

DELEGATED REPORT

Report by Helen Pressley	Date of report: 11/07/2024	Ref: 70861/DEM
Registration: 17/06/2024	LDfC: 10/07/2024	Expiry Date: 15/07/2024
Site Visit: 10/07/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed demolition of part of the existing bus station canopy that abuts the existing Admiral Bingo Hall (Princess Parade).

Location: 47 Market Street, Bury, BL9 0BH

Description

The application site contains a bus station canopy, known as Stand E that is attached to 47 Market Street. The canopy is steel framed with a glass screen to one elevation.

Application for Prior Approval Determination Demolition under Class B of Part 11 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed development involves the demolition of the bus station canopy to facilitate works in association with application 69580. The canopy is outside of the red edge for this application and was not identified for demolition within this application.

There are no protected trees within the demolition zone. An ecology statement, arboricultural assessment, demolition risk assessment, dust management plan, demolition method statement and preliminary ecological appraisal report have been submitted with the prior approval application.

A statutory notice has been posted on site by the applicant as required by the regulations.

Relevant Planning History

56476 -Demolition of disused toilet block and modification to interchange structure to create a bus-only access onto Angouleme Way and associated works - Approve with Conditions 14/08/2013

Publicity

Applicant site notice. Photos received and notice dated 03/06/24

Letters sent to neighbouring properties 19/06/2024.

No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - condition requested in relation to the submission of a specific method statement to include details of the provision, where necessary, of all temporary pedestrian facilities/protection measures and temporary closure orders.

Environmental Health - Contaminated Land - no comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - No comment

Greater Manchester Ecology Unit - There are unlikely to be any ecological issues associated with this development.

Environment Agency - We have no objection in principle to the proposed development.

United Utilities (Water and waste) - No response

Pre-start Conditions - Agreed by agent

Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN6/3	Features of Ecological Value
JP-C8	Transport Requirements of New Development
EN8/2	Woodland and Tree Planting
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G7	Trees and Woodland
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The proposed demolition falls within the limitations of Class B of Part 11 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The application form submitted confirms that the adjacent, attached property (no. 47 Market Street) is due to be demolished under application 69580 and the demolition of this part of the bus station canopy is as a result of the demolition of this building.

The site does not lie within a Conservation Area, is not a Listed Building, and is not a public house, concert hall, live performance venue or theatre. The demolition does not relate to a statue, memorial or monument that is either a listed building; a scheduled monument; within a cemetery; within the curtilage of a religious building, museum, art gallery or dwellinghouse.

Permitted development rights have not been removed.

Additionally, the buildings are not on land which is the subject of planning permission for its redevelopment, granted on an application, or deemed to be granted, required or permitted to be carried out by or under any other enactment required to be carried out by virtue of a relevant obligation.

As such the site does not fall within any of the demolition exemptions as defined in the Interpretation of Class B - B.3, for the purposes of Class B under Part 11 of the GPDO.

Demolition

The existing structure is a steel framed canopy structure, with a glazed screen to one elevation. Demolition of this structure would be undertaken immediately ahead of the demolition of Building 1 (47 Market Street) to which it is attached.

The Method Statement confirms that demolition works would be subject to the issuing of a licence from TfGM.

A pre-demolition asbestos survey has been commissioned to determine if any ACM is present. If found, all ACM would be removed prior to demolition, by licensed contractors.

The method statement confirms that the steel frame will be deglazed, and mechanical excavators with hydraulic jaws would then shear the steel beams and columns to bring the canopy to the ground in a safe and controlled manner. The steel frames will be cropped to ground level, and then later removed (when the paving gets replaced)

By removing the canopy first, the proposed demolition would create a large buffer zone between Building 1 and the transport interchange.

Due to lack of available space, it is unlikely that there will be an ability to segregate waste on site. The method statement confirms that waste would be transferred by a licensed waste carrier to a licensed waste transfer station, whereupon the waste will be separated into various waste streams and recycled accordingly.

Restoration of the Site

The application form confirms that the majority of the existing paving will be retained. Paving will be replaced where columns and street furniture have been removed. The existing armco vehicle barrier along the bus station will be removed and replaced with pedestrian railings to match the existing.

Highways

The outline method statement states that prior to demolition taking place the demolition site area will be securely fenced off to prevent unauthorised entry. The hoarding will incorporate specific pedestrian and vehicle gates and will be manned by a trained and experienced gateman/banksman during working hours.

This outline method statement states that a specific method statement and risk assessment will be written prior to commencement of demolition. Due to the location of the existing canopy within a pedestrian route through and into the interchange it is considered that the specific method statement should include details of the provision, where necessary, of all temporary pedestrian facilities/protection measures, temporary closure/diversion of the affected route through the site and provision of an alternative route(s) and signage scheme for all affected pedestrians.

Subject to the submission of this document, which can be secured via condition it is considered that the proposed development would not be detrimental to highway safety and would be in accordance with Policy JP-C8.

Ecology

Whilst the ecological reports cover the adjacent building to which the canopy is attached and are no longer technically valid, the canopy is primarily a steel and glass structure, which is brightly illuminated internally and externally by street lighting for the bus station. The ecological survey of the adjacent building also included an emergence survey that would have included indirectly the canopy in question. No bats were identified as roosting and activity levels low.

GMEU are therefore satisfied that it is very unlikely that the demolition of the bus station canopy will have an impact on bats. No further information or measures are required.

The structure is unsuitable for nesting birds and too disturbed. No further information or measures are required.

Trees

4no. trees (T7-T10) are located to the north west of the existing canopy, outside of the area of demolition. The trees are shown to be retained in the submitted arboricultural report. A condition will be attached to ensure that all trees to be retained are protected accordingly.

Conclusion

Having regard to the above it is considered that Prior Approval should be granted as the proposal, subject to the attached conditions would fall within the limitations of Article 3 Schedule 3 Class B Part 11 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 This approval relates to BURMAR-JHA-V6-XX-DR-A-0112 Rev P13, BURMAR-JHA-V6-XX-DR-A-0171, Ecology Report 2482901 – Rev0, Stage 1 and 2 Arboricultural Impact Assessment Report, Pre construction phase - demolition risk assessment, Dust Management Plan Rev A, Outline Demolition Method Statement & Assessment of Risks BURMAR/DEM/PA/RS/01 Revision D, Preliminary Ecological Appraisal Report and all and any subsequent revisions and amendments and the demolition shall not be carried out except in accordance with the plans, documents and amendments hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Development Plan listed.
- 2 Prior to commencement of the demolition of the canopy hereby approved, the specific method statement and risk assessment referenced in the Outline Demolition Method Statement & Assessment of Risks BURMAR/DEM/PA/RS/01 Revision D shall be submitted to, and approved in writing by, the Local Planning Authority. The specific method statement shall include details of the provision, where necessary, of all temporary pedestrian facilities/protection measures, temporary closure/diversion of the affected route through the site and provision of an alternative route(s) and signage scheme for all affected pedestrians. The approved method statement shall be adhered to throughout the demolition period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition period.
Reason. To mitigate the impact of the demolition traffic generated by the proposed development on the adjacent highways, maintain the integrity of the adopted highway, ensure adequate pedestrian access and demolition materials storage arrangements for the duration of the demolition period and that the adopted highways are kept free of deposited material from the ground works operations pursuant to Development Plan Policy JP-C8 Transport Requirements of New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 11/7/24		DM 11/7/24	