

TOWN & COUNTRY PLANNING ACT 1990 &  
PLANNING & COMPULSORY PURCHASE ACT 2004:

APPLICATION FOR CERTIFICATE OF EXISTING USE OR DEVELOPMENT  
42 BOTLEY ROAD, HEDGE END, EASTLEIGH, HAMPSHIRE

**PLANNING STATEMENT**

14<sup>th</sup> SEPTEMBER 2022; TP.10100



| SECTION | CONTENTS                                        | PAGE |
|---------|-------------------------------------------------|------|
| 1.0     | Introduction                                    | 1    |
| 2.0     | Background                                      | 2    |
| 3.0     | Evidence                                        | 4    |
| APP 1   | Demolition Estimate                             | 7    |
| APP2    | Instructions to Proceed with Demolition         | 8    |
| APP3    | Section 80 Demolition Notice                    | 9    |
| APP4    | Section 81 Demolition Notice & Code of Practice | 11   |

## 1.0 INTRODUCTION

1.1 This Planning Statement supports an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) in respect of 42 Botley Road, Hedge End, Eastleigh. The application on behalf of the owners (Brookton 2000 Limited) is submitted to obtain confirmation from the Local Planning Authority (LPA) that a material commencement of construction has been undertaken to start the implementation of planning permission for the commercial re-development of the site, pursuant to Planning Permission Ref. O/19/86134.

1.2 Consent was granted on the 17<sup>th</sup> September 2019 for the:

*Demolition of existing building and commercial re-development of the site with buildings to be used for research and development ((Class B1[b]), light industry (Class B1[c]), general industry (Class B2) or storage and distribution (Class B8); formation of access to Botley Road; vehicle parking and landscaping)."*

(Note: the B1 use classes now fall within Class E as set out in the Town & Country Planning (Use Classes) (Amendment) (Regulations) 2020).

1.3 Condition 2 of the planning permission required that:

*"The development hereby permitted shall begin either:*

- a) No later than the expiration of three years from the date of this permission;*  
*OR*
- b) No later than the expiration of two years from the date of approval of the last of the reserved matters to be approved."*

1.4 A material commencement was made on the 9th September 2022; i.e. within three years of the date of the grant of outline planning permission.

## 2.0 BACKGROUND

- 2.1 Historically, the application site has been in commercial use. Two buildings previously occupied the site. One of these buildings, situated towards the site frontage, comprised a two storey high office building - although its appearance indicates that it may have been originally constructed as a house. Following a long period of vacancy, this building was demolished in 2018. Prior Approval for the demolition was granted on the 2<sup>nd</sup> August 2018 (Ref. PN/18/83484). The demolition commenced on the 25<sup>th</sup> August. The approximate location of this building is shown on the application Location Plan (Ref. TP.10100-1).
- 2.2 The owners then embarked on proposals for the site to be re-developed with new commercial buildings. An outline planning application was submitted in July 2019, and this was granted on the 17<sup>th</sup> September of that year. The consent was subject to 15 conditions. Reserved matters were approved in March 2020. All pre-commencement planning conditions were discharged from March 2020, ending in February 2021 - as set out in the letter from the LPA to the applicants' agent dated 2<sup>nd</sup> February. This therefore allows a lawful start on site to begin.
- 2.3 Section 56 (4) (aa) of the Town & Country Planning Act 1990 confirms that any work of demolition to a building initiates the development of land that is the subject of planning permission. That is the case here, with the demolition commencing on the 9<sup>th</sup> September 2022.
- 2.4 The building to be demolished - the second of the two original buildings - is situated to the rear of the site. It comprises a two storey structure, used for the storage, supply and fitting of tyres. It is shown in the photographs on the following page of this statement.



1. Front (South) Elevation.



2. Rear (North) Elevation Viewed from the Hamilton Business Park.

### 3.0 EVIDENCE

3.1 Evidence is provided to the LPA in the form of the following documents:

3.1.1 Letter dated 22<sup>nd</sup> July 2022 from Wessex Demolition & Salvage Ltd. to the applicants' surveyors (Talis) providing quotation for demolition and clearance - see **Appendix 1** to this statement

3.1.2 E-mail dated 25<sup>th</sup> July from Talis to Wessex confirming instructions to proceed - see **Appendix 2**.

3.1.3 Demolition Notice under Section 80 of the Building Act 1984 dated 26<sup>th</sup> July - see **Appendix 3**.

3.1.4 Counter Notice under Section 81, together with British Standards Institution Code of Practice for Demolition, dated 29<sup>th</sup> July 2022 - see **Appendix 4**.

3.2 The dated photographs on the following page of this statement confirm that the demolition commenced on the 9<sup>th</sup> September 2022, and was continuing thereafter.





## APPENDIX 1



Unit 1, Fort Fareham Industrial Estate, Fareham, PO14 1AH  
Tel: 01489 788083 Fax: 01489 780162

[REDACTED]  
Talis Surveying  
11 The Axiom Centre  
Dorchester Road  
Poole  
BH16 6FE

Ref No: 10816

Date: 22/07/2022

Dear [REDACTED]

**Re: Demolition and Clearance at 42 Botley Road, Hedge End, Southampton, SO30 2HE**

We thank you for your valued enquiry regarding the above site and have pleasure in offering the following quotation.

To carefully demolish the structure down to top of existing floor slab.

Leave boundary wall at 2m height along the west elevation.

To clear all arising material from the demolition, leaving the site in a clean and tidy condition.

To carry out all of the above we would require the sum of [REDACTED] plus VAT

**Youselfs to be responsible for the disconnection of all utility services on site and any makin good.**

**No allowance has been made within this quotation for the removal or disposal of any hazardou materials, oils or gases.**

**No allowances have been made for any temporary works design or installation.**

We hope that our quotation is of interest and look forward to hearing from you in the near future.

Yours sincerely

[REDACTED]  
Wessex Demolition & Salvage Limited



Company Reg No: 2949629 VAT Reg No: 125 4497 10

## APPENDIX 2

---

**From:** [REDACTED]@talissurveying.com>  
**Sent:** 22 July 2022 14:55  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: 42 Botley Road  
**Attachments:** Demolition Quotation for 42 Botley Road.pdf

Good afternoon [REDACTED]

I write on behalf of our Client, Brookton 2000 Ltd to formally accept your quotation for the demolition of the above property.

Please can you make the necessary S80 demolition notice for the building.

Please raise invoices to the below and send on to me for onward issue.

Brookton 2000 Ltd  
c/o Goadsby  
99 Holdenhurst Road  
Bournemouth  
BH8 8DY

I'll give you a call early next week to touch base again.

## APPENDIX 3

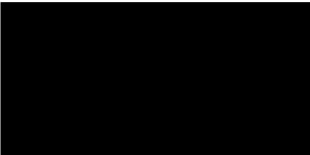
**From:** [REDACTED]@wessexdemolition.co.uk>  
**Sent:** 26 July 2022 11:08  
**To:** Building Control  
**Subject:** Demolition Notice - 42 Botley Road, Hedge End, Southampton, SO30 2HE  
**Attachments:** 0626\_001.pdf

Good morning,

Please accept this email as notification of demolition for 42 Botley Road, Hedge End, Southampton, SO30 2HE.  
Also, please see attached the completed Section 80 Demolition Notice form.

If you require any further information, please do not hesitate to contact me.

Kind Regards



Office Administrator

**Wessex Demolition & Salvage Ltd**  
1 Fort Fareham Industrial Estate, Fareham, PO14 1AH.

Office: 01489 788083

Email: [REDACTED]@wessexdemolition.co.uk  
Website: [www.wessexdemolition.co.uk](http://www.wessexdemolition.co.uk)



|                                                                                                                                                                                                                                                                                                |                                                               |                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <br><b>SOUTHAMPTON</b><br>CITY COUNCIL                                                                                                                                                                        | <b>Southampton and Eastleigh Building Control Partnership</b> | <br><b>EASTLEIGH</b><br>BOROUGH COUNCIL                                                                                                                                                                                                                   |
| <h2>Notice of Demolition</h2> <p>under Section 80 of the 1984 Building Act</p> <p>The Building Act 1984</p>                                                                                                                                                                                    |                                                               |                                                                                                                                                                                                                                                                                                                                              |
| Building Control Services, Southampton City Council<br>Civic Centre, Southampton SO14 7LU<br>Tel. 023 8083 2558<br>Email <a href="mailto:building.control@southampton.gov.uk">building.control@southampton.gov.uk</a><br><a href="http://www.southampton.gov.uk">www.southampton.gov.uk</a>    |                                                               | Application number:                                                                                                                                                                                                                                                                                                                          |
| <p>This form is to be filled in by the person who intends to carry out building work or their agent. If the form is unfamiliar please read the accompanying notes. Please type or use block capitals.</p>                                                                                      |                                                               |                                                                                                                                                                                                                                                                                                                                              |
| <b>Address of building to be demolished</b><br>42 Botley Road<br>Hedge End, Southampton<br>SO30 2HE                                                                                                                                                                                            |                                                               | <b>Description of building to be demolished</b><br>Business Premises - old tyre fitting garage                                                                                                                                                                                                                                               |
| Please provide a site plan if possible with the building to be demolished clearly shown                                                                                                                                                                                                        |                                                               |                                                                                                                                                                                                                                                                                                                                              |
| <b>Applicant's details</b><br>Name: [Redacted]<br>Address: Wessex Demolition & Salvage Ltd<br>1 Fort Fareham Ind Est, Newgate Lane,<br>Fareham<br>Postcode: PO14 1AH Tel: 01489 788083<br>Fax/email: [Redacted]@wessexdemolition.co.uk                                                         |                                                               | <b>Agent's details (if applicable)</b><br>We are acting as the agent for the owner of the above building and we are authorised to accept formal notices in connection with the demolition.<br>Name: [Redacted] - Talis Surveying<br>Address: [Redacted]<br>Postcode: [Redacted] Tel: 01202 096404<br>Fax/email: [Redacted]@Talisurveying.com |
| <b>Demolition Contractor's details</b><br>Name: Wessex Demolition & Salvage Ltd<br>Address: 1 Fort Fareham Industrial Estate, Newgate Lane, Fareham<br>Postcode: PO14 1AH Tel: 01489 788083<br>Date demolition works due to commence: 22/08/22<br>Fax/email: [Redacted]@wessexdemolition.co.uk |                                                               |                                                                                                                                                                                                                                                                                                                                              |
| <b>Statement</b><br>I am giving formal notice of intention to demolish the above building(s) as required by Section 80 of the Building Act 1984<br>Name: [Redacted] Signature: [Redacted] Date: [Redacted]                                                                                     |                                                               |                                                                                                                                                                                                                                                         |

## APPENDIX 4

**SOUTHAMPTON AND EASTLEIGH  
BUILDING CONTROL PARTNERSHIP  
Planning and Sustainability**  
Ground Floor, Civic Centre  
Civic Centre Road  
SOUTHAMPTON S014 7LU



Please ask for Building Control Admin  
Direct Dial (023) 8083 2558  
Email address [building.control@southampton.gov.uk](mailto:building.control@southampton.gov.uk)  
Our Ref BCS/ DEME/0108/22

██████████ - Talis Surveying  
Unit 11  
The Axiom Centre  
Organford  
Poole  
BH16 6FE

29th July 2022

Dear Sir/Madam,

### **PROPOSED DEMOLITION WORKS**

#### **BUILDING ACT 1984 – Section 80, 81 and 82**

Address of property to be demolished: 42 Botley Road Hedge End Southampton

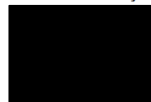
Description of work: Business Premises - old tyre fitting garage

I refer to the application for demolition of the above building and in accordance with the Building Act 1984 Sections 80, 81 and 82 serve the attached Counter Notice on you detailing actions that must be undertaken as part of the demolition work.

Please arrange to contact our office as required by the Councils Counter Notice and to confirm when work is complete.

Thank you for your assistance

Yours faithfully



Building Control Partnership Manager

Enc



BC.DEM.02.V1.110320

DX115710 SOUTHAMPTON 17

[www.southampton.gov.uk](http://www.southampton.gov.uk)

[www.eastleigh.gov.uk](http://www.eastleigh.gov.uk)

**THE BRITISH STANDARDS INSTITUTION HAS PUBLISHED A CODE OF PRACTICE FOR DEMOLITION (BS.6187-1982). THE CONDITIONS CONTAINED IN THIS CODE SHOULD BE OBSERVED WHEN CARRYING OUT THE DEMOLITION WORK.**

**BUILDING ACT 1984**

Proposed demolition of: 42 Botley Road Hedge End Southampton

TAKE NOTICE that, in pursuance of Section 81 of the Building Act 1984, the Southampton City Council (hereinafter referred to as "the Council") requires you to take the following action in respect of the demolition of the aforesaid building or part of a building:-

- (a) ~~to shore up any building adjacent to the building to which the notice relates;~~
- (b) ~~to weatherproof any surfaces of an adjacent building which are exposed by the demolition;~~
- (c) ~~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;~~
- (d) to remove material or rubbish resulting from the demolition and clearance of the site;
- (e) to disconnect and seal, at such points as the local authority 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 local authority, the surface of the ground disturbed by anything done under paragraph (e) or paragraph (f) of this subsection;
- (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 -
  - (i) if the building is or forms part of special premises, by the Health and Safety Executive and the Fire Authority; and
  - (ii) 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 local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.

AND FURTHER TAKE NOTICE that the Council requires you, to take the above-mentioned action immediately following demolition, or not more than SEVEN days after the completion of the demolition, as appropriate.

DATED: 29th July 2022



**Building Control Partnership Manager**

**NOTES**  
**BUILDING ACT 1984**

An appeal may be made to a magistrates' court against the requirements of this notice on any of the grounds set out in Section 102 of this Act.

- (a) that the notice or requirement is not justified by the terms of the section under which it purports to have been given or made;
- (b) that there has been some informality, defect or 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 work is work 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 benefitted, ought to contribute towards the expenses of executing any works required.

**The time during which any such appeal may be brought is 21 days from the service of this notice**

---

**Building Act 1984**

**Sections 81 and 82 - Powers of Local Authority in Relation to Demolitions**

- (1) A notice under Section 81 of this Act may require the person undertaking the demolition to take action under all or any of the paragraphs (a) - (j) listed in the notice itself.
- (2) No-one shall be required under paragraph (c), (e) or (f) in (1) above to 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 the provisions of Section 101 of this Act, with respect to the breaking open of streets, 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 requirements.
- (3) Before a person complies with any requirement under paragraph (e) or (f) in (1) above, he shall give at least 48 hours' notice to the local authority, and before he complies with paragraph (g) of (1) above, he shall give at least 24 hours' notice to the local authority; and a person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by an enactment to carry out an undertaking for the supply of electricity, gas or water.
- (5) Without prejudice to the generality of (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 58 of that Schedule (alterations to supply pipes and other apparatus); or
  - (b) criminal liability under any enactment relating to the supply of gas or electricity; or
  - (c) the requirements of regulations under Section 31 of the Gas Act 1972 (public safety).
- (6) The provision of Section 102 of the Act with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under Section 81 of this Act.
- (7) Among the grounds on which an appeal may be brought under Section 102 of this Act against such a notice shall be:-
  - (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; and
  - (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.
- (8) Where the grounds on which an appeal under the said Section 102 is brought include any ground specified in (7) above, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne between the appellant and any such person.

**NB: Demolition work may invoke proceedings under The Party Wall etc Act 1996. If you are uncertain of your position you are advised to consult a surveyor.**