

DELEGATED REPORT

Report by Helen Leach	Date of report: 19/12/2023	Ref: 70028/FUL
Registration: 20/09/2023	LDfC: 01/11/2023	Expiry Date: 20/12/2023
Site Visit: 11/10/2023	Site Notice: 11/10/2023	Press Date: 28/09/2023
Objections: 0	Con Area: N/A	Adv Type: MD
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MAOT

Proposal: Demolition of former Wellington Pub 48 Stand Lane, 44-46 Stand Lane and 4-6 New Street (retrospective)

Location: 44-48 Stand Lane and 4-6 New Street, Radcliffe, Manchester, M26 1LJ

Description

The application site is located at the corner of Stand Lane and Pilkington Way. The application site is at a lower level than Pilkington Way and the land slopes up quite steeply in the direction of Stand Lane and James Street North. There are adopted highways around the site (Stand Lane, New Street and Mellor Street). The site is currently vacant with a large bund around the perimeter.

The area is commercial in character with retail properties to the east, west and south-west of the site. To the south-east is a four storey apartment block and to the west is a car park, with residential dwellings beyond that. The application site is located on the edge of the town centre and within Radcliffe regeneration area.

Outline consent was granted in April 2007 for the layout, access and scale of a mixed use development comprising use classes A1, A2 or A3 on the ground floor with 24 apartments over four floors above, including car parking provision on the ground floor. The appearance and landscaping of the development were reserved. The outline consent was extended in May 2010.

The application seeks retrospective consent for the demolition of the pub and 4 dwellings. The buildings created a L shape on the corner of Stand Lane and New Street. The site has been cleared and bunds have been created around the perimeter of the site to prevent unauthorised access.

Relevant Planning History

47481 - Outline application for mixed use scheme comprising use classes A1 (shops), A2 (financial & professional services) or/and class A3 (restaurant/cafe) on ground floor with 24 apartments over four floors with car parking provision at 44 - 48 Stand Lane & 4 - 6 New Street, Radcliffe. Approved with conditions - 13 April 2007.

52412 - Application for new planning permission to replace an extant planning permission 47481, in order to extend the time limit for implementation at 44 - 48 Stand Lane & 4 - 6 New Street, Radcliffe. Approved with conditions - 21 May 2010.

Enforcement

09/0543 - Unauthorised advertisement on gable - 10/02/2010
09/0598 - Untidy buildings - 30/09/2010
10/0507 - Untidy land and property - 30/09/2010
18/0380 - Untidy property - 08/02/2019

Publicity

The neighbouring properties were notified by means of a letter on 25 September 2023 and a press notice was published in the Bury Times on 28 September 2023. Site notices were posted on 11 October 2023.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the bunds on the adopted highway being removed.

Environmental Health - Contaminated Land - No comments.

GM Ecology Unit - No objections. Any future development on this site should include bat roosting features.

GM Archaeological Advisory Service - No objections. Any future development, GMAAS should be consulted.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN6	Conservation of the Natural Environment
HT2	Highway Network
HT6/2	Pedestrian/Vehicular Conflict
Area	Blackburn Street/Dale Street/Church Street West
RD1	
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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.

Visual amenity - On 19th March, a significant portion of No. 44 Stand Lane collapsed onto the adjacent pavement and road. The Building Control Section were called out to the building and the building was deemed to be dangerous and a notice was served, which required the building to be demolished. Following inspection of the other buildings, these too were found to be dangerous and demolition was recommended. The site was cleared and a bund located around the perimeter of the site to prevent unauthorised access. As such, the works undertaken were acceptable and would not be detrimental to the appearance of the area.

The proposed demolition would not prevent a mixed use development on the site, but it should be noted that any future development proposals would be assessed on their own merits.

Ecology/bats - As stated above, the building suffered a partial collapse and a notice was served on the applicant to demolish the building. As such, there was an over-riding need to demolish the building on health and safety grounds. GM Ecology Unit recognise the need to demolish the building and have requested that any future development on this site should include bat roosting features. Therefore, the proposed development would not have an adverse impact upon a protected species and would be in accordance with Policy EN6/3 of the adopted Unitary Development Plan.

Highways issues - The demolition works have taken place and the site cleared. There are adopted highways around the site - Stand Lane, New Street and Mellor Street. Bunds were erected across the site to prevent unauthorised access. However, these bunds block access to the adopted highway of New Street and Mellor Street. The Traffic Section has no objections, subject to the removal of these bunds and this would be secured by a condition. Therefore, the proposed works would not be detrimental to highway safety and would be pursuant to Policy HT2 of the Bury Unitary Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in

Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 This decision relates to drawings numbered R-0549-20, R-0549-21, R-0549-22 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 2 Within 3 months of the date of this decision, the bunds obstructing the adopted highway on New Street and Mellor Street shall be removed.
Reason. To prevent obstruction and encroachment of the adopted highway pursuant to Policy HT2 - Highway Network of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 19/12/2023			