

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131990/DEM/2021

Date registered valid: 29 October 2021

Proposal: Prior Approval for the demolition of units 4-8 and 10 at Fallowfield Shopping Centre

Address: Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Ward(s): Rusholme Ward

Applicant: Lidl Great Britain Limited C/o Agent

Agent (if any): Mr Joshua Ambrus, Rapleys York House, York Street, Manchester, M2 3BB

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: No Objection

Date of recommendation: 24 November 2021

Application details

Type of application: Proposed demolition

Development type: Notifications

Standard consultations:

Printed: 3 November 2021 Expired: 24 November 2021

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced by the Local Planning Authority.

A site notice has been displayed by the applicant in accordance with the relevant legislation.

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to the demolition of units 4, 5, 6, 7, 8 and 10 at Fallowfield Shopping Centre, Birchfield Road. Units 4-8 are part of a terrace of units, set back to the rear of the retail park, whilst unit 10 (recently vacated by Burger King) occupies a prominent, detached position to the front of the retail park, adjacent to Birchfields Road and the main vehicular entrance.

The units are single storey in nature and are of predominantly masonry construction, with decorative brick banding and steeply pitched, tiled roofs.

The units are set within the grounds of a wider retail park are adjoined by and associated car park area. The wider site is enclosed by timber rail and post supports.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

In terms of the immediate surroundings, the site is bounded by two storey residential properties on the opposite side of Birchfield Road to the west, Birchfields Primary School to north and business premises to the south. Immediately along the eastern boundary of the site is a functioning railway line.

Part of the wider car park serving the retail park falls within the proposed HS2 route and the proposed siting of a ventilation shaft still under discussion.

Description of development

Prior Approval is sought for the demolition of units 4-8 and 10 at Fallowfield Shopping Centre.

The application has been accompanied by a Demolition Method Statement.

Whilst there is presently a pending planning application for the demolition of existing units 4, 5, 6, 7, 8, and 10 and the erection of a single storey building to form new retail foodstore (Use Class E) and separate retail unit (Class E) with associated car parking and landscaping (130189/FO/2021), the current application has been submitted in isolation. It is anticipated that this is to allow demolition take place in advance of any planning permission being granted and units all other relevant planning matters have been resolved.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health - As long as all the measures stated in the Demolition Method Statement submitted are adhered to, then there is no objection.

Greater Manchester Ecology Unit (GMEU) – No comments. Advisories are provided in relation the protection of ecology.

Highway Services - It is noted that unit 9 (primary care facility) will remain open throughout the proposed demolition. Highways recognise that given the location of unit 9, it is likely to be difficult to facilitate vehicle access to the unit and maintain a safe perimeter around the work site.

However, given the nature of the facility, Highways strongly recommends that vehicle access and car parking adjacent to the facility is maintained at all times for disabled users as the proposed car park area location is considered too far from unit 9 for those with mobility issues.

Any proposed solution is likely to require a temporary pedestrian and vehicle access route within the site - these concerns should be given further consideration along with the phasing of the construction and a revised methodology addressing the concerns raised should be submitted for Highways determination.

Issues

Prior Approval for demolition applications need only be considered on the basis of the method of demolition and the condition of the site following clearance. All other matters are considered below for completeness.

Impact and Method of Construction

Pursuant to the Environmental Impact Assessment (EIA) regulations, the proposed development does not meet the criteria for Schedule 1 or Schedule 2 development.

The proposed has been screened for EIA. It is not considered that an EIA would be required in this instance.

Given the size of the site, the structures to be demolished and the site context, it is considered that given the issues would only be of local importance and due to the satisfactory amelioration

and mitigation of any effects as detailed within the submitted information, an Environmental Impact Assessment would not be required.

The submitted Demolition Method Statement details site specific requirements, including details of site access, disconnection of services, material removal, traffic management, disconnection of services, personal protective equipment, emergency arrangements, dust suppression, and best practice measures.

On the basis of the submitted, information, it is not believed that the proposed demolition works will have any serious, detrimental environmental impact on the surroundings, including adjoining buildings. As such, the works are considered acceptable.

Condition of the site following clearance

The units to be demolished will be enclosed by temporary, solid hoardings to screen the site and to prevent unauthorised access. This is expected to be a temporary arrangement in advance of the site being fully developed for a retail supermarket.

During works, as the neighbouring medical centre will remain operational throughout the duration of the project, there will be a requirement to ensure access is maintained at all times for both staff and visitors.

Access to the primary care centre may only be possible via the pedestrian access points on Birchfield Road and Moseley Road. Both access points offer disabled access. Parking may be possible on the retail park by turning left upon entry to the car park .

Ecology – Given the extent of the demolition and the context of the site, the ecological effect of the proposed demolition is considered negligible. Greater Manchester Ecology unit do not raise any objection to the proposed works.

The applicant will be advised via an attached Informative of their responsibilities under the Wildlife and Countryside Act 1981 and Habitat Regulations with respect to whether bats are encountered during works.

Impact on the Highway – Highway Services recommends that vehicle access and car parking adjacent to the facility is maintained at all times for disabled users and request further consideration be given to temporary pedestrian and vehicle access routes.

It should be noted that these matters fall outside the scope of the consideration for this type of application, which is only concerned with the method of demolition and the condition of the site following clearance.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and

owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: No Objection

Article 35 Declaration

The City Council is satisfied that the demolition works in this case are satisfactory and will not have a significant impact on the environment or character of the area. The decision is based on the submitted Demolition Method Statement, Demolition Phasing Plan and Demolition Boundary Plan, received by the City Council as Local Planning Authority on 21 October 2021, together with the site location plan and Ecological Impact Assessment, produced by Enzygo (Ref: MAN.1230.027.EC.R.001) received by the City Council as Local Planning Authority on 29 October 2021.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Informatives

1) Whilst the structure to be demolished is considered a negligible risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition 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.

2) Demolition works should be confined to the following hours:

Monday to Friday - 07.30 - 18.00 hrs;

Saturdays 08.30 - 14.00 hrs;

No work Sundays or Bank Holidays.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit
High Speed Two (HS2) Limited

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2