notification to the occupiers of any adjacent buildings, and to the relevant utility providers.

Counter notice

Once you have sent us notification that you intend to demolish a building, we will send you a counter notice setting out requirements on how the demolition is to be undertaken.

Planning permission

The Notice issued under Section 81 of the Building Act 1984 does not presume the granting of any Planning Permission or Conservation Area Consent under the Town and Country Planning Act 1990. You should contact the Development Control

Section within your local council if you are in any doubt as to the need for planning permission.

Highways Act 1980: Scaffolding and hoardings

Your attention is drawn to Sections 172 and 173 of the Act, which respectively require that, before work commences, a hoarding shall be erected to separate demolition works from the street and that the hoarding shall be securely erected.

If it proves necessary to obstruct the highway with the hoarding or scaffolding during the demolition operations; a license must be obtained from the Lincolnshire Highways Services before work commences. The license may also require special conditions to be agreed prior to the erection of the scaffolding/hoarding.

Demolition guidance notes

Noise

Noise must not be allowed to cause a nuisance, or be prejudicial to health. Where noise is causing problems, and the best practicable means to reduce or avoid it altogether are not being taken, then the Council can, and will take action.

Plant and machinery used for demolition operations shall only be operated within the site between 07.30 and 17.00 hours on Mondays to Fridays and between 08.00 hours and 13.00 hours on Saturdays and at no time on Sundays and Bank Holidays, without prior agreement. Enquiries regarding noise issues should be directed to the Environmental Protection Section within your local council.

Burning of materials

In built up areas the safest and most certain way to avoid nuisance and committing offences is not to burn materials arising from the demolition. Demolition waste should be recycled or taken to a waste disposal facility.

It is an offence to emit dark smoke from any industrial or trade premises or land used in connection with a trade process. Demolition sites are included in the definition of premises and demolition is trade process.

The Council can take action under the Environmental Protection Act 1990 to stop smoke from a bonfire causing a nuisance to neighbouring properties.

Enquiries regarding this nuisance should be directed to the Environmental Protection Section within your local council.

Asbestos

If the building being demolished includes any material containing asbestos, the Health and Safety Executive should be informed at least 28 days before the commencement of the demolition. Any removal of asbestos shall be in accordance

with the relevant legislation and subject to the direction of the Health and Safety Executive. If there is any doubt about whether or not material is asbestos or what sort of asbestos it is, the worst case must be assumed until verification is obtained.

These controls also apply to asbestos cement materials. Asbestos cement should not be cut, worked or broken and under no circumstances must asbestos cement be burned.

The disposal of asbestos must be to a site licensed by the Environment Agency to receive asbestos waste. Disposal shall be carried out in accordance with the Environmental Protection Act 1990, the Special Waste Regulations and the Environment Agency Standard Asbestos Disposal Conditions. Details are available from the Environment Agency website.

Dust

Adequate and suitable provision of water suppression should be used to reduce dust nuisance during demolition.

Only concrete crushing plant, which is authorised under the Environmental Protection Act 1990, should be used on site. Prior to the use of concrete crushing plant the operator shall notify the Environmental Protection Section within your local council.

For further information please contact us on 01529 308136 or 01529 308158 or Email building_control@n-kesteven.gov.uk