

DELEGATED REPORT

Report by Helen Pressley	Date of report: 04/08/2023	Ref: 69880/DEM
Registration: 10/07/2023	LDFC: 27/07/2023	Expiry Date: 07/08/2023
Site Visit: 31/07/2023	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed demolition of existing two storey residential accommodation blocks, nos. 54, 55, 56 and 57

Location: Fairfield General Hospital, Rochdale Old Road, Bury, BL9 7TD

Description

The application site contains 2 blocks of 2 storey residential accommodation blocks, located within the ground of the hospital. The blocks were formerly used as nurses accommodation in association with the hospital use.

The buildings are of brick construction, with concrete floors and clay tile roofs.

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 both blocks of accommodation, to facilitate the installation of parking for the hospital. No application has been submitted for these works.

There are no protected trees within the demolition zone. A demolition method statement, health and safety plan, asbestos demolition survey, tree survey, bat survey and a site logistics plan have been submitted with the application for prior approval.

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

An EIA screening opinion is not required as the site area is less than 5 hectares.

Relevant Planning History

01760/E - Proposed single storey extension providing new MRI room, switchgear and ancillary rooms with associated exterior compounds - Enquiry completed 15/02/2016

02407/E - Construction of link bridge at first floor level to convert existing ward block to main hospital building - Enquiry completed 25/02/2020

44321 - Demolition of existing nursery and erection of new prefabricated modular building to form nursery - Approve with Conditions 19/05/2005

46815 - Construction of external fenced compound and installation of stand-by generator with 24 hour fuel tank - Approve with Conditions 27/09/2006

51546 - Erection of smoke particulate emissions control filtration unit for the coal fired energy plant - Approve with Conditions 04/09/2009

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54442 - Two single storey extensions at ground floor level; internal remodelling to the existing Accident and Emergency Department. - Approve with Conditions 25/10/2011

62511 - Construction of a car park and associated access, footpaths, boundary treatments, lighting columns and landscaping. - Approve with Conditions 06/06/2018

65385 - Link bridge at first floor level to connect Wards 24 and 25 to the main hospital street corridor - Approve with Conditions 30/06/2020

65466 - Extension at level 03 built on the existing flat roof to the South. - Approve with Conditions 24/06/2020

66197 - Installation of a VIE Compound containing a liquid oxygen vessel and two ambient vaporisers in order to supply medical oxygen to the hospital, perimeter security fencing and works to site and access - Approve with Conditions 12/02/2021

66815 - Erection of a facility for cold water booster tanks containing 2no. 125m3 water tanks, booster units and associated external works. - Approve with Conditions 21/09/2021

69513 - Erection of a new single storey ED modular unit extension - Pending

Publicity

Applicant site notice. Photos received and notice dated 7/7/2023.
No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - no objections subject to method statement being conditioned.

Environmental Health - Contaminated Land - Asbestos containing materials have been identified in the pre-demolition asbestos survey.

Greater Manchester Ecology Unit - A single bat was recorded roosting in one of the buildings.

Pre-start Conditions - Agreed by agent

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
EN7	Pollution Control
EN7/2	Noise Pollution
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
HT4	New Development
NPPF	National Planning Policy Framework
EN8/2	Woodland and Tree Planting

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. 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.

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 covering letter confirms that the accommodation to be demolished are no longer fit-for purpose and are therefore surplus to hospital requirements. The accommodation is considered to have limited suitability for modern healthcare or residential use. It is therefore considered that the buildings to be demolished have not been rendered unsafe, or otherwise uninhabitable either by action or inaction and it is practicable to secure safety or health by works of repair or works for affording temporary support.

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 proposed method of demolition is acceptable in that it would be carried out by a specialist contractor. A separate asbestos report has also been submitted highlighting the areas of the buildings that contain asbestos, an asbestos register and the action to be taken in relation to the asbestos found. The removal of asbestos should be undertaken before any structural de-construction commences. This will be conditioned.

Demolition and soft strip works will have restricted access and egress points. Access and egress routes will be kept clear and the contractor will post signage (i.e. danger demolition in progress keep out) warning unauthorised personnel and other trades to keep out. An exclusion zone will be established around the perimeter of the buildings to prevent anyone from entering the area whilst demolition works are in progress.

Mechanical reduction works using a 36t excavator type machine, will commence and progressively remove the buildings from the top down. As each section is demolished, the debris will be pulled aside to prevent build-up of materials and it is proposed to continue demolition in a systematic manner, whilst assessing the integrity of each section of the structure being reduced.

Noise and dust levels are to be kept to the lowest expectancy. Machines fitted with silencers and water suppression carried out during the works to control dust levels.

Restoration of the site

The method statement confirms that the demolition contractor will leave the site tidy and safe by removing all tools, equipment, fencing and signage from site.

The ground slabs are to remain in place following the demolition but all hazards such as voids, trip hazards, sharp protrusions, etc. will be appropriately made safe. The slabs will be core drilled as per the Structural engineers design to allow surface water to percolate away and prevent standing water.

It is anticipated that this area will be re-developed.

Highways

The proposed development would be demolished as per the demolition method statement and fencing would be in situ around the site. The only access is from within the hospital complex. The Traffic Section has no objections, subject to the inclusion of a condition relating to the demolition and the recommended informatives relating to public rights of way. Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policy HT4 of the Bury Unitary Development Plan.

Ecology Assessment

Trees

A tree condition survey has been submitted with the application. This is a wider tree survey of the whole site rather than specific to the application and details maintenance works for 2022 - 2024 for the whole hospital site. It appears that 5 individual trees, 10 groups and the northern edge of one woodland area could be potentially impacted by the proposal. These trees are not protected by a TPO.

The tree survey only identifies maintenance works to the trees adjacent to the demolition site, excluding felling of one dead tree (3784) and therefore a condition will be attached to ensure that the trees to be retained on site are protected in accordance with BS 5837:2012.

Bats

A valid bat report has been provided with the application. Both buildings were assessed as moderate risk and dusk survey carried out during the peak activity season. One common pipistrelle was identified as roosting in building 1 as identified in the bat report. Greater Manchester Ecology Unit are satisfied given the size of roost and species present that adequate mitigation can be provided on the site to safeguard the conservation status of the local bat population. A license will however be required from Natural England. A condition is therefore proposed to ensure that a license is issued and submitted to the LPA.

Nesting Birds

A note is proposed to be attached to remind the applicant that under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built.

The proposal is therefore considered to be compliant with policies EN6 and EN6/3 of the Bury Unitary Development Plan and the NPPF.

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 B401 Rev B, Site Logistic Plan Rev 1, 001 P01, B401, Tree Condition Survey MTM065.VTA.01, Bat Survey Report UG1764, Asbestos Demolition Survey B-38673s3, Demolition Method Statement HD 8813, Health and Safety Plan, and Method Statement For Soft Strip, Demolition and Clearance Works of the Vacant Nursing Accommodation Blocks 54, 55, 56 & 57 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 Bury Unitary Development Plan listed.
- 2 The measures and facilities detailed in the approved method statements and supporting information shall be adhered to throughout the demolition period, with the measures 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, ensure adequate demolition traffic 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 Policy HT4 - New Development of the Bury Unitary Development Plan.
- 3 Prior to demolition of the structures, the identified asbestos containing material shall be removed by an appropriately qualified contractor, in line with the Demolition Method Statement HD 8813 and Asbestos Demolition Survey B-38673s3 submitted with this application. Substantiating evidence, including copies of waste transfer documentation and a photographic record of the works, shall be submitted to demonstrate that the asbestos containing material has been disposed of in an appropriate manner.
Reason. This is to secure the satisfactory development of the site in terms of human

health, controlled waters and the wider environment and pursuant to the National Planning Policy Framework.

- 4 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.

Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

- 5 The demolition of building 1 is likely to cause harm to common pipistrelle bats as identified in the Bat Survey Report by Urban Green ref. UG1764 and shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or

b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and Section 11 of the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 04/08/2023		DM 04/08/23	