

Application Number:	22/01049/OUT
Proposal:	Outline application (all matters reserved) for a change of use of the existing building to a food hall (710 square metres) and ancillary floor space and erection of three-storey building above the existing building to create 21 no. residential apartments with associated works.
Site:	13 - 15 Market Place, Hyde, SK14 2LZ
Applicant:	Copperleaf Group Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to retail premises located within the centre of Hyde. The front of the building (13/15) Market Place) is occupied by Poundstretcher, the application relates to the rear aspect only which shares a boundary to Hamnett Street and John Street.
- 1.2 The building stands at 2 storeys in height with a flat roof, it has a utilitarian appearance being constructed from brick with an irregular arrangement of openings. This is in contrast to the front of the building which faces onto Market Place and which has a more detailed historic appearance. To the rear there is small enclosed yard with a pedestrian gated access onto John Street.
- 1.3 The surrounding buildings are a mixture of retail, office and social and vary in size and scale, the largest immediate building being that occupied by the Job Centre to the north west of the site which stands at 4 storeys. The building adjoins The Albion public house and to the North, separated by no. 6 Hamnett Street is a Royal Mail sorting office. The bus station, town hall and shopping precinct are all a short distance away.

2. PROPOSAL

- 2.1 The application seeks outline planning approval with all matters reserved for a mixed use development comprising of a partial change of use of the existing building to a food hall and associated works and the erection of a three-storey building above the existing structure to create 21 residential apartments with associated works.
- 2.2 Given the outline nature of the application details are largely for indicative purposes only. The Design and Access Statement does however provide a design assessment and conceptual images of the accommodation.
- 2.3 The proposals propose the retention of the existing building with the residential accommodation provided above. The residential units would all be 1 bedroom and be of similar size, with varying measurements of 37sqm, 39sqm and 40sqm. It is envisaged that they would be provided within a modular construction across 3 storeys, above existing levels, with a green roof.

- 2.4 The accompanying imagery suggests that the existing building is to have the first floor cut back to create a large mezzanine for diners across two storeys. A separate dedicated resident's entrance would be provided to Hamnett Street.
- 2.5 The food hall would support a variety of small, medium and large stalls arranged around a central seating area. A commercial kitchen and toilet block would be provided on a mezzanine area, in addition to seating which overlooks the main entrance.
- 2.6 The applicants state that it is their hope that the food hall will provide a catalyst for greater social enterprise in the town centre, to draw those who might not otherwise come to Hyde. They state that there is great precedent for this across the country and that Hyde could benefit greatly.

3. PLANNING HISTORY

- 3.1 A search of the site's planning history identifies no previous application of relevance to the proposals.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004), Places for Everyone (2024) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.5 Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality Homes;

- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.7: Supporting the Role of Town Centres;
- 1.10: Protecting and Enhancing the Natural Environment;
- 1.11 Conserving Built Heritage and Retaining Local Identity; and
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.6 **Part 2 Policies**

- S1: Town Centre Improvements;
- S4 Retail Dominance and Shopping Frontages;
- S7 Food and Drink Establishment and Amusement Centres;
- S9 Detailed Design of Retail and Leisure Development;
- C1: Townscape and Urban Form;
- C2: Conservation Areas;
- H2: Unallocated Sites (for housing);
- H4: Type, size and affordability of dwellings;
- H5: Open Space Provision;
- H7: Mixed Use and Density;
- H10: Detailed Design of Housing Developments;
- MW11: Contaminated Land;
- MW12: Control of Pollution;
- MW14 Air Quality;
- N3: Nature Conservation Factors;
- N7: Protected Species;
- OL10: Landscape Quality and Character;
- T1: Highway Improvement and Traffic Management;
- T7: Cycling;
- T10: Parking;
- T11: Travel Plans;
- U3: Water Services for Developments;
- U4: Flood Prevention; and
- U5: Energy Efficiency

4.7 Places for Everyone (2024)

- JP-S2 Carbon & Energy
- JP-S3 Heat and Energy Network
- JP-S5 Flood Risk
- JP-S6 Clean Air
- JP-S7 Resource Efficiency
- JP-J1 Supporting Long-Term Economic Growth
- JP-H1 Scale, Distribution and Phasing of New Housing Development
- JP-H2 Affordability of New Housing
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density Of New Housing
- JP-G7 Trees and Woodland
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-P1 Sustainable Places
- JP-P4 New Retail and Leisure Uses in Town Centres
- JP-C3 Public Transport
- JP-C4 The Strategic Road Network
- JP-C5 Street for All
- JP-C6 Walking and Cycling

- JP-C8: Transport Requirements of New Development
- JP-D2 Developer Contributions

Other Considerations

4.8 The following Supplementary Planning Documents (SPD) are also relevant:

- Tameside Residential Design Guide SPD

4.9 Also of relevance are:

- National Design Guide (2019) (Ministry of Housing, Communities and Local Government);
- Planning Practice Guidance;
- Department for Communities and Local Government – Technical housing standards - nationally described space standard;
- Hyde Town Centre Masterplan (2024); and
- Tameside Town Centres Framework (2022)

4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a major development by neighbour notification letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

6.1 In response to the publicity, four letters of representation were received with the issues raised are summarised as follows:

- Too many food places within Hyde
- Additional traffic and impact upon level of on-street parking on Hamnett Street
- Concerns about the scale of development and the impact upon residential amenity
- Lack of parking for residents
- Concerns about neighbour notification procedures
- Additional noise and disturbance within the town centre
- Impact upon house prices
- Need to observe residential spacing standards
- Development would be out of character
- Development would suck life out of the remainder of Hyde
- The height of the building as proposed would cause severe overlooking to both domestic and small commercial properties

6.2 A letter of objection on behalf of Royal Mail was withdrawn following the submission and recommendations of a noise report.

7. RESPONSES FROM CONSULTEES

7.1 Coal Authority – site is within a High Risk development area but confirm that the proposal are exempt from the requirement for a Coal Mining Risk Assessment.

7.2 Contaminated Land – Based on the information provided, no objections to the proposed development. However, when considering the potential contamination issues and that no contaminated land information was included with the planning application it is recommended that conditions are applied to address potential legacy issues associated with previous industrial uses at the site.

7.3 Environmental Health – No objections to the proposals, subject to the imposition of conditions covering the following:

- Provision of refuse storage and collection arrangements;
- Limiting the hours of work during the construction phase of the development;
- Details of the appearance, screening and specification of any plant/ventilation equipment to be installed on the exterior of the building;
- Details of a soundproofing scheme to be installed between the food hall and residential accommodation;
- Compliance with the mitigation measures detailed in the Noise Assessment submitted with the planning application; and
- Preparation of an Air Quality Assessment with Reserved Matters.

7.4 GMAAS – The application building seemingly dates to the early decades of the 20th century, built over the former footprints of mid to late-19th century buildings. The later construction is likely to have severely truncated, if not completely removed, former remains of these buildings. Given that the proposal seeks to retain much of the current built form there does not seem to be the potential for significant impacts on any below-ground remains. Having checked the Historic Environment there are no known or potential sites affected by this proposal and therefore in this instance GMAAS consider that no further archaeological mitigation is required. On this basis there is no reason to seek to impose any archaeological requirements upon the applicant.

7.5 Local Highway Authority – No objections, provision of cycle storage along with town centre location well served by public transport would mitigate against dedicated parking. Recommend conditions covering the following:

- Provision of Traffic Regulation Orders
- Provision of Cycle Storage
- Construction Environment Management Plan
- Travel Plan

7.6 United Utilities – No comments received.

8. ANALYSIS

8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the proposed design and scale of the development on the character of the site;
- 3) The impact on the amenity of neighbouring properties including commercial uses;
- 4) The impact on highway safety;
- 5) Consideration to ecology;

- 6) The impact on flood risk/drainage;
- 7) Developer contributions; and
- 8) Other matters.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-
 - Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.
- 9.3 There are two elements to the proposals: the food hall and residential use. The food hall represents a commercial use which is fully compatible with a town centre setting. The addition of upper floor residential accommodation is also deemed to be an appropriate town centre use. Both elements would generate footfall, increase local spend and contribute to the overall vibrancy of the area and are deemed to represent appropriate land uses in principle.
- 9.4 In terms of housing development, members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity for the development to potentially accommodate up to 21 apartments would make a positive contribution to housing land supply and this should be apportioned due weight in the decision making process.
- 9.5 Paragraph 129 states that 'where there is an existing shortage of land for meeting identified housing needs (as is currently the case in Tameside), it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 9.6 The site covers an area of approximately 1000sqm and the proposal would equate to a residential density of 210 dwellings per hectare. Whilst this may appear significant, it demonstrates the high levels of sustainability/efficiency that can be achieved from the development of land or buildings for apartments. Policy H7 of the UDP refers to a range of densities of between 30 and 50 dwellings per hectare as a general target across the borough, with higher densities being appropriate in locations close to public transport links, such as this site. The recently published Strategic Housing and Economic Land Availability Assessment (SHELAA) gives an indicative density of 150 dwellings per hectare for apartment schemes in locations such as this, based on TfGM's Greater Manchester Accessibility Levels dataset. Consequently, from a housing perspective the proposal is supported by the principles of efficient development.

- 9.7 Section 7 of the NPPF is entitled 'Ensuring the vitality of town centres.' Paragraph 90 of the NPPF states that 'planning polices and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' The same paragraph goes on to state that there is a need to 'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.' Planning Practice Guidance 'Town Centres and Retail' promotes the diversification of town centres, it states; 'Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services. Given their close proximity to transport networks and local shops and services'. The principle of repurposing commercial buildings is also encouraged within the permitted development, prior approval process, permitting in principle the residential conversion of former retail buildings, subject to certain criteria. Residential development within a central location and the principle of re-purposing buildings is therefore supported by the National Planning Policy Framework.
- 9.8 The addition of up to 21 units of residential accommodation would increase footfall in this part of Hyde. Residents would have access to a range of services and facilities available within walking distance of the site and this includes regular public transport services. The accommodation is likely to appeal to a number of key and other workers who have employment within the town and nearby areas. Having regard to the accessibility of the site it is considered to be an appropriate location for housing as per the provisions of the NPPF.
- 9.9 The site is located within the Hyde Godley Ward, which currently has a predominance of traditional terraced houses (53.8%, Tameside HNA 2017), and flats and apartments represent 17% of the housing stock. Private renting in the ward was 14.5% and affordable accommodation 29.7%. The provision of new build flats for owner-occupation, or private/social rent could be attractive to first time buyers and keyworkers within a central and accessible location.
- 9.10 UDP policies applicable to town centre developments are somewhat out of date given updated guidance within the NPPF and changes to the Town and Country Planning Use Classes Order, the latter of which has reclassified the majority of town centre uses under Use Class E (Commercial, Business and Service). Class E (b) includes the use of a building, either in part, or in full; 'for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises'. A food hall would fall within the definition and should therefore be considered an appropriate town centre use. The recently adopted Hyde Town Centre Masterplan further supports this.
- 9.11 The frontage of the existing building to Market Place is within the boundary of the Primary Shopping Frontage. This element of the building would be unaltered with ground floor retail (Class E) retained, albeit on a reduced footprint. The rear of the building which fronts Hamnett and John Street is outside of the boundary. There would be no conflict arising with policy S4, which is a protection policy for retail uses. Notwithstanding changes to the Use Classes Order, the frontage to Market Place would be unaltered with a ground floor retail unit retained. The addition of the food hall and residential would be complementary to the town centre, the food court having potential to increase the leisure opportunity of the centre considerably. The Hyde Town Centre Masterplan states *"Hyde is now presented with an opportunity to radically rethink the purpose of the town centre and how it will serve the local community. The masterplan will help identify opportunities to improve the area you live, shop and visit with friends and family."*
- 9.12 It is acknowledged that there have been considerable changes to retail habits and this has contributed directly to a rise in vacancy rates across established town centres. The redevelopment of buildings to support residential use is a long-term viable solution to the re-use of existing building stock. This addresses vacancy rates and contributes to housing supply in accordance with the principles of brownfield development. With specific reference to the re-purposing of buildings, the NPPF emphasises that a flexible approach should be

taken. Paragraphs 124(d) and 127(a) recommend that Local Planning Authorities make decisions that support development of under-utilised land and buildings, especially if this would help to meet the identified needs for housing. The applicant confirms that the existing upper floor accommodation of the building is underutilised back office space. The lack of real purpose for this space also contributes negatively to the setting of both Hamnett and John Street which are dominated by the blank building elevations.

- 9.13 There are recognised viability issues surrounding traditional retailing habits. The need to repurpose existing building stock has, and will remain a growing challenge for traditional town centres. Food halls are recognised as a vibrant town centre use, their popularity is growing and there are many examples of where they have led to significant town centre regeneration. A masterplan has been adopted for Hyde that is aimed at promoting its regeneration and improving its retail and leisure offer. Officers would acknowledge that the addition of the food hall, along with complementary residential accommodation, could be a significant driver to achieving positive economic, social and environmental aspirations and consequently the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. DESIGN / LAYOUT & SCALE OF THE PROPOSALS

- 10.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 139).
- 10.2 The current application seeks only to establish the principle of mixed use development. Details of design, scale, layout and landscaping would need to be submitted under a subsequent Reserved Matters application, should planning permission be approved. The submitted plans are very notional for the purposes of the planning assessment.
- 10.3 The Design and Access Statement has endorsed a holistic approach to the design which considers the mixed use and environmental setting, although this is for indicative purposes only. Again, it must be stressed that the final layout, scale, design and landscaping would be determined through the Reserved Matters submission(s). What the Design and Access Statement does illustrate is that the site has the potential to support development of the scale proposed and that this could be achieved in a way that would be complimentary to the character of the town centre. Whilst the scope of 5 storey development would be considered as part of the detailed design, there is considered to be capacity within the centre to accommodate a building of this scale. The nearby Job Centre/ DWP building providing a reasonable comparison at 4 storeys. The submitted images suggest that the development would fully engage with Hamnett Street providing a much-desired active frontage. The materials and fenestration would look to frame the highway successfully and represent a significant improvement to local environmental quality.
- 10.4 To heighten the impact of the building entrance, it is suggested that the first floor of the existing building is cut back to create a mezzanine. This would enhance both the entrance and dining environment alike. The Design and Access statement also suggests that the building would include the addition of a green/blue roof. This may offer the potential of a communal roof terrace. It would also be designed to collect and store rainwater. Collected rainwater would be recycled for use in the residential units and food hall. The indicative drawings also show that appropriate levels of service provision, and circulation space could be provided throughout the development to support the food hall and residential units alike.
- 10.5 In terms of existing features, there are few constraints which could affect a comprehensive development such as that proposed. The surrounding area is predominately commercial in

character and a detailed assessment of impacts upon residential properties which do exist would be looked at as part of detailed design. Within a town centre setting there is a recognised capacity for change and the development of taller buildings. The site has the capacity to accommodate development up to the scale that is proposed at this stage.

- 10.6 In summary, assessment of design considerations is limited given the outline nature of the proposals. However, in the context of a central, mixed-use environment, the application is not considered to raise any significant design issues which would justify a refusal of outline consent. It is considered that a high-quality development can be achieved at the site which incorporates sustainable techniques in compliance with policies of the UDP, P/E and the NPPF.

11. RESIDENTIAL AMENITY AND COMMERCIAL USES

- 11.1 The outline nature of the proposals means that there are limitations on the assessment that can be made of the residential environment to be created as well as the potential influence upon existing properties. From the indicative drawing provided it would appear that the part conversion and adaptation of the building could be comfortably achieved. The proposals would seek to introduce a modular system which would be an efficient design response. The orientation of the building suggests that each of the apartments would be served with good levels of outlook, light and ventilation for a town centre location.
- 11.2 The site is primarily commercial in character, the exceptions being first floor residential accommodation above The Albion Public House and nos 1, 6 & 6A Hamnett Street. No.6 is located on the site's northern boundary and no.1 is located on the opposite side of Hamnett Street and is stepped back by a private drive. No.6 had previously been in commercial use, No.6a is in residential occupation with representations submitted by its owner. The design/scale/layout of the development would be defined in detail through the Reserved Matters application whereby a full assessment would be made, with the arrangement and relationship of no.6 & 6A currently influenced by the applicant building. An increase to the building height would influence outlook from the properties side facing windows which are also the primary windows to 6A, but this would be balanced against a visual and overall environmental improvement. The SPD identifies that on infill sites variation of guidelines may be acceptable where existing spacing/relationships are taken into account. The context of a high-density town centre environment would be a significant consideration. Ultimately the Reserved Matters would need to demonstrate that suitable arrangements can be achieved and this may include a review of floor plans.
- 11.3 There are habitable room windows to the neighbouring side elevation (no.6A Hamnet Street). Whilst the proposed development will provide a greater sense of enclosure, revised plans have been submitted following the submission of an objection from a neighbour. The revised plans include the removal of the existing tower element, which the existing windows currently provide views toward. There would be some net benefit as a result of the removal of the tower and a planning judgement is required regarding the impact on the amenity of neighbouring occupiers. One cannot expect the same standards in the town centre as a suburban environment, and flexibility is necessary in order to deliver the change advocated through the Hyde Masterplan. Although the separation distance is below the minimum privacy distance outlined in the council's SPD, the resultant spacing would not be untypical of the locality and the relationship between residential uses within Town Centres. Whilst the comments from the neighbouring property have been carefully assessed, given the removal of the parapet and the setting of the building, the scheme achieves a balance between optimising densities in accordance with planning policy guidance and safeguarding the amenity of the nearby residential occupiers.
- 11.4 The indicative drawings identify that internally the accommodation would be well proportioned with all of the 1 bed apartments exceeding technical standards at 37sqm in size.

The accommodation would have separate, partitioned living, sleeping and kitchen areas in addition to dedicated storage provision. This would be assessed further as part of the detailed design to be submitted at the reserved matters stage.

- 11.5 With respect to private amenity space the submitted images suggest that there would be no balconies providing any private outside space. The suitability of this would be a matter to be looked at as part of the detailed design at the Reserved Matters stage. The building's central location and associated access to services, infrastructure and facilities across Hyde would be a significant benefit for future residents.
- 11.6 Recognising that the site is within a central location where densities are generally higher the, relationship of proposed apartments to one another is not untypical to that found elsewhere within town centres. Ultimately the relationship is reflective of the more niche forms of accommodation that are found in central areas and it would remain at the discretion of prospective purchasers/future occupiers to decide whether the format meets their individual requirements.
- 11.7 Commensurate to the central location, there are many established commercial uses within the vicinity of the site. In addition to the proposed form of the food hall, consideration needs to be given to the overall compatibility with the residential uses. As referenced elsewhere, mixed use developments are common features within town centres, and the planning system does not advocate the need for rigid separation between commercial and residential uses. An objection had originally been submitted on behalf Royal Mail who operate the nearby sorting office. A subsequent noise report has been prepared which concludes that a suitable residential environment can be achieved as a result of sound insulation secured by glazing and ventilation. A review by Environmental Health is supportive of the proposals subject to the recommendations of the noise report being conditioned. This approach has also been supported by Royal Mail representatives. In addition, in the interests of residential amenity, it is recommended that conditions are also applied relevant to ventilation, refuse handling and opening times for the food hall. Such measures are considered reasonable and will ensure that the amenity of residents is suitably protected.
- 11.8 Overall, it is considered that there is both a strong design and regenerative case for the proposals, in accordance with NPPF guidance and development plan policy, seeking to re-develop the building, in part for residential use. Assessment of the amenity standards achieved would be considered in further detail as part of the reserved matters submissions.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1 In a town centre location the site is inherently sustainable and is easily accessed by public transport, foot or bicycle. Hyde town centre is served by bus and train connections across the Greater Manchester region, with connections to these services a very short walk from the site. It is also apparent that various amenities and employment opportunities are close by.
- 12.2 The building is not served with any dedicated parking and its servicing has been taken directly from Hamnett Street. No car parking provision is proposed as this would not be possible given the building's constraints. The lack of dedicated parking is balanced against the sustainable credentials of the location, such an arrangement being typical within a town centre whereby there are many such precedents found. As with other development within the town centre, the access to services and public transport network, in addition to large surface car parks around the town, adequately mitigates for this lack of provision.
- 12.3 With respect to cycle parking, guidance outlines that residential development should have cycle parking facilities that can accommodate a minimum of one secure cycle stand for every unit. The indicative plans suggest that this can be accommodated and this will ultimately be a matter to be determined as part of detailed design at the reserved matters stage.

- 12.4 With regard to servicing, the plans also indicate refuse will be collected from a dedicated bin storage area within the building. This would be accessed in a similar manner to the established commercial use.
- 12.5 The constraints of the town centre site require due consideration to the construction process which could affect the local highway network and neighbouring properties. This could include compromising pedestrian safety, affecting access and damaging footways and carriageways. The provision of a construction method statement by the developer will be essential to minimising disruption. This will also need to include the commissioning of highway condition surveys before and after the work and ensure that any damage caused to the highway is rectified following construction.
- 12.6 To conclude, the access and parking arrangements have been assessed as being acceptable. The site is within a sustainable location which benefits from immediate access to services and transport options. As such, in the absence of any demonstrable adverse impacts and subject to recommended conditions, the development is considered to adhere to the provisions of policies T1, T7 and T10 of the UDP and relevant guidance within the NPPF.

13. ECOLOGY

- 13.1 The full extent of demolition works is currently unknown. The indicative plans suggest that this would be limited to that of the creation of the mezzanine floor and necessary/relevant works to construct the modular accommodation. It is recognised that the building has negligible potential for roosting bats. Due to the tight urban grain of the site and wider locality opportunity for biodiversity net gain will be limited. The green roof and associated landscaping will however raise the current biodiversity value of the building above its current position.
- 13.2 Informative notes, outlining the developer's responsibilities with regard to both protected and invasive species, can also be attached to any planning permission granted.

14. FLOOD RISK/DRAINAGE

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. No drainage strategy has been submitted with the application, given that the development would take place within the buildings established footprint. As such, one is not deemed necessary for the application. Ultimately surface run-off will not be increased by the development and future residents are not considered to be at risk. The redeveloped building would utilise existing connections with surface water likely to be attenuated to the satisfaction of the Building Regulations.

15. DEVELOPER CONTRIBUTIONS

- 15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 15.2 The development would meet the trigger point for contributions toward affordable housing, green space and potentially highways. Again, owing to the outline nature of the proposals it

is premature to make a full assessment of the extent of any such contributions. It is recommended that these matters are addressed by way of suitably worded conditions to inform any subsequent Reserved Matters submissions.

16. OTHER MATTERS

- 16.1 Environmental Issues –The Environmental Health Officer has not raised any objections to the proposals, subject to the imposition of a number of conditions. Indicative details of an area for communal refuse storage are shown on the proposed ground floor plan. Exact details of the capacity of the bins to be provided along with a strategy for their servicing will be required through a planning condition.
- 16.2 Contamination – The Contaminated Land Officer has reviewed the proposals and raised no objections subject to standard conditions requiring further site investigation prior to the commencement of development.
- 16.3 Air Quality – The application site is not within a designated Air Quality Management Area but the corridor along the alignment of the M67 to the north is. The highly sustainable nature of the location promotes sustainable means of travel via walking, cycling and public transport. The significance of the development in terms of contribution to air quality issues is considered to be slight to negligible. Nonetheless consultation with Environmental Health requests that as a precaution an Air Quality Impact Assessment is submitted with any Reserved Matters.
- 16.4 Heritage – The site is not within a conservation area and there are no designated assets within the locality which would have their setting impacted by the proposals.
- 16.5 Digital connectivity is a requirement of PfE policy JP-C2 which strives to ensure that all new development is served with full fibre access. This would be clearly be advantageous to the marketing and operation of the proposed development. No details have been provided on this matter but compliance can be secured by a planning condition.

17. CONCLUSION

- 17.1 The site is located within a highly sustainable location as demonstrated by its central location and access to transport and services. At present the building is largely an underutilised asset which contributes little to the town centre.
- 17.2 The Council is committed to the delivery of an improved town centre which offers good quality retail and leisure facilities. The proposals would complement these aspirations in meeting with planning policy and relevant material planning considerations. The proposals would make a valued contribution to the regeneration of the centre by providing welcomed investment and employment opportunities. There is a noted absence of a food hall within the Borough. The proposed food hall and accommodation would stimulate activity with additional footfall within the vicinity and should help to raise the profile of the town centre as a destination.
- 17.3 There are associated benefits from the environmental improvements to the refurbishment and redevelopment of the existing building, with its appearance being modernised. The application has adequately demonstrated that the site would be suitable to accommodate the overall scale of development. The final design, scale and form will be assessed as part of subsequent Reserved Matters submissions. The proposal has been assessed against the National Planning Policy Framework and the provisions of the development plan and other relevant material considerations. The proposal represents development in an accessible location and is in accordance with general planning policy principles aimed at promoting sustainable growth and spatial planning.

- 17.4 The proposal would secure economic benefits such as jobs associated with construction and hospitality as well as promote increased spend in the local area. This would have a positive impact on the continued regeneration of the town centre. This development alongside other housing schemes will contribute to a growing housing market and this is considered to meet town centre housing objectives and achieve social benefits, particularly when the Council is in a negative five year housing land supply position.
- 17.5 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures proposed within the conditions, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with granting planning permission.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) means of access
 - (e) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

- 3) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
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Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 4) The development shall be limited to a maximum of 21 dwellings of which a minimum of 15% shall be provided on an affordable basis as defined within annex 2 of the NPPF or any guidance which may supersede it.

Reason: To meet identified housing need in accordance with UDP policy H5 and paragraph 66 of the NPPF.

- 5) The development shall be limited to a maximum total of 21 dwellings and a maximum of 710sqm of commercial floor space.

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance.

- 6) The noise mitigation measures recommended in Echo Acoustics Noise Assessment (dated 9 February 2023) shall be implemented in full and shall be retained thereafter. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been implemented in accordance with the agreed details and shall be retained thereafter.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses and to protect the amenity of occupiers of the development in accordance with UDP policy H10.

- 7) 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.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

- 8) None of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

- 9) No hot food preparation equipment shall be brought into use unless and until a scheme for the effective deodorising and degreasing and dispersal of emissions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented to the satisfaction of the Local Planning Authority and shall be retained and maintained thereafter.

Reason: To safeguard the amenity of the area from the effects of cooking odours in accordance with policy S7 of the UDP.

- 10) Details of all fixed plant and machinery together with any acoustic treatment / design, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Plant and machinery shall be installed in accordance with the agreed measures which shall be retained and maintained thereafter.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.1

- 11) Prior to the food hall coming into commercial operation and trading to the public full details of the opening hours including delivery times shall be submitted to the Local Planning Authority for approval in writing. The development shall be undertaken in accordance with the approved details.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

- 12) Prior to occupation of the building/commencement of the use, full details of a lighting strategy including any security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.

Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with UDP policies 1.12 and E6.

- 13) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
1. A Preliminary Risk Assessment which has identified: - All previous and current uses of the site and surrounding area. - All potential contaminants associated with those uses. - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
 2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
 3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
 4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
 5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance. Reason:

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 189 of the National Planning Policy Framework.

- 14) Upon completion of any approved remediation scheme(s), and prior to occupation/use, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.
- If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.
- The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation/use of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 189 of the National Planning Policy Framework.

- 15) Secure and weather proof cycle storage to LPCB LPS1175 Security Rating 2, or similar approved, shall be provided for residents and staff prior to the first occupation of the

development hereby approved and thereafter kept available for its intended purposes at all times.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking.

- 16) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of:

- Phasing of the development;
- Location of site compound/offices which shall be located to minimise disturbance to the amenity of existing residents outside of the site;
- Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works;
- Measures to control the emission of dust and dirt during construction; and
- Measures to control noise levels during construction

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies 1.12, H10 and T1.

- 17) No external construction or alteration to the external appearance of the building shall take place until a detailed schedule of all of the proposed materials of external construction or repair of the building has been submitted to and approved in writing by the local planning authority, and samples have been made available for inspection on site. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.

Reason: In the interests of the visual amenities of the locality, in accordance with policies H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 18) Full details of all new and/or replacement windows and door openings shall be submitted to and approved in writing by the local planning authority prior to any such works taking place. Details shall include plans drawn to at a scale of 1:20 of all new and replacement window and door openings (including details of the surrounding cladding) to be installed on the elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a section plan showing the thickness of the frames and the depth of the recess of the frames from the outer face of the host elevation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the visual amenities of the locality, in accordance with policies H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 19) All ground floor doors and windows on the sides of the building fronting the highway shall be constructed to open into the building only and not out into the highway.

Reason: To ensure that the development does not adversely affect use of the adjacent highway, notably by pedestrians, in accordance with UDP policy T1.

- 20) The building shall not be occupied until a scheme showing the location, design and screening of a single satellite television reception aerial/dish capable of distributing a signal to each apartment within the development has been submitted to and approved in writing by the local planning authority. Any aerial/dish must be located so as to minimise its effect on the appearance of the building and all distribution cables must be routed internally. The aerial/dish shall be installed in accordance with the approved details.

Reason: In the interests of the character and appearance of the development in accordance with UDP Policy C1 Townscape and Urban Form.

- 21) No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the character and appearance of the Ashton Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas.

- 22) A scheme for the Biodiversity Enhancement and Mitigation Measures including any soft landscaping and the provision of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.

- 23) All units within the development hereby approved shall be serviced with full digital fibre connectivity. A statement confirming this shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: To ensure that the employment uses are digitally connected in accordance PFE policies JP-C2 (Digital Connectivity).