

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141814/DEM/2024
Date registered valid: 7 January 2025
Proposal: Prior Approval for demolition of existing building
Address: 798 Ashton New Road, Manchester, M11 4RY
Ward(s): Clayton & Openshaw Ward

Applicant: HNA Architects
Agent (if any): HNA Architects Ltd
Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 3 February 2025

Application details

Type of application: Proposed demolition

Development type: Notifications

Date of site visit: 16 January 2025

Standard consultations:

Printed: 10 January 2025 Expired: 31 January 2025

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to 798 Ashton New Road within the Clayton and Openshaw ward of north Manchester. The application relates to a derelict, three storey, red brick detached property with some architectural features of merit. The site appears to have been most recently used as Cape Coast restaurant, bar and grill, and more historically as a nightclub. The property sits close to the junction of Aston New Road and Turner Street. Amenity space for the site is sited to the rear of the property, running adjacent to Turner Street.

Description of area

The property sits on the south side of Ashton New Road, which is used for both motorists and the Metrolink line to Ashton-under-Lyne. The site is surrounded by open green spaces with industrial uses further south. The north of Ashton New Road is characterised by low rise, residential accommodation, with some commercial uses.

Description of development

The application is a prior approval application for demolition of the existing building.

The construction is due to start in February 2025 for 2 months. The site will be left flattened and cleared of rubble. It will remain as a crushed aggregate surface finish which will not require fencing for safety or security reasons.

Negotiations during the Course of the Development

During the course of the application, discussions took place between the LPA and agent in regard to conditions to be placed within the decision notice of any consent granted.

Planning History

076970/OO/2005/N2- Site Bounded By Clayton Lane/ Sonoco Ltd/ Ashton New Road/ Ashton Canal- OUTLINE PLANNING APPLICATION for siting and means of access for residential use (407 units) and commercial uses (1,000 sq. metres) and associated parking. Provision of hard-surfaced sports area. Provision of 16, 500 sq metres Class B1/ Class B2/ Class B8 uses. Approved 1 June 2006.

051670/FO/NORTH2/97- Change of use of former nightclub to a restaurant and hot food take away with formation of new front and rear entrances. Approved 12 August 1997.

049449/FU/NORTH2/96- Use of vacant premises as a restaurant and hot food take away. Not Development 6 March 1996.

Consultations & Notification Responses

Local Residents

N/A.

Highway Services

Highway Services were consulted on the application and provided the following response, of relevance:

The submitted Demolition Method Statement (DMS) states that external pedestrian and traffic management is not required. Site perimeter fencing will not impact upon the surrounding footways and measures are proposed to manage dust and reduce debris on the highway.

The DMS states that vehicular access into the demolition site is required. Highways request a plan showing details of the proposed access points.

Dilapidation surveys are requested, this should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site. This is to protect MCC and contractors to verify (prior to construction) the condition of the carriageway.

The DMS states that contractors will make use of unrestricted street-parking. The applicant should ensure that contractors are made aware of surrounding TROs including the Eastlands Residents Parking Scheme.

The applicant should be advised that any requirements for licensing, hoarding, scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk / highwaynetworkmanagement@manchester.gov.uk.

Environmental Health

Environmental Health were consulted on the application and had no comments to make as the information submitted is acceptable to Environmental Health.

Greater Manchester Ecology Unit

Greater Manchester Ecology Unit made contact during the course of the application requesting sight of the ecological information submitted. No ecological survey or information has been supplied by the agent to support the application. GMEU requested a Preliminary Roost Assessment is undertaken in the first instance to identify the building's suitability for bats. A condition was supplied from GMEU if the application be approved without prior sight of a Preliminary Roost Assessment.

Cadent Gas

Although not consulted, Cadent Gas made contact during the course of the application and wrote to confirm they have no objection with the proposal and requested an informative be placed within the decision notice of any approval granted.

Issues

POLICY

Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Local Authority's control over demolition is defined within Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Paragraph B.2 of Class B Part 11 of Schedule 2 to the GPDO states that development is permitted subject to the condition that before the beginning of the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) The method of demolition; and
- b) Any proposed restoration of the site.

Other policies of relevance:

Unitary Development Plan (UDP)

The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

Policy DC26 - Development and Noise

The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012, Updated March 2024 following adoption of Places for Everyone Joint Development Plan

Policy DM1- Development Management

Policy SP1- Spatial Principles

Policy EN15- Biodiversity and Geological Conservation.

ISSUES

Principle of Development

By virtue of the application's nature as a prior notification it is considered to be that the principle of the proposal is acceptable subject to the matters discussed below.

Impact of Demolition Works

Demolition of the site will be undertaken by a specialist demolition contractor. The construction is due to start in February and take two months to complete. Start and finish times of demolition have been provided by the agent for review. A detailed demolition method statement has been provided for consideration. Given the measures in place, it is felt that the impact will be temporary, of a localised nature and not give rise to any significant effects on the environments. All potential effects can be satisfactorily considered as part of the prior notification for demolition process. It is considered that this proposal would not have any significant environmental impact, and Environmental Health accepted the details as contained within the method statement.

Ecological Impact

Greater Manchester Ecology Unit made contact during the course of the application requesting sight of the ecological information submitted. No ecological survey or information has been supplied by the agent to support the application. GMEU requested a Preliminary Roost Assessment is undertaken in the first instance to identify the building's suitability for bats. A condition was supplied from GMEU if the application be approved without prior sight of a Preliminary Roost Assessment.

Whilst GMEU advised against the use of a bat survey condition in replacement of an assessment, given national legislation, it would be considered unreasonable to refuse the application on this ground. The wording of such condition was sent to the agent for review and the pre-commencement of demolition condition was agreed in writing by the agent on 28 January 2025. Given the inclusion of the condition within the decision notice of any consent granted, on this basis the proposal is considered to be acceptable in this regard.

Pedestrian and Highway Safety

The submitted Demolition Method Statement (DMS) states that external pedestrian and traffic management is not required. Site perimeter fencing will not impact upon the surrounding footways and measures are proposed to manage dust and reduce debris on the highway.

The DMS states that vehicular access into the demolition site is required. Highways request a plan showing details of the proposed access points. Given the limited determination period of the DEM application, a pre-commencement condition to such effect was sent to the agent for review requesting sight of a plan showing details of the proposed access points into the demolition site. The agent agreed to the inclusion of such condition within any approval granted on 27 January 2025.

Highway Services requested dilapidation surveys are undertaken, which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site. This is to protect MCC and contractors to verify (prior to construction) the condition of the carriageway. Given the nature of the demolition, this request was considered onerous and no information of such nature was requested from the agent.

The DMS states that contractors will make use of unrestricted street-parking. The applicant should ensure that contractors are made aware of surrounding TROs including the Eastlands Residents Parking Scheme. Such note would be added as an informative within an approval granted. A further informative would be added to any approval granted for highway arrangements in terms of licensing, hoarding, scaffolding, skips and any associated temporary pedestrian/traffic management arrangements.

As such, the proposal is acceptable in this regard.

Residential Amenity

The scale of the demolition, given the limited size and scale of the building, will take two months which is not considered to be a lengthy demolition process. Whilst it is noted that works would commence in February 2024, this will now be pushed back due to the need to discharge the two prior to demolition conditions attached to any approval granted.

Once the details within the pre-commencement conditions are agreed, work can begin. Whilst this will lead to some short term disruption to local residents, the impacts are considered to be temporary, predictable and of no more than local significance. Although the development site looks in the direction of residential accommodation to the north of Ashton New Road, it is separated by the A road and so sits in an isolated location. As such, any disruption to those residential properties is unlikely to be anything beyond short term disruption for the duration of the demolition activities. The site is relatively contained and all of the demolition activities can be accommodated within it. Further, as the site creates a visual blight on the immediate area and appears to have been vacant for many years, the demolition of such building would result in a positive enhancement to the local area, which is welcomed. The site will be left flattened and cleared of rubble. It will remain as a crushed aggregate surface finish which will not require fencing for safety or security reasons. This is considered appropriate.

The main implications from the demolition process will be from vehicle movements, dust from the demolition material and noise from demolition process and machinery. Environmental Health were happy with the proposal and the details contained within the method statement.

Highway Services raised no objection to the demolition process, however requested further information on the site access points during construction and further details are requested via the inclusion of a condition within any approval granted.

On this basis it is considered the development is acceptable in this regard.

Conclusion

Taking the above into account it is considered that the proposal is acceptable and on this basis the development is recommended for approval. Conditions in respect of bat surveys and access points are attached to any approval granted and have been agreed in writing by the agent.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approve

Article 35 Declaration

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

1)The City Council is satisfied that the demolition works in this case are satisfactory and will not have a significant impact on the environment.

This decision is based on the following information:

-Application Form, stamped as received by the City Council as Local Planning Authority on 23 December 2024.
-Drawing- Location Plan, stamped as received by the City Council as Local Planning Authority on 23 December 2024.
-Supporting Information- Demolition Method Statement, stamped as received by the City Council as Local Planning Authority on 7 January 2025.
-Supporting Information- Displayed Notices, stamped as received by the City Council as Local Planning Authority on 15 January 2025.

2) Prior to the commencement of demolition, a Potential Roost Assessment (PRA) survey for bats, along with any additional survey work and mitigation measures identified by the PRA/survey work shall be submitted to and approved by the local planning authority. Survey work must be undertaken by an appropriately qualified ecologist and the methodology and mitigation measures shall follow best practice guidelines. If bats are recorded roosting in the building and will be impacted by the works a protected species licence will be required from Natural England. Once approved by the local planning authority, the measures in the report must be carried out in full.

Reason - For the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

3) Prior to demolition, a plan showing details of the proposed access points into the demolition site shall be submitted to the City Council as local planning authority for prior approval in writing. The development shall only be carried out in accordance with the approved plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, T1 and DM1 of the Manchester Core Strategy.

Informatives

- 1) The applicant should ensure that contractors are made aware of surrounding TROs including the Eastlands Residents Parking Scheme during the work period.
- 2) The applicant should be advised that any requirements for licensing, hoarding, scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email - highwaylicences@manchester.gov.uk / highwaynetworkmanagement@manchester.gov.uk.
- 3) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
HSE COMAH Zone - H3777 Evonik Outer Zone
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA