

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138593/DEM/2023
Date registered valid: 20 November 2023
Proposal: Prior Approval for demolition of unit 9
Address: Hawthorn Medical Centre, Unit 9 Fallowfield Shopping Centre,
Birchfields Road, Manchester, M14 6FS
Ward(s): Rusholme Ward

Applicant: Lidl Great Britain Limited
Agent (if any): Mr Joshua Ambrus, Rapleys
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: No Objection
Date of recommendation: 10 January 2024

Application details

Type of application: Proposed demolition

Development type: Notifications

Date of site visit: 24 December 2023

Standard consultations:

Printed: 22 November 2023

Expired: 13 December 2023

Neighbour notifications

Printed: 22 November 2023

Expired: 13 December 2023

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

The application site relates to the demolition of unit 9 at Fallowfield Shopping Centre, Birchfields Road.

Unit 9 is occupied by Hawthorn Medical Centre. The detached, single storey building forms the southernmost unit within the retail park, set back from Birchfields Road and immediately adjacent to Moseley Road. To the rear (east) is an operational railway line.



View from Birchfields Road

The unit is of predominantly masonry construction, with a steeply pitched, tiled roof.

The unit is set within the grounds of a wider retail park are adjoined to the front by an 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.

Description of development

Prior Approval is sought for the demolition of unit 9 at Fallowfield Shopping Centre. The unit is currently occupied by a medical centre operated by the NHS.

The demolition is required to aid the redevelopment of the site for a new retail supermarket to be operated by Lidl, pursuant to planning permission referenced 130189/FO/2021. Other existing units within the retail park already have the benefit of prior approval for their demolition.

The application has been accompanied by a Demolition Method Statement.

Consultations & Notification Responses

Local Residents/Occupiers – 1 objection has been received by a neighbouring resident. In summary, the following comments are made:

-Consent for the original planning application was given on the basis that the medical centre would be preserved. This application should be treated as an amendment to the original application.

-If consent is granted for this application, it should only be on the condition that a public consultation exercise is first carried out over the future of the medical centre.

-Irrespective of the outcome of any such consultation, permission to demolish this unit should only be granted on condition that the other units, which are a blot on the environment, are demolished first as a matter of priority.

-The hours of demolition should be restricted to between 11am and 4pm excluding weekends. A condition should also be imposed that acoustic noise blocking barriers should be in place before the commencement of, and during the work. Equally there is no reference to the control of dust and debris that will be generated by the work. Conditions need to be imposed to mitigate the dust and debris for residents.

Environmental Health – Conditions are requested in relation to the submission of a Demolition Management Plan and working hours.

Network Rail – Comments are made in relation to work in proximity to an operational line and a need for risk assessment. The proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) is therefore required to be agreed between the developer and Network Rail.

Following dialogue between the applicant and Network Rail, Network Rail have subsequently confirmed that the details contained with the BAPA agreement submitted as part of the original application for the proposed retail store that this demolition proposed to facilitate is acceptable.

The associated works fall within the area referenced in the original BAPA and therefore are included in the schedule of works which reference the development as a whole. They are therefore satisfied that no further amendments are required and the BAPA in its current form is still applicable.

Highway Services - An appropriate waste management plan is in place, which is acceptable, ensuring no obstruction on the highway. The proposed highway mitigation measures, perimeter fencing, working hours and dust suppression are also considered appropriate. On-site car parking is provided. Highways require all contractor and construction vehicles to be accommodated within the site boundary or alternatively within an appropriate off-street location.

Greater Manchester Ecology Unit (GMEU) - Bats and their roosts are legally protected, and the presence or otherwise of protected species is a material consideration when determining a planning application. As there is suitable roosting habitat on the site (the roof space including tiles/ridge tiles etc) which will be impacted by the proposal (demolition of the building), it is reasonable to request a bat survey to be submitted prior to determination of the planning application. The survey should be undertaken by a suitably licenced ecologist and follow best practice methodology.

HS2 – No objection.

Cadent – No objection. An ‘informative’ is requested with respect to their assets and infrastructure.

Issues

Principle

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 nature and scale of the structure 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 unit proposed 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.

Ecology – Given the extent of the demolition and the context of the site, the ecological effects of the proposed demolition is not considered significant.

Whilst GMEU state that building has potential to support roosting bats and request a bat survey, the building and wider site was previously assessed as part of the planning application for the redevelopment of the retail park.

At that time, the submitted assessment concluded that no significant residual impact can be expected which would prevent the proposed development. GMEU previously concurred that the site and its buildings have a negligible-low potential to support roosting bats and that there is no evidence of bat roosting was identified.

As a safeguard, the e applicant is 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 advise that the proposed highway mitigation measures, perimeter fencing, working hours and dust suppression are appropriate and satisfactory on-site car parking is provided.

Impact to the Railway Line – The applicant has entered into a Basic Asset Protection Agreement (BAPA). with Network Rail.

Residential Amenity – Provided that the measures detailed within the Demolition Method Statement are adhered to, it is not envisaged that there would be materially harmful impact to nearby living conditions. Demolition is anticipated to be short-lived and temporary in duration. An 'informative' is included with respect to the City Council's normal hours of working.

Loss of Medical Centre

Whilst a neighbouring resident is concerned about the loss of the existing medical centre, this is not a matter that the Planning Service can control. The relocation of any medical services and the provision of medical services locally is ultimately a decision for the NHS.

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.

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: No Objection

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 Plan; and Demolition Boundary Treatment Plan, received by the City Council as Local Planning Authority on 20 November 2023.

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

Informatives

1) 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.

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. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4) The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure.

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Appendix 1 – List of consultees & neighbours notified

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

174 Birchfields Road, Manchester, M14 6PE
Aaa (uk) Ltd, 244 - 250 Moseley Road, Manchester, M14 6PD
The Car Centre, 227 Moseley Road, Manchester, M14 6PD
244 - 250 Moseley Road, Manchester, M14 6PD
Unit F, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
162 Birchfields Road, Manchester, M14 6PE
156 Birchfields Road, Manchester, M14 6PE
Unit G, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit C, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit E, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Sainsbury's, Unit A, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6PP
Unit J, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
172 Birchfields Road, Manchester, M14 6PE
240 Moseley Road, Manchester, M14 6PD
236 Moseley Road, Manchester, M14 6PD
158 Birchfields Road, Manchester, M14 6PE
Unit H, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit D, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
Unit B, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS
164 Birchfields Road, Manchester, M14 6PE
154 Birchfields Road, Manchester, M14 6PE
168 Birchfields Road, Manchester, M14 6PE
160 Birchfields Road, Manchester, M14 6PE
152 Birchfields Road, Manchester, M14 6PE
178 Birchfields Road, Manchester, M14 6PE
176 Birchfields Road, Manchester, M14 6PE
170 Birchfields Road, Manchester, M14 6PE
242 Moseley Road, Manchester, M14 6PD
238 Moseley Road, Manchester, M14 6PD
166 Birchfields Road, Manchester, M14 6PE

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 (June 2022)
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) -

Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA