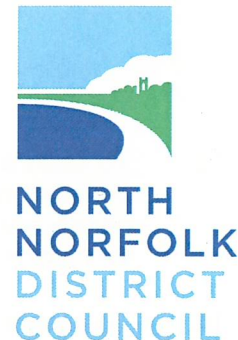


**NORTH NORFOLK DISTRICT COUNCIL
ENVIRONMENTAL HEALTH**

BUILDING ACT 1984

NOTICE TO PERSON UNDERTAKING DEMOLITION



WHEREAS on 05/11/2019 Mr Paul Homer of Thomas Bros Excavations (Luton) Ltd, Top Farm, Shefford Road, Beadlow, Bedfordshire, SG17 5PL served a notice on NORTH NORFOLK DISTRICT COUNCIL on behalf of Mr Harry Roper of Huddies Ltd, Lone Pine, Sheringwood, Beeston Regis, Sheringham, Norfolk, NR26 8TS specifying certain works of demolition intended to be carried out in respect of the building formerly known as The Shannoeks, 1 High Street, Sheringham, Norfolk, NR26 8JP.

TAKE NOTICE that the Council pursuant to Section 81 of the BUILDING ACT 1984, HEREBY REQUIRE you within the time periods specified below to comply with the following conditions:

1. To shore up any building adjacent to the building to which this Notice relates, prior to any support provided by the existing structure being removed.
2. To weatherproof any surfaces of an adjacent building exposed by the demolition, to be commenced immediately after exposure and completed within 48 hours or such extended period as agreed by the North Norfolk District Council.
3. 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, to be completed within 7 days of damage occurring or such extended period as agreed.
4. To make arrangements with the relevant statutory undertakers for the disconnection and sealing of gas, electricity and water to the building, prior to the commencement of demolition.
5. To remove material or rubbish resulting from the demolition and clearance of the site, within 14 days of completion of demolition. *All waste material must be disposed of to a suitable waste facility in compliance with the Environmental Protection Act, Section 34, Duty of Care Regulations 1991. For further advice contact the Environment Agency.*
6. The demolition site shall be effectively fenced off at all times to prevent access to the public and there shall be clear signage warning the public of the dangers.
7. To ensure that the site remains hoarded and secured against access to the public following completion of the demolition works and during the construction of the intended replacement building, until such appropriate time for its removal to be agreed with the North Norfolk District Council.
8. In the event of dust or spurious waste emissions beyond the boundary of the site, demolition work shall cease until the effects of the dust or spurious waste emissions have been reduced to an acceptable level and all actions should be reported to North Norfolk District Council.
9. Adequate and suitable provision in the form of water sprays should be used to reduce dust nuisance during carrying out of the demolition works.
10. To ensure that noise from the site does not cause a nuisance to neighbouring residents or businesses, during carrying out of the demolition works.
11. No works to be undertaken outside of the permitted hours for construction noise; being 8am – 6pm on Monday – Friday, and 8am – 1pm on Saturday, with no work at all on Sundays or Bank Holidays.
12. To ensure that the site is left in a condition which is not or is not likely to become detrimental to the public, during and following completion of demolition works.

13. To ensure that the correct permissions and licenses have been obtained from the relevant Highways department based at Norfolk County Council, with respect to the erection of any scaffolding or hoarding necessary which will occupy any highways adjacent to the demolition site, prior to the commencement of demolition works.
14. To ensure that arrangements have been made with the relevant Highways department based at Norfolk County Council, with respect to any road closures necessary during the demolition period, prior to the commencement of demolition works.
15. To ensure that the terms of the proposed use of the adjacent Chequers car park, which it is proposed to be used as a site compound by the demolition contractor, are agreed with North Norfolk District Council's Estates team prior to demolition works commencing. Following its use, the car park shall be left in a satisfactory condition as required by the Council.
16. To ensure adherence with the terms of the Party Wall Agreement that exists between Huddies Ltd. and the owners of the adjacent buildings sharing a party wall, namely 3 High Street & 3A High Street, Sheringham, NR26 8JP, as relevant during carrying out of the demolition works

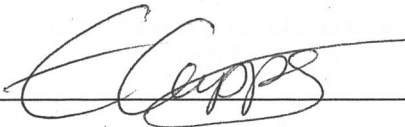
FOOTNOTE: IMPORTANT PLEASE READ

Before you comply with any requirement of condition 4 you must give at least 48 hours' notice to North Norfolk District Council.

FAILURE TO GIVE SUCH NOTICE, AND FAILURE TO EXECUTE WORKS WITHIN THE TIME PERIOD SPECIFIED IN CONDITIONS 1-7 ABOVE MAY RESULT IN A FINE ON SUMMARY CONVICTION.

16 December 2019

Signed



Emily Capps
ENVIRONMENTAL PROTECTION MANAGER

RIGHT OF APPEAL CONCERNING THIS NOTICE

For your information any Appeal against requirements in this notice should be made to a Magistrates' Court within **21 days** of service of this notice on you.

The provisions of Sections 102 and 103 of the Building Act 1984, with respect to appeals against and the enforcement of notices requiring the execution of works, applies in relation to this notice. Any appeal must be made to the Magistrates' Court within twenty-one days from the date on which the notice is served to you.

Section 102 of the Building Act 1984 and Section 83(2) of the Building Act 1984 detail the grounds upon which an appeal may be brought. Subject to such a right of appeal, if a person who is required by a notice to execute works fails to do so within the required time, he shall be liable to a fine not exceeding level 4 on the standard scale. In addition, the Council may themselves execute the works and recover from the person in default the expenses they incur in doing so.

PLANNING PERMISSION

This Notice is issued under Section 81 of the Building Act 1984 and 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 Council's Planning department on 01263 513 811 or e-mail to planning.department@north-norfolk.gov.uk if you are in any doubt as to the status of the planning permission for this site.

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 Norfolk County Council's Highway Unit before work commences. The license may also require special conditions to be agreed prior to the erection of the scaffolding/hoarding. Please contact the Norfolk County Council (NCC) Highways Unit on 0344 800 8020 for further information.

Appeals against notice under s 81 of the Building Act 1984

- (1) Section 102 of the Building Act 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 a 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 that 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 to 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 that may be recoverable by the local authority are to be borne between the appellant and any such person.

Section 102 of The Building Act 1984 Appeal against notice requiring works

- (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 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 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 ground of some informality, defect or 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 other 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.