

DELEGATED REPORT

Report by Helen Leach	Date of report: 01/03/2023	Ref: 69323/DEM
Registration: 02/02/2023	LDfC: 24/02/2023	Expiry Date: 02/03/2023
Site Visit: 14/02/2023	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed demolition of 3 no. existing buildings and removal of market canopies (enabling works for proposed new Flexihall and market canopy and associated landscaping and servicing)

Location: Bury Market, Murray Road, Bury, BL9 0BJ

Description

The application site contains 3 buildings - the market offices, a single building with 3 retail units and a building containing a restaurant and gambling unit.

The retail and restaurant units are two storey buildings and are constructed from brick with flat roofs. Both these buildings have a vehicular access off Murray Road and pedestrian access from Princess Parade. The market offices are a single storey building and is constructed from brick with a flat roof. The offices are accessed from Murray Road.

Bury market is located to the east and there are retail units to the north. The bus and tram interchange is located to the west and Angouleme Way forms the boundary to the south.

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 all three buildings in order to develop the site for a new flexi hall. There are no protected trees within the demolition zone. A method statement of demolition, details of the restoration of the site, an asbestos survey and bat survey have been submitted as part of 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.

The buildings would be demolished to slab level and it is not proposed to import any materials onto the site.

Relevant Planning History

57862 - Change of use of land from vacant former PFS site to a temporary coach drop - off facility for Bury Markets, including a new access to the site from Murray Road and a new exit on to Angouleme Way. Surfacing works to create a uniform surface for coach passengers to alight/board at site of former petrol filling station, junction of Angouleme Way/Murray Road, Bury. Approved with conditions - 9 October 2014

Publicity

Applicant site notice.
No comments received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to demolition.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of a condition relating to asbestos.

GM Ecology Unit - No objections, subject to the inclusion of a condition relating to nesting birds.

Pre-start Conditions - Not relevant.

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

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 a specialist contractor with demolition plant. The demolition site area would be fenced off to prevent unauthorised entry with access to the site controlled by a gateman/banksman present on site during working hours. An asbestos survey would be undertaken prior to any demolition works commencing and the removal of asbestos (if found) would be completed before any structural de-construction commences.

All waste produced, moved, handled and disposed of in accordance with the submitted Risk Assessments and Method Statements (RAMS). Due to the relatively tight nature of the site, waste will be transferred to a licensed waste transfer station by a licensed waste carrier, where the waste will be split into various waste streams and recycled accordingly. The Environmental Health Section 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 submitted method statement confirms that the site would be cleared and would be retained with the hoardings in situ. The reason for this being that it is anticipated that the construction of the associated flexi hall would commence soon after the demolition works.

Highways - The proposed development would be demolished as per the demolition method statement and hoardings would be in situ around the site. The only access is from Murray Road and this would be utilised. The Traffic Section has no objections, subject to the inclusion of a condition relating to the demolition and the recommended informatives relating to hoarding and highway remedial works will be added. 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 - An ecological appraisal report was submitted with the application, which has surveyed all three buildings for bats and nesting birds. Two of the buildings (named B1 and B4 in the report) required a emergence survey, which was carried out in May 2022. The report concludes that no bat emergences were observed during the survey and no bat activity was observed in relation to any of the potential roosting features. As such, it is evident that there are no bats utilising the buildings.

GM Ecology Unit has no objections, subject to the inclusion of a condition relating to nesting birds. Therefore, the proposed development would not cause harm to a protected species and would be in accordance 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 BURMAR-JHA-00-XX-DR-A-0001 Rev P04, BURMAR-JHA-V6-XX-DR-A-0112 Rev P09, Demolition method statement & assessment of risks Revision A, Preliminary ecological appraisal report, Stage 1 and 2 Arboricultural Impact Assessment Report, Methodology breeding birds survey 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 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 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 off street car parking provision 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.
- 3 Prior to demolition of the structures on site an asbestos survey is to be carried out by an appropriately qualified contractor. Any asbestos identified shall be 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 01/03/2023		DM 02/03/23	