

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134169/DEM/2022

Date registered valid: 24 June 2022

Proposal: Prior Notification for the demolition of Lowry House

Address: 550 Mauldeth Road West, Manchester, M21 7AA

Ward(s): Chorlton Park Ward

Applicant: Lidl, Great Britain Limited, C/o Agent

Agent (if any): Mrs Samantha Lee, Rapleys LLP, York House, York Street, Manchester, M2 3BB

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Objection

Date of recommendation: **22.07.2022**

Application details

Type of application: Proposed demolition

Development type: Notifications

Standard consultations:

Printed: 5 July 2022 Expired: 26 July 2022

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/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Prior notification for the demolition of Lowry House

Consultations & Notification Responses

Highway Services – No objection

Environmental Health – Recommend conditions relating to hours of working and a demolition management plans and then go on to state:

The pre-construction site survey report says that “There is an existing asbestos Type 2 survey available within the tender pack which details there are low hazardous asbestos containing materials located within the building, however as the report was undertaken in February 2009 and is only a Type 2 survey (meaning there was no intrusive samples taken from the fabric of the building), it is advised that a new refurbishment and demolition asbestos survey is undertaken of the whole building to ascertain if the fabric of the building or areas which were not surveyed in the last report, contain asbestos containing materials”. The applicant will need to do this before a suitably licensed Asbestos removal specialist is appointed to carry out the removal of all ACM.

Greater Manchester Ecology Unit –

- The Report appears to have used reasonable effort to inspect the structure both internally and externally for the presence of bats and assessed the likelihood that bats would use the structure at other times for roosting.
- The building inspection found no evidence of recent or historic usage of bats.

- It was concluded that the structure has moderate potential to support bats at other times and consequently no further activity surveys are required.
- There is currently no known reason to contradict the findings of the survey. The demolition notice can proceed in respect of biodiversity with the following recommendations.
- Bats and their roosts – even when unoccupied – are protected at all times even when disturbance occurs as the result of an otherwise lawful activity such as a planning permission. This has been identified within the report. I would suggest that the applicant's attention is drawn to the legislation via an informative attached to any permission if granted. If bats are found or suspected at any time work should cease until advice has been sought and implemented from the licenced ecologist.
- Best practice (Collins et al 2016) indicates that bat surveys are time limited for 1 – 2 years as the condition of buildings can change over time. If demolition has not occurred by March 2024 an updated survey should be submitted assessing any change in the building's condition and if alterations to the proposed measures are needed.
- The Report indicated that there was no evidence of historic bird breeding within the building, but the presence of breeding birds cannot be conclusively discounted. Additionally, there may be some vegetation clearance to accommodate the proposal. All nesting birds are protected (Wildlife & Countryside Act 1981).

Local Councillors made comment on the application on the basis that:

- Trees removed on site already
- Query over impact on listed building
- Noise and dust associated with demolition and impact on neighbouring school
- Student safety relating to demolition traffic on Nell Lane

Issues

Demolition of building is permitted development as set out by the General Permitted Development Order 2015 subject to compliance with Part 11 Class B – Demolition of Buildings.

Development is not permitted by Class B if—

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support **(not the case)**
- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(a) **(not the case)**
- (c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred **(not the case)**.

Conditions are as follows:

- (a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition; **(not the case)**
- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition—
 - (i) the developer must, before beginning the development—
 - (aa) in all cases, 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; **(this is said application)** and
 - (bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use

Classes Order, send a written request to the local planning authority as to whether the building has been nominated **(not the case)**;

(ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid; **(this is the case)**

(iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developer's contact address and, if the developer is content to receive communications electronically, the developer's email address; **(this is the case)**

(iv) subject to paragraph (b)(v), 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; **(this is the case)**

(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement; **(for the developer to comply with)**

(vi) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period; **(not relevant)**

(vii) subject to paragraph (b)(x), the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

(ix) subject to paragraph (b)(x), the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii);

and

(x) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

The information submitted is found to be wanting in a number of respects.

In this case before any demolition works commence the City Council, as local planning authority, requires further information in respect of full details of the impact of the demolition of the property upon the neighbouring designated heritage asset.
In addition an amended Demolition Method Statement that has controls over demolition vehicle access during school drop off and pick up hours must be submitted.
In addition a further updated existing asbestos Type 2 survey must be submitted.

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: Objection

Reasons for objection

1. In this case before any demolition works commence the City Council, as local planning authority, requires further information in respect of full details of the impact of the demolition of the property upon the neighbouring designated heritage asset.
In addition you must submit to the local planning authority an amended Demolition Method Statement that has controls over demolition vehicle access during school drop off and pick up hours. In addition you must submit a further updated existing asbestos Type 2 survey.

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
Article 4 Direction - South Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA

