

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01388/DEM	Rachel Carney	12 January 2023

Address: All In One Garden Centre, Rochdale Road Middleton M24 2RB

Proposal: Prior approval for demolition of main building and curtilage buildings

PUBLICITY	Weekly list expired?	n/a	Site notice expired?	y
	Neighbour letters expired?	n/a	Press Notice expired?	n/a

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

COMMENTS	Planning Panel comments received?	n
	Neighbour comments received?	y

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

RECOMMENDATION	PRIOR APPROVAL REQUIRED AND GRANTED
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 17.01.23

SITE

The application relates to the All in One Garden Centre which is located on Rochdale Road, Middleton. The Garden Centre site currently comprises a number of single storey

buildings and green houses as well as a large car park and former external sales/display area and storage areas.

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 the existing buildings on site. Relevant matters are the method of demolition and the proposed restoration of the site.

Following initial assessment of the application, it has been determined that the application failed to provide sufficient detail in respect of the demolition and restoration of the site. The applicants were therefore notified that prior approval is required.

Additional information has subsequently been submitted and this further details the demolition method and restoration of the site.

RELEVANT PLANNING POLICY

National Guidance

National Planning Practice Guidance (NPPG)

Legislation

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

RELEVANT SITE HISTORY

22/01417/SCO - Request for a scoping opinion in relation to a proposed hybrid planning application for the development of up to 1500 dwellings, with new local centre, green infrastructure, ecological enhancements, SuDs, play areas, new pedestrian and cycle routes and associated access – Undetermined

CONSULTATION RESPONSES

Gtr Manchester Ecology Unit

As you are aware the information submitted with the application includes a bat survey. This survey found no evidence of roosting bats in the building to be demolished. However as bats are highly mobile creatures we would advise that the following informative be attached to any permission, should it be granted:

Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

The survey also identified that the buildings to be demolished had potential to support nesting birds. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), we would advise that the following condition be attached to any permission:

No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Should you have any queries relating to this advice, please do not hesitate to contact me again.

Highways And Engineering

The site has an established vehicular access onto Rochdale Road (A664) and the demolition as proposed should not have a direct impact on the adopted highway. As the site is on a classified road we do not envisage any detrimental impact on highway capacity or road safety as a result of the demolition.

Therefore if the demolition is carried out in line with the Demolition Method Statement we would raise no objection to this application

Env Health - Noise/Odours

We would have no objections to the proposal, recommend conditioning the demolition method statement as a working document for the project.

REPRESENTATIONS

No direct notifications have been issued by the LPA. A site notice has been displayed at the site by the applicant, as is a requirement under Part 11 of the GPDO.

Two letters of objection, one letter of support and one neutral representation have been received. These are summarised below:

Support

- We urgently need to building more houses and this work is required for site access to the Stakehill site.
- There is no point keeping a derelict building.

Neutral

- Questions why neighbours have not been personally notified of this action.
- Questions as to what considerations will be given whilst this is happening.
- Stated that not given notice as to the purpose of the land following demolition. Why?
- Request that the boundary wall between the site and neighbours is retained.
- The site floods every year and contributes water to neighbouring properties. How will the demolition affect this?

Objection

- There are no enough infrastructure for this development.
- It won't be affordable housing – two sites in Rochdale ideal for housing are; where the Brickcroft used to stand, where the Harrisons used to be next to B&M on Whitworth Road.
- Leave our Greenbelt green.
- The application document is of very poor quality and does not appear to address many of the risks associated with the work.

- Consideration should be given to informing householders in the immediate vicinity, via letter, about the demolition.
- Submitted document is not a method statement but rather an attempt at a construction phase plan.
- The front page of the application gives the wrong site address and actually provides the address of several residential properties. This is a fundamental mistake which may lead to confusion regarding the cutting of utilities and delivery of materials.
- Regulation 5 of the Construction (Design and Management) Regulations 2015 requires that where there is more than one contractor involved, the Principal Design should be appointed as early as practical in the pre-construction phase. Other concerns regarding Regulation 5 of the Construction (Design and Management) Regulations 2015.
- The document states that 'Access to the site will be via the route agreed with the client and principal designer only and no deviation from the route will be allowed unless otherwise agreed. As the Principal Designer and Contractor has not yet been appointed this cannot be planned and agreed.
- It is not clear whether The Control of Asbestos Regulations have been adhered to.
- Regulation 6 of the Control of Lead at Work Regulations 2002 should be adhered to.
- The contract programme has not been appended to the document so the sequence and timing are not known.
- Has the client provided suitable structural information to the principal contractor about the demolition of high level structures.
- There is a lack of clarity throughout the document as to the terms contractor, principal contractor, site manager and client site manager.
- There is no mention where contractors/operatives personal vehicles will be parked.
- Apart from the additional fencing, will there be any other site security?

ANALYSIS

Permitted Development

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 (e).

Class B.2 of the same sets out the relevant conditions:

- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition—
- (i) 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

The buildings appear to be in relatively good condition, where the demolition cannot be considered to be urgently necessary in the interests of safety or health within the meaning of the GPDO and therefore the proposal does not fall within paragraph (a) and does not represent 'excluded demolition'. Therefore the developer has correctly applied to the Council for determination as to whether prior approval is required in respect of the method of demolition and the proposed restoration of the site.

- (iv) the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place

for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

The applicant has provided photographic evidence of the site notices placed at the site and as such has site notice requirements.

Therefore, in view of the above, the application constitutes permitted development under Schedule 2, Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The LPA also note that the development does not fall under the requirements of EIA development as set out under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Prior Approval of Details

Previous assessment under Class B.2 (b) has determined that prior approval for the method of demolition and any proposed restoration is required.

An updated demolition statement has subsequently been submitted and this includes significantly more information than previously submitted. This is detailed in brief below.

Working hours at the site will be Monday to Friday, 0800 – 1800 and it is anticipated the works will be completed within 6 – 8 weeks.

The welfare area/site set up will contain as a minimum; office, canteen, toilets, washing facilities and drying room.

Prior to works commencing in each stage, a soft strip will be undertaken and this will include the removal of asbestos contaminated material by a competent asbestos removal contractor.

Where asbestos containing materials are identified, demolition works will not commence until these areas have been certified as clean and free from asbestos containing materials by a specialist third party contractor.

Waste from the soft strip will be segregated before being removed from the site for further treatment or recycling. All services to the building will also be disconnected before demolition.

Demolition will take place in a phased approach, which is identified on an annotated plan.

Phase 1 –Removal of the shed from the rear of the site will enable plant movement isolated within the area, with the remaining buildings providing some noise and visual protection. Once demolition is complete, crushing operations will be completed to the north of phase 1, allowing space for material storage and allowing plant movement away from other activities.

Phase 2 – to the centre of the site. Undertaken to allow plant to operate from the rear of the building to minimise the impact on residents, whilst enabling future access to phases 3 and 4. Works at phase 2 will provide access for surplus materials to the crushing operation works and enable material storage.

Phase 3 and 4 – towards the centre of the site. Will follow the same methodology as phase 2.

Phase 5 – Works on the most significant building in terms of brick/block and roof to be removed. Can be completed from the rear to minimise impact on residents. Plant will be able to pull materials inwards.

Demolition of the structures will adopt a top down approach and drop zones will be set up and maintained throughout the demolition works. Long arm excavators with a muncher attachment will be used to ensure that plant is located away from the structure and the attachment will grab sections of the roof and remove to a designated material area. Material will be loaded into dumpers and transported to the material storage/screening/crushing areas.

Once the roof structure is complete, where possible each elevation will be pushed into the building to contain material. Once contained and all sides have been levelled, material will be lifted into dumpers to be transported to the materials screening/crushing area.

In Phase 5, the proximity to the road will require additional controls. A watching brief will be located to the outside of the site looking inward to the works and two way communication will be maintained during works to regularly communicate with the excavator driver.

A mobile crushing plant will be located close to stockpiles of material to be processed. The resulting crushed product will be moved to stockpile by dump truck.

The crushing plant will be fed by a 360 degree excavator and crushed material will be damped down using water where necessary. Water will be used to operate a crusher dust suppression system. Safety measures and regular checks will be in place.

Within the working site, only site plant will be allowed and all other vehicles are to be park within the designated parking area. All vehicles entering the site are to report to the site office where they will be directed.

All site plant is to operate flashing beacons and observe a mandatory speed limit of 10 mph. All wagons are to be sheeted over before leaving the site and a traffic management plan will be maintained on the site, with signage and fencing used to confirm the traffic management system.

Wagons in the site will be directed to designated loading/unloading area and supervised and there will be a 10mph speed limit across the site. Vehicles will be inspected for debris and any loose materials will be carefully cleared away. Consignment/waste transfer notes will be kept for materials collected or imported to site.

Should debris become an issue on public roads then a mobile sweeper will be deployed to clean roads and if this is not effective then a static wheel wash will be deployed to the site. A water bowser or similar will also be regularly use to damped down site roads/access routes to ensure that dust generation does not become an issue. Assessment of dust will be carried out continuously and dust monitoring will be carried out three times per day, with dust levels measured using a Casella real time dust monitor.

Assessment of odours will also be undertaken three times a day and odour control measures will be in place.

Noise from the site will be regularly monitored and where noise levels are suspected to be above 80dB action will be taken.

The potential for surface water runoff will be assessed and where necessary a cut of trench and/or bund will be constructed to channel water to a suitable location within the site. Daily inspection of the trench/bund will be undertaken.

The statement also confirms that any required notices will be undertaken prior to the carrying out of works. Works will also be undertaken in accordance with other statutory requirements and any hazardous materials will be dealt with in accordance with legislation. This includes an acknowledgement that the asbestos survey (already undertaken) may not have identified all of the material on site which may contain asbestos and that it is possible that further asbestos may be discovered during the demolition process. In such an event all work will be suspended immediately. Any removal of asbestos will also be undertaken in accordance with The Control of Asbestos Regulations 2012.

Following demolition the statement confirms that existing hardstanding areas will remain to provide suitable access and egress in the future. Any minor voids that are created as a result of the demolition will be backfilled with crushed material and levelled. Cutting or trimming back any remaining steel projections flush with ground level will also take place and to deter fly tipping and unauthorised access, the site will remain secured by the existing lockable gates and placing of large precast blocks across the access.

Assessing the above it is considered that the updated method statement provide significantly more detail on the proposed demolition works. This is considered to be acceptable and adequate for planning purposes. The statement also adequately sets out health and safety requirements during the works and advises how the surrounding will be protected from pollution from the development, including confirmation that noise will be kept to a minimum will, dust suppression techniques will be used and no burning of waste will be carried out on site.

Acknowledgement of risk assessment has also been made and it is confirmed that prior to commencement of works, a risk assessment will be undertaken in accordance with the Management of Health and Safety at Work has been undertaken. In addition to this details regarding the adoption of an emergency procedure has been submitted as well as the details for the reporting of accidents.

In examination of the above it is considered that the submitted details of a phased demolition across the site are acceptable.

In addition to the above it is recognised that the application still includes little information about any site restoration. Indeed, apart from making the site safe and secure there is no site restoration included as part of the application. However, in respect of this it is noted that the site comprises part of a wider plan for development with this site proposed as site access. This is detailed in the Stakehill JPA2 Topic paper PFE 2021. With this in mind it is accepted that given the likelihood of future development in the area it would be fruitless in restoring the site through measures such as landscaping. As such, in this case it is considered that the details demonstrating that the site will be made safe and secure are sufficient for the purposes of this application.

In addition to the above a nocturnal bat survey has been submitted and this concludes that the building has low bat roost potential. The survey has been reviewed by GMEU and they have not disagreed with its findings. However, as bats are highly mobile,

GMEU have advised that an informative be included with any approval to advise of the legally protected status of bats.

The bat survey also identified that the buildings to be demolished have the potential to support nesting birds. Given that all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981, GMEU have requested that any approval include a condition requiring that all demolition works take place outside of the bird nesting period, unless a competent ecologist has confirmed that no birds will be harmed as a result of the works.

Other considerations

A number of representations have been received in respect of this application. In regards the comments referencing the suitability of the site for future development, this is not a material considerations on the current application. Should an application for development be brought forwards, neighbours and other interested parties would be invited to make comment on the proposals at that time. Additionally, there are concerns raised regarding the publicity of the demolition proposals, however as detailed above, applications for demolition consent are not publicised in the same manner as a planning application and the publicity that has been undertaken is in accordance with legislation.

One of the objections raises concerns over the adherence of the proposals with various other legislation, including the Construction (Design and Management) Regulations 2015. While these concerns are noted it must be recognised that the planning process does not seek to replicate matters which are controlled by separate legislation. As such, while the LPA need to be satisfied that the application proposes appropriate demolition and restoration of the site, it cannot legislate against other regulations and these matters must be assessed separate to the planning process.

Conclusion

Following the submission of additional information the applicant has provided sufficient information regarding the demolition and restoration of the site. As such, prior approval is granted.

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND GRANTED

1. The demolition hereby approved shall be carried out in full accordance with the Demolition Method Statement - Revision 003 - Issue Date 28.11.2022. The site shall thereafter be restored and maintained in accordance with the written statement received on 19th August 2022.

Reason: In the interests of amenity and highway safety in accordance with policies P3, G9, DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and agreed in writing by the local planning authority.

Reason: In order to prevent disturbance to any nesting birds that may be present in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Notes for Applicant:

For the avoidance of doubt, this decision relates to the following list of plans and documents:

- Location Plan – Drawing no. 4348-LP-001
- Demolition Method Statement - Revision 003 - Issue Date 28.11.2022
- Restoration Plan – Drawing no. 2328-RP-001
- Bat Nocturnal Surveys and Static Detector Deployment – Ref P.1172.19 – dated October 2022

INFORMATIVE:

Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.