

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135670/DEM/2022
Date registered valid: 10 January 2023
Proposal: Prior Approval for demolition of single storey building
Address: 110 Brunswick Street, Manchester, M13 9ST
Ward(s): Ardwick Ward

Applicant: Mr Tyrone Smith, Chain Demolition Services Limited
Agent (if any): Mr Tyrone Smith, Chain Demolition Services Limited
Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: No Objection
Date of recommendation: 17 February 2023

Application details

Type of application: Proposed demolition

Development type: Notifications

Standard consultations:

Printed: 16 January 2023 Expired: 6 February 2023

Neighbour notifications

Printed: 16 January 2023 Expired: 6 February 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to the demolition of a vacant detached single storey flat roof building, identified as the Manchester Homeopathic Clinic, which has been vacant for over 10 years. The building is located on an area of land, roughly rectangular in shape, and is set in a small grassed area, fronting Brunswick Street between Kincardine Road and Cabot Street. There are residential properties to the North-East and South East, with a former Public House, to the North-West and commercial premises to the South-West.

The building is mainly constructed in brickwork and concrete and the proposed works consist of the removal of asbestos, followed by the demolition of the entire property starting with the demolition of the roof structure followed by the full superstructure and the removal of any concrete slab which may be present directly beneath the building.

The building has an approximate gross internal floorspace of approximately 215 sq. metres. Following the completion of demolition, the site would be enclosed by sections of herras fencing.

Prior Approval is therefore sought to demolish this existing buildings. The work is to include the demolition and clearance of the site. Demolition works would take place between the hours of 8am and 5pm, Monday to Friday.

Consultations & Notification Responses

Local residents/adjoining occupiers - Comments were received from one local resident, although these appear to relate to the potential future use of the site. They list potential issues of parking, heavy traffic, speeding, pollution, rats and mice, people using the building of 110 Brunswick Street as a toilet and flooding around the area.

The resident states that if the demolition goes ahead and a homeopathic business opens there then this will cause a lot of distress and won't allow the disabled and vulnerable people to live a peaceful life.

Highways Services - Made the following comments:

Although a Demolition Method Statement has been submitted, Highways request the following further information to allow Highways determination:

- Plan of the proposed area to be fenced during demolition works to determine whether this would encroach onto the adopted footway/highway;
- Details on the location of staff/contractor parking. Highways note that the Application Form states that all car parking will be contained within the curtilage of the site, however the Method Statement makes reference to on-street parking; and
- The Method Statement indicates that no on-site excavation works will be undertaken which may affect the adjacent adopted highway, however confirmation is sought.
- Submitted information indicates that no traffic/pedestrian management would be required as part of the works although confirmation is sought.

Also, a dilapidation survey was requested, 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 the contractors to verify (prior to construction) the condition of the carriageway. It is recommended that this is conditioned and attached to any planning permission that may be granted

In response to these points, the applicant provided the following information:

A revised the Risk Assessment and Method Statement has been provided, to ensure that no persons park anywhere other than within the existing car park area of 110 Brunswick Street and they will ensure that this is briefed and enforced on site at all times.

A site plan was provided showing outline of the proposed site fencing. This shows the fencing to be around the perimeter of the building and the buildings car park only.

It was confirmed that there are no site excavation works which will affect highways.

Highways Services considered that this response addressed their concerns and they have no further comments.

Strategic Area and Citywide Support Manager - Made a recommendation in relation to the proposed hours of working, but the applicant's indicated hours of working lie within the parameters suggested.

GM Ecology Unit - Made the following comments:

Potential ecological issues include bats and nesting birds. Reference should be included within the demolition method statement on what to do in the event either was found.

Bats

Species such as common pipistrelle (*Pipistrellus pipistrellus*) most commonly occur in houses and prefer confined roost sites, such as soffit boxes, eaves or under hanging tiles. The most common roosts are found between underfelt and boards or tiles, and inside cavity walls. Given bats can access very small crevices of only a few millimetres we would normally recommend a bat assessment prior to the demolition of any building as current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005). Case law has demonstrated that this guidance also applies to certain prior approvals. (APP/L3245/W/15/3004467 Bridgenorth, Shropshire.)

However, based on streetview images this is clearly a low risk building, located in a low risk area with no moderate or high value foraging habitat within 300m and no linear features between the development site and any foraging habitat. There are also numerous higher risk buildings between the development site and any foraging habitats. I am therefore in this instance satisfied that the building is very low risk and that as long as the risk to bats is added in to the demolition method statement, no further information is required.

Nesting Birds

Shrubs appear to be present around the building, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Prior approval does not provide a defence against prosecution under this act. I therefore recommend that the need to avoid nesting birds is also added in to the demolition method statement.

The applicant provided an amended Demolition Method Statement, to include these points. The Ecology Unit consider that this revised statement is acceptable and the statement can be conditioned.

Issues

Environmental Impact Assessment - A screening opinion has been prepared and issued that concludes that the proposed demolition would have some local impact on the surrounding area. However, these impacts have been assessed and it has been concluded that there would not be significant enough to be of more than local importance and therefore does not warrant a formal Environmental Impact Assessment. It is considered that impacts including noise and traffic generation would be satisfactorily managed through implementation of works in accordance with the approved documents.

Given the size of the site and space around the building, coupled with the condition of the building proposed to be demolished and the immediate site context, it is considered that the issues would only be of local importance and due to the satisfactory amelioration and mitigation of any effects as detailed within the submitted reports, an Environmental Impact Assessment would not be required.

Demolition arrangements - It is considered that the proposed demolition works would be managed through the submitted document. Any impacts, upon the locality, would be contained within daytime working and over a limited period of approximately 10-11 days. Given the condition of the existing building and the positive development presented by its removal, it is considered that positive benefits would be gained from its demolition and potential future development of the site.

Residential amenity - Demolition work would be undertaken over an approximate 10-11 day period. It is proposed that working hours will typically be between 08.00 to 17:00 on Mondays to Fridays, with no work on weekends or Bank Holidays. It is acknowledged that the demolition works will give rise to some noise, but noise monitoring measures would be put in place to ensure that the operation of equipment is limited to baseline levels to be established. It is therefore considered the impact of demolition would be within anticipated limits of tolerance, of limited duration and localised in nature. Comments were received, from one local resident, although this mainly represents a concern over the possible future use of the site, rather than being a formal objection to the development process.

Highways - The details of the Method Statement have been amended to accord with the comments of Highways Services with regard to any potential impacts upon the Highways Network. This statement would be conditioned to ensure its appropriate implementation of the approved details.

On the basis of the submitted information, it is acknowledged that there would be some minor impacts to the local highway network, but that these would be predictable, would vary through the demolition process and be localised in nature. It is not considered that there would be any significant impact upon the highway network to warrant consideration by an EIA. Also, although a dilapidation survey has been requested, by Highways, it is considered that these are more relevant to larger schemes, and the low level of work proposed would indicate that this is not required.

Asbestos - There is asbestos within the building and the applicant has provided a detailed account of its removal and disposal. Accompanying the Demolition Method Statement, there is an Asbestos Demolition Survey. This confirms that asbestos containing materials are to be removed with caution at all times and to be double wrapped/bagged in specific bags designated for asbestos and fit for purpose which are to be individually sealed. These are then to be placed directly into an asbestos skip for disposal at a licensed waste disposal yard and a consignment note is to be issued to the client in order to provide evidence of correct disposal. These measures are considered to be acceptable.

Ecology - The structure is a flat roof building and is highly unlikely to be occupied by any roosting bats and there is some low level shrubbery on site, but there are no trees of any significance. The GM Ecology Unit acknowledge that this is a low risk building, but requested that the risk to bats be added in to the demolition method statement, along with the need to avoid nesting birds. The applicant has amended the demolition method statement accordingly, to the satisfaction of the GMEU.

Conclusion

In light of the content of the submitted information and plans, it is not believed that the proposed demolition works will have any serious environmental impact on its surroundings. As such, the works are considered satisfactory and no further detail is required, and the requirement for prior approval of demolition would be met.

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

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 or character of the area. The decision is based on the following drawings and documents:

-Site location plan and Asbestos Demolition Survey dated 19 February 2022 (ref:PR-102) stamped as received by the City Council, as Local Planning Authority, on 5 December 2022.

Email from Tyrone Smith confirming working hours, dated 2 February 2023.

Email from Tyrone Smith, confirming Highways arrangements, dated 7 February 2023

Risk Assessment and Method Statement dated 16 February 2023 (ref: CDSL/M139ST/03A) stamped as received by the City Council, as Local Planning Authority, on 16 February 2023.

Informatives

1) Where there are any proposed works which impact on the highway, the applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004 / Email. highwaylicences@manchester.gov.uk).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

79 Brunswick Street, Manchester, M13 9SR
83 Brunswick Street, Manchester, M13 9SR
85 Brunswick Street, Manchester, M13 9SR
89 Brunswick Street, Manchester, M13 9SR
87 Brunswick Street, Manchester, M13 9SR
81 Brunswick Street, Manchester, M13 9SR
83 - 97 Upper Brook Street, Manchester, M13 9TX
Flat 4, Mawson Hotel, 74 - 80 Frances Street, Manchester, M13 9SQ
Flat 3, Mawson Hotel, 74 - 80 Frances Street, Manchester, M13 9SQ
Flat 2, Mawson Hotel, 74 - 80 Frances Street, Manchester, M13 9SQ
Flat 1, Mawson Hotel, 74 - 80 Frances Street, Manchester, M13 9SQ
77 Brunswick Street, Manchester, M13 9SX
Mawson Hotel, 74 - 80 Frances Street, Manchester, M13 9SQ
5 Sefton Close, Manchester, M13 9TW
3 Sefton Close, Manchester, M13 9TW
1 Sefton Close, Manchester, M13 9TW

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL