

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 14/05/2026	Ref: 73127/DEM
Registration: 24/04/2026	LDfC: 22/05/2026	Expiry Date: 22/05/2026
Site Visit: 01/05/2026	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed demolition of Hawk Close garages 1-10 and Porritt Street garages 1 - 15

Location: Garage colony at Hawk Close/Porritt Street, Bury, BL9 6LH

Description

The application relates to two garage colonies which are located within residential areas.

The garages are single storey and there are 15 located at the Porritt Street site and 10 garages located at Hawk Close.

All the garages are vacant and have been for some considerable time except for one garage which is tenanted and used for storage. Some have been vacant as early as 2011 and were never re-tenanted.

The garages are in a poor state of repair, contain asbestos , some walls have crumbled and have roof damage. The garages are no longer fit for purpose.

The application seeks Prior Approval for demolition of the garages under Class B of Part 11 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The application has been accompanied by a preliminary roost assessment, method statement, red edge plan and application form.

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

The applicant states that the site would be graded and levelled to the existing remaining concrete slabs and there are no further construction works proposed at this time.

Relevant Planning History

n/a

Publicity

The applicant has posted a site notice dated 23/4/26

Statutory/Non-Statutory Consultations

Traffic Section - No response received

Environmental Health - Contaminated Land - No comments to make

Environmental Health - Pollution Control - No comments received

Greater Manchester Ecology Unit - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
HT2/4	Car Parking and New Development
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development

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.

Permitted development

B. Any building operation consisting of the demolition of a building.

Development not permitted

B.1 Development is not permitted by Class B if -

(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support.

The applicant states the garages are vacant and in a state of disrepair.

Apart from one garage, all of the garages are vacant. The first garages became vacant in 2011 up to more recently in 2023.

It is therefore considered that B.1 (a) would not apply.

(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area).

The site does not lie within a Conservation Area, is not a Listed Building.

B.1 (b) therefore does not apply.

(c) the building is used, or was last used, for a purpose falling within—

(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or

(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;

The building is not or has not been used for either of these purposes.

B.1 (c) therefore does not apply.

(d) the building is used, or was last used, for the purpose of—

(i) a concert hall;

(ii) a venue for live music performance; or

(iii) a theatre.

The building is not or has not been used for these purposes.

B.1 (d) therefore does not apply.

e) the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—

(i) that is a listed building;

(ii) that is a scheduled monument;

(iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;

(iv) within the grounds of a museum or art gallery; or

(v) within the curtilage of a dwellinghouse

The demolition relates to none of the above.

B.1 (e) therefore does not apply.

As such the site does not fall within any of the demolition exemptions as defined in the Interpretation of B1 Class B under Part 11 of the GPDO.

Conditions

B2. b (i) requires the developer to provide details of the method of demolition and the proposed restoration of the site.

Demolition

The applicant has provided a Method Statement to detail the scope of works, sequence of works, plant and equipment used, health and safety controls, environmental considerations, training and competence and monitoring and review.

- Site setup and establishment of exclusion zones
- Isolation of services (if applicable)
- Removal of asbestos-containing materials by specialist contractor
- Soft strip of non-structural elements (non-ACMs)
- Mechanical demolition of concrete garage structures
- Segregation and removal of waste materials
- Site clearance and preparation for follow-on works

Restoration

Following completion of the demolition works, the site would be cleared and left in a safe, level and tidy condition. The applicant states that the sequence of works would be as follows -

- All demolition arising, including concrete, brick, and general waste, will be removed from site by licensed waste carriers.
- The site will be graded and levelled using suitable plant to achieve an even surface across the footprint of the former garages.
- The area will be left free from debris, trip hazards, and unsafe materials.
- No further construction works are proposed at this stage, and the site will remain secure and stable following completion.

This would be an acceptable solution for the restoration of the site.

B3 - Interpretation of Class B

The applicant would comply with the interpretations of Class B

Highways

The garages are located off the adopted highway and historically would have served the houses in the area. This is no longer the case. Most of the garages were used for the purposes of storage and most have been vacant for a number of years and tenancy agreements not renewed.

It is therefore considered that there would not be a loss of parking which would cause highway safety implication or problems on the highway network.

The Local Highway Authority have not provided a formal response to the application.

Ecology

The application is accompanied by a Bat Preliminary Roost Assessment (PRA) Report (GMEU, 05/02/2026). To note, although the survey was undertaken by two members of GMEU staff, the GMEU officer dealing with this application has stated that they had no involvement in the assessment and have therefore reviewed it with no prior knowledge. Based on the submitted information, GMEU have the following comments:

The PRA found the existing garages to have 'very low' suitability for roosting bats and no further surveys are required to facilitate the demolition. GMEU have no reason to doubt the findings of the assessment.

The following is recommended:

- Protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that

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they must seek ecological advice should they find or suspect that the proposals will impact on protected species (e.g. bats).

- The report states that the garages had potential to support nesting birds and it is recommend that any demolition works should not be undertaken in the main bird breeding season (March to August, inclusive). If this is not possible then GMEU would recommend that the garages be inspected by a suitably qualified ecologist prior to any works commencing.

The proposal would be exempt from a Biodiversity Net Gain (BNG) assessment as it is for demolition only.

In summary, GMEU are satisfied that the application can be forwarded to determination.

Recommendation: Prior Approval Required and Granted

Conditions and Reasons:

- 1 This decision relates to -

Method Statement by KDB Services LTD
Bat Preliminary Roost Assessment (PRA) Report dated 5th February 2026
Site notice dated 23/4/26
Application form dated 24/4/26
Location Plan received 24/4/26

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 and Places for Everyone Joint Development Plan listed.

- 2 No works shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

<u>Case Officer</u> JT 14/5/26	<u>Date</u>	<u>Sign off Officer</u> HL 15.05.2026	<u>Date</u>
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