

Application Number	15/00063/FUL
Proposal	Erection of 24 no. two bedroom apartments in one 3 storey block with means of access, refuse storage, landscaping and parking provision.
Site Location	Site of Former Conservative Social Club, Vernon Street, Ashton
Applicant	Q Developments Limited
Recommendation	Approve

REPORT

1.0 SITE & SURROUNDINGS

- 1.1 The application site is situated at the end of Vernon Street which is a short un-adopted road off Kings Road, and is surrounded by residential properties. The land is currently vacant and the foundation slab of the former social club is visible in the middle of the site. The level of the land falls from the north-east of the site to the south-west by approx. 7m. The existing access to the site is taken from Vernon Street which runs between houses fronting Kings Road to the east.
- 1.2 There are a few small trees within the site and, more significantly, a row of poplar trees along the boundary to the rear of the houses on Ladbroke Close.
- 1.3 The surrounding area is predominantly residential and characterised by red-brown brick two-storey terraced and semi-detached houses on all four sides bounding the site.

2.0 PROPOSAL

- 2.1 This planning application seeks full planning consent for the erection of a 3 storey building with accommodation within part of the roof space. The building would be located centrally within the site and will comprise 24no. two-bedroom apartments. Two of the second floor apartments would have an additional living room and study area centrally located within the roof space.
- 2.2 The proposed three-storey building would be 8.5m high to the parapet with a setback pitched roof behind with two central dormers on the east elevation.
- 2.3 The proposed rectangular building would measure approximately 40 metres long by 16.5 metres wide on a north-south axis with the footprint of the building approximately 640 square metres representing an overall site coverage of 20%. The remainder of the site will comprise of car parking and landscaping to include communal amenity space.
- 2.4 The materials proposed for the building will be predominantly red/brown brickwork with blue/black roof tiles with areas of white rendered sections. The two entrances

will be set forward of the front elevation to all floors and will each have a pike roof design and rendered finish. Openings to the central section of the front elevation, will have French windows with Juliette balconies with proposed windows having stone headers and cills.

2.5 Access would be via Vernon Street using the existing access with the submitted plan showing car parking with 36 spaces being situated between the proposed building and the rear of houses on Kings Road.

2.6 The materials proposed for the building comprise:

- Red-brown brick elevations;
- Blue/black fibre cement roof tiles;
- White rendered panels;
- White painted window frames.

2.7 The following documents have been submitted in support of the planning application:-

Planning Statement
Design and Access Statement
Sustainability Statement
Tree Layout Survey Plan
Examples of Proposed Materials and Planting
Existing Landscape Survey Plan
Statement of Community Involvement
Crime Impact Statement

3.0 PLANNING HISTORY

3.1 Three applications for residential development on this site have been refused with two of these planning applications being subject to appeals which were dismissed. In October 2005 a fourth application for outline permission for a block of 24 apartments, was again refused under planning application reference 05/00697/OUT. The subsequent appeal against that refusal was upheld, and permission was granted, in March 2006. The outline permission included approval of the details of the layout and means of access to the development whilst the outstanding details, namely the design and appearance of the building and the landscaping of the site, were held as reserved matters. The Inspector however, did determine this appeal on the basis of a proposed site section plan showing a three storey building some 12 metres high.

3.2 The subsequent reserved matters planning application was then approved under reference 08/01369/REM in April 2009. In accordance with a condition of the outline permission the development must commence before 6th April 2011. An application reference 11/00228/OUT was received seeking to extend the time limit for the

implementation of the development of the block of 24 apartments. This application was approved at Speakers Panel on 17th June 2011.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated site.

4.2 Tameside UDP

Part 1 Policies

- 1.3 Creating a Cleaner and Greener Environment
- 1.4 Providing More Choice and Quality of Homes
- 1.5 Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

- H4 Type, Size and Affordability of Dwellings
- H7: Mixed Use and Density.
- H9 Backland and Garden Development
- H10: Detailed Design of Housing Developments.
- C1 Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- MW11: Contaminated Land.

4.3 Other Policies

Residential Design Supplementary Planning Document.

National Planning Policy Framework. (NPPF)

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

National Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

5.0 PUBLICITY CARRIED OUT

As part of the assessment of the application 54 notification letters were sent out to neighbouring properties on the 29th April 2015 and again on the 13th June 2016.

A notice was published in the local newspaper on the 7th May 2015 with a site notice being posted on site on the 30th April 2015.

6.0 RESPONSES FROM CONSULTEES

Head of Environmental Services – Highways has no objections subject to conditions requiring parking facilities to be provided before occupation and kept available and details to be submitted for approval of street lighting to shared parking areas.

Head of Environmental Services – Environmental Protection has no objections subject to conditions regarding hours of construction.

Greater Manchester Ecology Unit has no objections to the proposal

Police Architectural Liaison Officer has no objections and requests recommendations within the Crime Impact Assessment are followed.

Arboricultural Officer has no objections and confirms trees to be removed are of low retention and amenity value. The most significant feature is the line of Lombardy Poplars on the northern perimeter which are to be retained. Proposals are acceptable from an arboricultural perspective and retained trees should be protected to BS5837 during development.

United Utilities have no objections to the proposal and as a means to facilitate sustainable development within the region suggests conditions regarding drainage schemes and means of disposal foul water.

7.0 SUMMARY OF 3rd PARTY RESPONSES RECEIVED

7.1 Five letters of objection have been received, one of which confirms on behalf of other neighbours with nine signatures, and are summarised below: -

- scale of the development is not ideal in this dense area of land
- area is busy enough without additional development that will lead to more traffic chaos and more accidents being close to a major road junction.
- land considerably higher than surrounding properties and therefore privacy will be invaded along with loss of light and views.
- existing properties may be damaged during construction and experience disruption and noise
- the flats would limit the access to the communal area at the back of neighbours properties
- should properties be built concerned they will be occupied by DHSS claimants lowering the tone of the area.

8.0 STATEMENT OF COMMUNITY INVOLVEMENT

- 8.1 The applicants have carried out a Community consultation exercise which included notification letters being sent to Local Ward Councillors for Ashton Hurst. The letter advised of the intention to submit this planning application and explained there have been no material changes on site or to local planning policy since the previous consent to otherwise affect the application.
- 8.2 The applicant has confirmed that there were no neighbour representations or objections to the most recent application and it was not been deemed necessary to notify local residents of the proposal. Notification through the formal application procedure was considered appropriate.

9.0 ANALYSIS

- 9.1 The key issues in deciding this application are considered to be: -
- 1) The Principle of the Development
 - 2) Design, Scale and Appearance
 - 3) Residential Amenity
 - 4) Highways

Principle of Development

- 9.2 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and would support the delivery of a wide choice of quality homes with housing applications being considered in the context of a presumption in favour of sustainable development.
- 9.3 The site is Unallocated within the UDP and subject to policy H2. This policy confirms unless other considerations take precedence, the Council will permit the redevelopment of previously developed land for residential use where these are not specifically allocated for this purpose in the plan (UDP). This policy is intended to facilitate the approval of brownfield windfall sites for housing development. Residential development on greenfield land which is not specifically allocated for this purpose in the plan will not be permitted unless an adequate five year supply is no longer available.
- 9.4 Paragraph 49 of the NPPF confirms housing applications should be considered in the context of the presumption in favour of sustainable development and adds relevant

policies for the supply of housing should not be considered up to date if a five year supply of deliverable housing sites cannot be demonstrated.

- 9.5 The site is within an established residential area with access to public transport links along Kings Road. It is therefore considered to be an accessible site. The site also benefits from proximity to a local primary School and King Georges Playing Fields and is considered to be in a sustainable location.
- 9.6 The site has also been the subject of an appeal decision where the Inspector noted that: 'The locality is...quite mixed in appearance and character', and that: 'The length and width of the (proposed apartment) block would not be significantly different to the length of rows of terraced houses in the locality'. Noting also that: 'Residents in Ladbrooke Close already have a rear outlook dominated by rising land, fences, vegetation and tall poplar trees,' the Inspector did 'not consider that the appearance or character of the proposed development would be harmful to the living conditions of neighbouring residents'.
- 9.7 The Inspector concluded that, given that the block 'would occupy a site virtually surrounded by other development' and although it 'would look different to' its surroundings, 'provided it was appropriately and sympathetically designed and landscaped...(the block) would not cause harm to the appearance and character of the area or be contrary to planning policy guidelines', it would 'in fact...be an enhancement of the locality'.
- 9.8 Since the appeal was decided the Council has adopted the Residential Design SPD, and the NPPF has been introduced otherwise the planning policy background remains the same. The SPD does not counter the findings of the Inspector and so the principle of the development is considered acceptable and the development shall now be considered under more detailed policy criteria.

Design, Scale and Appearance

- 9.9 The first, second, fourth and sixth bullet points to paragraph 58 of the NPPF state that planning decisions should ensure that developments: -
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 of the NPPF indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Design is therefore a key element in delivering a sustainable development which in turn leads to an acceptable development.

- 9.10 Officers have negotiated with the applicants in an attempt to achieve a better designed and higher quality scheme than the previously approved development

(which was supported by the Planning Inspectorate). These negotiations have resulted in a revised design that includes cosmetic enhancements to the elevations and roofscape of the apartment block and a reduction in the scale and mass of the building when compared with the previous permissions. The revised scheme offers a visual improvement to the design quality of the proposed development than that previously granted planning permission.

The means of access, landscaping, and parking provision is similar to the previous permissions.

- 9.11 UDP policy H10 provides criteria to be met when considering the detail of housing developments including design which meets the needs of potential occupiers, provides an attractive, convenient and safe environment for the local community and complements or enhances the character and appearance of the surrounding area. The character of the area is made up from a number of elements which was recognised by the Planning Inspector on a previous application and the scale has - not altered since the previous approvals. It is considered the scale of the building is acceptable and will comply with UDP policy H10.
- 9.12 The principles within SPD policy RD2 align with UDP policy C1 in requiring development to respect the distinct settlement pattern and townscape of the area. Having accepted the scale, it is also considered the materials proposed will respect the surrounding buildings and are in keeping with the character of the area.
- 9.13 The key features of the submitted landscape plan include;
- Retention of poplar trees along the west property boundary (shared with Ladbrooke Close) and allocation of a generous root protection area;
 - Communal garden predominantly lawn to provide amenity space;
 - Low shrub planting along front building elevation and throughout car park;
 - Brick paving around building and pedestrian footpath of Vernon Street up to King Street.

The retention of the significant line of Poplar trees will benefit the site and area generally providing an interruption of view of the development whilst retaining an important feature of the area. It is considered the proposed development and landscape proposals will enhance both the development and character of the area and would comply with UDP policy N5.

- 9.14 The design of the apartment block and materials proposed are compatible with the character of the locality and therefore the development is considered to accord with Section 7 of the NPPF and UDP and SPD policies.

Residential Amenity

- 9.15 To help protect the amenities of both future and existing occupiers of residential properties, minimum separation distances are required between buildings. Separation distances are considered necessary in cases where it is appropriate to ensure privacy where overlooking of windows and gardens might be significant.
- 9.16 The minimum separation distances are set out in SPD policy RD5 which also makes allowances for degree of angle, height of buildings and differences in site levels. The policy confirms a minimum separation distance between habitable room windows on two storey developments of 21 metres where habitable room windows directly

overlook. Added to this should be 3 metres for every additional storey and 1 metre for every metre difference in ground level.

- 9.17 The proposed east and west elevations of the building (front and Rear) will maintain a 30m separation to the rear elevation of properties fronting Ladbroke Close and Kings Road. The north (side) elevation of the building facing the rear elevation of Ladbroke Road, achieves a minimum separation distance also of 30m. Taking into account the number of stories and difference in site levels, the proposed development would meet the requirements of this policy which should ensure there is no significant impact on the occupiers of neighbouring properties.

Highways

- 9.18 Head of Environmental Services – Highways confirms the development of 24 apartments would be expected to create around 10 vehicle trips at peak hour and consequently it is not anticipated that this level of traffic would have any significant impact on the local highway network.
- 9.19 The proposed development will have 36 car parking spaces which is a provision of 150% and will be in compliance with UDP policy T10.
- 9.20 The proposed access from Vernon Street, will utilise an existing access point onto Kings Road and would reduce disruption of the development as new access points would not be required. Vernon Street would be made up to adoptable standard and this is considered acceptable to the Head of Environmental Services – Highways.

10.0 OTHER MATTERS

- 10.1 In accordance with UDP policies H5, H6 and T13, the development would be subject to developer contributions secured by way of a section 106 Agreement. The section 106 obligations generator provides figures for contributions for developments which are necessary, directly related to, fair and reasonable in scale and kind to the proposed development. The monies will then be put towards individual infrastructure items in order to mitigate the impact of proposed development on local areas of Green Space, local Education and Highways.
- 10.2 For the development subject to this application, the obligation generator suggests that £20,632.37 contribution towards Green Space which would fund infrastructure improvements to King George's Park, Cedar Park and Smallshaw Fields to include new bins and benches, new play equipment and more sustainable planting. A £18,245.00 education contribution would help fund additional places St Damian's RC High School. The highways contribution is £16,482.24 and will fund new and improved cycle and pedestrian links between Ashton and Queens Road/Palace Road as part of the Ashton/Stalybridge circular route identified in Tameside Cycling Strategy Options Report.
- 10.3 The legal tests for when a Section 106 Agreement can be used are set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended (CIL). As well as the legal tests, the policy tests are contained in the NPPF paragraphs 203 and 204. It is considered the requirement for a Section 106 Agreement for this development is necessary, directly related to the development and related in scale and therefore in compliance with both tests within the CIL Regulations and NPPF.

11.0 CONCLUSION

- 11.1 The proposed development would comply with the core principles and Section 6 and 7 of the NPPF and will result in a vacant and previously developed site being brought into beneficial use making a significant contribution to the delivery of the Borough's 5 year housing land supply and has the potential to deliver quality accommodation for the benefit of the Borough and would be in compliance with UDP policy H4.
- 11.2 The regeneration benefits of the residential development are significant to outweigh any potential dis-benefits the proposal may have and the development will not have any significant impact on local residents by virtue of overlooking or loss of amenity. The development is therefore considered acceptable and recommended for approval.

RECOMMENDATION –

Grant planning permission subject to the prior signing of a Section 106 Legal Agreement and following conditions.

- A) Section 106 Legal Agreement: Precise amounts are:-
Green Space:- £20,632.37 to fund infrastructure improvements to King George's Park, Cedar Park and Smallshaw Fields to include new bins and benches, new play equipment and more sustainable planting. Education:- £18,245.00 for St Damian's RC High School for additional places. Highways:- £16,482.24 to fund new and improved cycle and pedestrian links between Ashton and Queens Road/Palace Road as part of the Ashton/Stalybridge circular route identified in Tameside Cycling Strategy Options Report.
- B) **Conditions**
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
 2. The development shall be carried out in accordance with the following approved drawings: - Location plan: 006 100 099 PC; Existing landscaping plan: 006 003 103 PA; Proposed refuse store: 006 003 104 PA; Proposed landscaping plan: 006 100 100 PC; Proposed elevations: 006 100 101 PA; Site plan: 006 100 099PA; Proposed floor plans: 006 100 102 PF; Proposed cross section: 006 100 110 PA
 3. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
 4. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
 - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

- ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
- iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
- iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

- 5. Prior to construction work commencing above ground, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

- 6. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

- 7. Prior to occupation, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose. The area shall be maintained and kept available for the parking of vehicles at all times.
- 8. The parts of the site to be used by vehicles shall be constructed, drained and surfaced in a manner having been previously submitted to and agreed by the Local Planning Authority. These areas shall be used for the approved purpose only.
- 9. Prior to occupation of the development, details of a lighting scheme to provide street lighting to the shared parking area have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed in accordance with the approved scheme prior to the occupation of the development.

11. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.
12. All trees shown as being retained on the submitted landscape plan and specifically the line of Lombardy Poplar on the northern perimeter, shall be protected to BS5837 during the development.
13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the Local Planning Authority gives written consent to any variation.
14. Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

c)

That the Assistant Executive Director Environmental Services be Authorised to use the Council's Statutory Private Street Works Powers under the Highways Act 1980 to enable the making up of Vernon Street, to enable Development to take place and at the Developers expense.