

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
24/00470/DEM	Hamish Rigg	19/06/2024

Address: Tonge Social and Bowling Club, Kenyon Lane, Middleton, M24 2DQ

Proposal: Prior approval for demolition of bowling club premises

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	N/A	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N/A	Contrary to national policy?	N/A
	Applicant a Council Member or officer?	N/A	Contrary to previous decision?	N/A
	Major with 10 or more objections and recommending approval?	N/A	Called in or Planning Panel objection?	N/A

COMMENTS	Planning Panel comments received?	N/A
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	Prior approval required and refused
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CHECKED AND SIGNED OFF BY: RK

DATE: 20/06/2024

SITE

This application relates to Tonge Social and Bowling Club, a large, detached, three-storey property off Kenyon Lane in Mills Hill. The building is currently not in use.

The clubhouse is in a residential setting, sited away from Kenyon Lane to the west. It faces south, overlooking a large bowling green. To the east, the site is bordered by the rear gardens of no. 22-36 Kenyon Lane, and to the west, the gardens and driveway of no. 51 Tonge Meadows. To the north of the site is a stretch of newly built properties, namely no. 23- 37 Baker Street.

PROPOSAL

The application gives prior notification, pursuant to the provisions of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), of the proposed demolition of Tonge Social and Bowling Club.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Legislation

Part 11 of The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

RELEVANT SITE HISTORY

80/D11087 – Games room extension with ancillary accommodation - Refuse

CONSULTATION RESPONSES

Environmental Health (noise) 06/06/2024:

No objections

Greater Manchester Ecology Unit 13/06/2024:

We would recommend that a preliminary bat survey be carried out on the building before it is demolished by a suitably qualified ecologist. This type of survey can be carried out at any time of year, the results of which will inform if further survey effort is required.

REPRESENTATIONS

The developer has displayed a site notice in accordance with the requirements as set out within the relevant parts of the GPDO; no objections were raised.

ANALYSIS

Protected species

Greater Manchester Ecology Unit have been consulted on this application and have recommended that a preliminary bat survey is carried out by a suitably qualified

ecologist prior to any demolition. Bats are considered 'Protected Species' under Schedule 5 of the Wildlife and Countryside Act 1981 (WCA).

Regulation 9 of The Conservation of Habitats and Species Regulation 2017 states that "a competent authority must exercise their functions which are relevant to nature conservation." These functions include Part 1 of the WCA 1981.

Part 1 (9) of the WCA 1981 states that it is an offence if someone "intentionally or recklessly... damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection". As mentioned above, bats are protected under Schedule 5 of the WCA 1981.

As the applicant has not carried out a comprehensive bat survey prior to demolition, the LPA cannot disregard the presence of bats within the building. It is the responsibility of the LPA as a competent body to ensure the protection of bats, and therefore the application is refused in the interests of maintaining their positive conservation status.

Notwithstanding, an assessment of the relevant matters is provided below.

Schedule 2, Part 11, Class B of the GPDO

Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits any building operation consisting of the demolition of a building, subject to the exclusions set out in paragraph B.1. In relation to this paragraph it is noted that the proposal does not fall within criteria (a) to (c).

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;

Complies: The application form states that the building is redundant and undevelopable, but there is no evidence to suggest that the building is unsafe.

- 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)(a); or

Complies: The demolition is not relevant demolition.

- 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;

Complies: The building is not in use as, or has most recently been used, for a purpose falling within article 3(6)(p) or (q) of the Use Classes Order.

- 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; or

Complies: The building is not in use as, or has most recently been used, as a concert hall, venue for live music performance or as a theatre.

- 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.

Complies: The demolition does not relate to a statue, memorial or monument, and criteria e) is therefore not relevant.

Conditions of GPDO

Conditions relevant to Class B, Part 11 are set out under B.2. Of particular relevance is paragraph b (i) which states that “the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.”

Details of the method of demolition have been submitted to and approved by the LPA, however there are no proposed plans as to the restoration on the site. As such, based upon the available information, the application does not provide any confidence that the site would be restored to a state which would contribute positively to the quality of place of the area. As such, in the event that the application would be permitted, prior approval would be refused on such grounds.

RECOMMENDATION

Refuse

The applicant has failed to carry out a comprehensive bat survey of the building to be demolished. Bats are protected species under the Wildlife and Countryside Act. Regulation 9 of the Conservation of Habitats and Species Regulation 2017 requires a LPA to exercise their functions as a competent body, including part 1 of the WCA 1981 which states that it is an offence to intentionally or recklessly destroy a building which contains a protected species as identified under Schedule 5. In the absence of such information, it cannot be conclusively determined that the proposals would not cause harm to this protected species. Additionally, no details have been provided as to how the site will be remediated and restored following demolition and as such there is little confidence that the site would be left in a way such that it would contribute positively to the quality of place contrary to the requirements of the adopted Rochdale Core Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Informative

This decision relates to the following plans:

- Method Statement (Lubek Developments)
- Location Plan

Report Author Hamish Rigg