

DELEGATED REPORT

Report by Mark Kilby	Date of report: 06/11/2020	Ref: 65909/DEM
Registration: 01/09/2020	LDFC:	Expiry Date: 29/09/2020
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: RAMS	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval of proposed demolition of former mill buildings

Location: Britannia Soap Works, Kenyon Street, Ramsbottom, Bury, BL0 0AB

Description

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 application site is part of Britannia Works a former soap factory and involves the demolition of a warehouse and factory buildings. The buildings are single storey brick, some with asbestos roofs. A brick chimney on the site is not to be demolished at this stage. The site is secure on all elevations.

There are no protected trees in the demolition zone.

A method statement of demolition, details of the restoration of the site and an asbestos survey have been submitted as part of the application for the prior approval of the Council. A statutory notice has been posted on site by the applicant as required by the regulations. An Environmental Impact Assessment (EIA) screening opinion is not required as the site area is less than 5 Hectares.

The owner now wishes to demolish the buildings in order to develop the site in order to expand their business. As such it is considered the reason for demolition is not due to the action or inaction of any person having an interest in the land on which the buildings stand.

The mechanical demolition would be carried by 360 excavator, a Bobcat and a Brokk remote control breaker. The structures would be demolished to slab level and any backfilling would use materials (other than asbestos) resultant from the demolition. It is not proposed to import any materials onto the site.

Relevant Planning History

54592 - Demolition of existing building and erection of a replacement industrial/storage building (Use Class B2/B8) and associated landscaping and car parking (Resubmission) - Approve with Conditions 29/12/2011
65907 - Prior approval for proposed demolition of former mill buildings
- ZZZ Special deleted application 01/09/2020.

Publicity - Statutory Site Notice posted by the applicant.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land- No objection
Environmental Health - Pollution Control - No objection.

Traffic Section - No objection

Greater Manchester Ecology Unit No objection

Environment Agency - No objection recommend flood defences to be retained along the site edge post demolition.

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

EN7	Pollution Control
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
HT6/2	Pedestrian/Vehicular Conflict
EN7/2	Noise Pollution
EN5	Flood Protection and Defence
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 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 is to be carried out by specialised demolition plant. The demolition exclusion zone is already secure. Soft stripping and removal of asbestos to be completed before any structural de-construction commences. Access to the site will be via Kenyon Street and Cunliffe Street and controlled by qualified banksman.

All waste produced, moved, handled and disposed of in accordance with the submitted Risk Assessments and Method Statements (RAMS). Asbestos has been identified on the site and an asbestos survey has been submitted as part of this application. The Councils' Environmental Health department has recommended a condition to secure the safe handling and removal of asbestos material.

There are residential properties nearby and as such hours of operation will be imposed to protect the residential amenity of occupiers.

Dust and noise will be monitored during the demolition process and dust suppression will be carried out in form of water spraying and spill kits. Vehicles leaving the site will be halted and checked to ensure that wheels are free from loose debris.

Restoration of the site - The proposed restoration of the site is considered acceptable. No fence or other type of enclosure is proposed post demolition. The site will still be used as part of the applicants waste and recycling business.

The footprint area of the demolished buildings are to be levelled and any voids to backfilled with selected material from the demolition on site. Although it is not proposed to import materials onto the site, in case of the loss of material or unplanned/unexpected backfilling materials may be required to be imported. A condition will be added to control the risk for potential ground contamination by imported materials.

Highways - Highways have not objected subject to the following details required by condition:

- Access route for all vehicles from the highway network;
- Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following the demolition works;
- Identification of the definitive line of the Public Right of Way in the vicinity of the site and adjacent to the buildings to be demolished and proposed site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on the adopted highway and/or the adjacent Public Right of Way;
- Confirmation of hours of operation and number of vehicle movements;
- A scheme of appropriate warning/speed limit signage in the vicinity of the site access(es);

- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site or land within the applicant's control of operatives' and demolition vehicles together with storage on site of demolition materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The issues regarding vehicle/wheel washing are already covered in the submitted RAMS. The issue of warning signs and speed limits are also covered in the submitted RAMS. The details of hours of operation and vehicle movements are not required as the Traffic Team does not require vehicle movements to be time constrained due to the previous use of the site having more vehicle movements than would the demolition operation. Details of vehicle movements within the closed site are not considered necessary. A condition to secure the only ingress and egress to the site off the adopted network via Kenyon Street and Cunliffe Street will be added. The recommended informative about reporting of any highway dilapidation will be added.

Ecology Assessment - An ecology appraisal of the site has not been submitted the previous one is out of date. The Greater Manchester Ecology Unit has been consulted and they have confirmed that because of the nature and condition of the buildings to be demolished the potential for bat roosting is negligible and as such there is no objection to demolition. An informative regarding legal responsibility if bats are found will be added. A bat methodology statement has been submitted and GMEU recommended demolition is to be carried out in accordance with this document secured by condition.

Flood Defence - Part of the building to be demolished forms part of the flood defence for the River Irwell at that point for approximately 50m along the edge of the site and the river bank and the Environment Agency have commented as follows:

The demolition method statement FDL004 Rev 05 and Drawing No. 10408/20/PP01 now acknowledge the presence of the flood defences and the need to retain defence levels. The minimum level retained must not be lower than the wall defence at the end of Cunliffe Street as noted in activity 5 of the method statement. The demolition work must be carried out in accordance with the details in the method statement and supporting drawings. This will be secured by condition.

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 Risk Assessment Method Statement (RAMS) FDL004 Revision 5, Remaining Wall Height - Flood Defence 10408/20/PP01, ISM - Asbestos Demolition Survey - September 2019, Bat Method Statement - Reasonable Avoidance Measures - 25/09/20 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.

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- 2 No work or other activity or operation of plant or machinery shall take place on the site on Saturdays, Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:- 0800 hrs to 1800 hrs, Monday to Friday.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN7/2 - Noise Pollution.
- 3 Any materials brought onto site for the use in the backfilling of any voids, levelling and finishing of the site shall be inert and non-putrescible and shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to any materials being brought onto site, and;
The approved contamination testing shall then be carried out and validatory evidence (soil descriptions, laboratory certificates, photographs etc) submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.
Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to adopted Bury UDP Policy EN7 - Pollution Control and National Planning Policy Framework - Conserving and enhancing the natural environment.
- 4 If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.
Reason. To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to National Planning Policy Framework - Conserving and enhancing the natural environment.
- 5 The access route to the site for all vehicles to and from the highway network shall be via Kenyon Street and Cunliffe Street only and no other access to the site shall be created.
Reason. For the avoidance of doubt pursuant to the policies of the Bury Unitary Development Plan listed.
- 6 The demolition hereby approved shall be carried out in accordance with Risk Assessment Method Statement (RAMS) FDL004 Revision 5, and drawing Remaining Wall Height - Flood Defence 10408/20/PP01
Reason: To ensure that existing flood defence levels are maintained adjacent to the site post demolition pursuant to adopted UDP policy EN5 - Flood Protection and Defence.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Mark Kilby	6/11/20	DM	10/11/2020