

DELEGATED REPORT

Report by Helen Pressley	Date of report: 28/11/2024	Ref: 71227/DEM
Registration: 07/10/2024	LDfC: 27/11/2024	Expiry Date: 04/11/2024
Site Visit: 06/11/2024	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	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 detached dwelling

Location: 2 Windsor Road, Prestwich, Manchester, M25 0DZ

Description

The application site contains a detached residential dwelling, located on Windsor Road.

The building is of brick construction, with render to the first floor 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 the dwelling. The site will be restored to existing levels and grassed following demolition.

There are no protected trees within the demolition zone. A demolition method statement and restoration statement, bat assessment, structural report and existing plans and elevations have been submitted with the application for prior approval.

A statutory notice has been posted 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

None

Publicity

Statutory site notice statement submitted. Photograph submitted and confirmed posted on the 6/11/2024.

Statutory/Non-Statutory Consultations

Traffic Section - Conditions requested in relation to the submission of a Demolition Method Statement and site clearance/restoration.

Environmental Health - Contaminated Land - No comments to make regarding contaminated land and air quality.

Environmental Health - Pollution Control - No response

Greater Manchester Ecology Unit No further surveys for bats are considered necessary at this time and works can commence with a low risk to roosting bats.

Pre-start Conditions - Agent has agreed with pre-start conditions

Development Plan and Policies

EN1/2	Townscape and Built Design
JP-P1	Sustainable Places
EN7	Pollution Control
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
JP-C5	Streets For All
JP-C6	Walking and Cycling
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), 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.

The application form submitted confirms that there has been a considerable drop in level to both the ground floor and first floor at the property, and a structural inspection suggests that the rear elevation may have rotated out of plumb.

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 considered to be acceptable.

The applicant has confirmed that demolition will be in accordance with the required British Standard, and that suitable licences and approvals will be sought prior to commencement.

Details of required dust management, noise reduction and environmental objectives have been submitted and are considered to be acceptable.

Demolition and clearance will be undertaken in the following manner:

- a) Sort debris and waste arising at ground level for disposal/ recycling using excavator/ grab wagon.
- b) Load debris into RoRo skips for disposal/ recycling off site, using a mechanical excavator/ grab.
- c) Excavate foundations to a depth of 1m using excavator fitted with bucket/ pneumatic breaker as necessary.
- d) Load debris to transport for disposal off site.

Resoration of the site

Following demolition of the dwelling the applicant has confirmed that the residual earth 'base' following removal of the building will be left in situ and will be retained. Fill excavated area with clean hardcore, re-grade to blend with existing levels, finish with subsoil, and grass seed as specified.

Highways

The Access and Logistics section of the Demolition Method Statement confirms that vehicle movements and construction traffic would be monitored for safety and a Traffic

Management Plan will be implemented. Highways have reviewed this and have requested a demolition method statement condition be attached to any permission, that sets out the requirements of this proposed plan. The applicant has agreed to this condition.

Ecology

The preliminary bat assessment was undertaken on 21/10/2024 and comprised an internal and external inspection of the property. No bats or signs of bats were found during the survey and the property was considered to have a negligible potential to support roosting bats. No further surveys for bats are therefore considered necessary at this time and works can commence with a low risk to roosting bats.

Notwithstanding the above, bats are mobile in their habits and can be found in the most unlikely places. If bats are found or suspected at any time during the works, works should cease immediately and advice sought from a suitably qualified bat worker. GMEU suggest that an informative to this effect be placed on any permission, if granted.

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 Drawing No. Sheet 2, Drawing No. Sheet 4 , Structural Inspection reference S4542-R01, Preliminary Roost Assessment by Gritstone Ecology and Demolition Method Statement and Restoration Statement November 2024 P01 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 Notwithstanding the submitted 'Demolition Method Statement & Restoration Statement', no development shall commence unless and until a Demolition Traffic Management Plan (DTMP) has been submitted to and approved in writing by the Local Planning Authority. The DTMP shall include:
 1. Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following demolition of the dwelling;
 2. Access route for all demolition vehicles to the site from the Key Route Network;
 3. Access point/arrangements for demolition traffic, taking into consideration the need to maintain safe pedestrian/vehicular access to adjacent residential properties, and any temporary works required to facilitate access for demolition vehicles;
 4. Hours of work and number of vehicle movements;
 5. Arrangements for the parking of vehicles for site operatives and visitors on land within the applicant's control, together with storage on site or on land within the applicant's control of demolition materials;
 6. Arrangements/measures to control/manage demolition vehicle manoeuvres including details of areas designated for the loading, unloading and storage of plant and materials;
 7. Details of the siting, height and maintenance of security hoardings clear of the adopted highway;
 8. The provision, where necessary, of temporary pedestrian facilities/protection

measures on the adopted highway;

9. A scheme of appropriate warning/demolition traffic speed signage in the vicinity of the site and its access;

10. Arrangements for the provision of wheel washing facilities for vehicles accessing the site and/or measures to ensure that all mud and other loose materials are not spread onto the adjacent adopted highways as a result of the demolition/groundwork operations or carried on the wheels and chassis of any vehicles leaving the site and measures to control the emission of noise, dust and dirt during construction;

11. A strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any demolition operations, and contact details for the site operator during this period.

The approved plan shall be adhered to throughout the demolition period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition operations.

Reason. To mitigate the impact of the demolition traffic generated by the proposed development on the adjacent highways, ensure adequate off street materials storage arrangements for the duration of the demolition period and that the adopted highways are kept free of deposited material from the demolition operations Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 3 The site clearance and restoration/finishing measures detailed in the submitted 'Demolition Method Statement & Restoration Statement' shall 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. In the interests of highway safety and to maintain the integrity of the adjacent adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 28/11/2024		DM - 02/12/2024	