

**Application Number** 17/00216/FUL

<b>Proposal</b>	Demolition of the existing public house and the redevelopment of the site to provide a 3 storey mixed use development, including 17 residential units and 1 ground floor retail unit, with associated car and cycle parking facilities.
<b>Site</b>	Moss Tavern 99-101 Ashton Road, Droylsden, M43 7FJ
<b>Applicant</b>	C/o Spar Supermarket, 68 Park Road, Timperley WA14 5AB
<b>Recommendation</b>	Grant planning permission subject to conditions and the prior signing of a Section 106 Agreement.
<b>Reason for report</b>	A Speakers Panel decision is required because the application constitutes major development.

## **1. APPLICATION DESCRIPTION**

- 1.1 The applicant seeks full planning permission for the demolition of the existing public house and the redevelopment of the site to provide a 3 storey mixed use development, including 17 residential units and 1 ground floor retail unit (300 square metres internal floorspace to be created), with associated car and cycle parking facilities.
- 1.2 Following discussion with officers, the application has been amended to reduce the number of apartments from the 20 originally proposed down to 17. The reduction in the number of units was required to remove the central section of the second floor of the development, in order to address concerns regarding the impact of the bulk and massing of the development on the amenity of neighbouring residents.
- 1.3 The applicant has provided the following documents in support of the planning application:
  - A daylight/sunlight assessment
  - Heritage Statement
  - Crime Impact Assessment
  - Bat Scoping Survey
  - Arboricultural Impact Assessment
  - Design and Access Statement
  - Retail and Housing Statement

## **2. SITE & SURROUNDINGS**

- 2.1 The application site is the Moss Tavern, a former public house which fronts on to Ashton Road in Droylsden. The building occupies the south eastern corner of the overall site, with the western portion of the land covered by hardstanding (location of the car park), the eastern part of the site being an enclosed grassed area. Three storey residential development is located adjacent to the western boundary (accessed via Redesmere close) of the site and there are two terraces of residential development to the north of the site (on Tatton Mere Drive), the southern gables of which face the northern boundary of the application site. Those terraces are two storeys in height.

## **3. PLANNING HISTORY**

- 3.1 14/00861/FUL - Demolition of existing public house and erection of a four storey apartment building containing 33 no. two bed and 1no. one bed apartments and associated works – application refused and subsequent appeal dismissed.

- 3.2 82/00655/FUL – extensions to form games room, toilets and construction of new access to the highway.
- 3.3 There are other historic planning applications relating to the site but these were associated purely with the public house use and therefore do not affect the proposal being considered in this application.

#### **4. RELEVANT PLANNING POLICIES**

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation**  
Not allocated, within the settlement of Droylsden

#### **4.2 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

1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.3 Part 2 Policies**

E5: Local Employment Opportunities and Mixed Uses

H2: Unallocated Sites.

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density.

H10: Detailed Design of Housing Developments

OL10: Landscape Quality and Character

S6: New Local Shopping Developments

S9: Detailed Design of Retail and Leisure Developments

T1: Highway Improvement and Traffic Management.

T11: Travel Plans.

C1: Townscape and Urban Form

N4: Trees and Woodland.

N5: Trees Within Development Sites.

N7: Protected Species

MW11: Contaminated Land

MW14 Air Quality

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

#### **4.4 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016

The Greater Manchester Joint Waste Development Plan Document April 2012

The Greater Manchester Joint Minerals Development Plan Document April 2013

Residential Design Supplementary Planning Document

Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### **4.5 National Planning Policy Framework (NPPF)**

Section 1 Delivering sustainable development

Section 2: Ensuring the vitality of town centres

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design  
Section 8 Promoting healthy communities

#### 4.6 **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 PPG or other national advice in the Analysis section of the report, where appropriate.

### 5. **PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued 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.

### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Borough Tree Officer – no objections to the proposals, subject to the use of a 'no-dig' construction method within the root protection area of the Weeping Willow tree in the south western corner of the site – the details of which should be secured by condition. The other trees to be removed are considered not to be worthy of protection and their loss would be adequately mitigated through the planting of a replacement landscaping scheme.
- 6.2 United Utilities: No objection to the proposed development subject to conditions requiring details of foul and surface water drainage (including management of maintenance of sustainable drainage systems to be installed) are attached to any approval.
- 6.3 Greater Manchester Ecological Unit: Overall the ecological constraints on the site are considered to present a low risk. The updated bat survey confirms the findings of the 2014 survey, concluding that there is no evidence of recent bat roosting activity on the site. A bird nest was discovered in 2014 but no evidence of this or other nests was encountered during the updated survey period. A restriction on the timing of the removal of vegetation on the site can be secured by condition to reduce the risk of disturbing protected species during works associated with the development. Biodiversity enhancements should be sought to compensate for the loss of vegetation that has roosting potential on the site, in accordance with the guidance contained within the NPPF.
- 6.4 Borough Contaminated Land Officer: recommends that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.
- 6.5 Borough Environment Health Officer: no objections to the proposed development, subject to the imposition of conditions limiting the hours of works and deliveries during the construction process, limiting the hours of the commercial premises, restricting the noise associated with the proposed development and mitigating the impact of noise generated by the traffic on Ashton Road on the living conditions of the future occupants of the development. The completion of an air quality assessment prior to the commencement of development is considered not to be necessary.
- 6.6 Local Highway Authority: no objections to the proposals subject to the imposition of conditions requiring the laying out of the car parking spaces prior to the first use/occupation of the development and details of measures necessary within the highway to ensure that the proposed access is constructed satisfactorily.

- 6.7 Transport for Greater Manchester: no objections to the proposed development subject to the imposition of a condition requiring a Construction Management Plan to be submitted prior to the commencement of development, to ensure that the storage of materials and the parking of vehicles during the construction process does not have an adverse impact on the safety of the adjacent highway and tram network.
- 6.8 Greater Manchester Police (Design Out Crime Officer): No objections to the proposals, subject to the development being designed, constructed and operated in accordance with the recommendation contained within sections 3.3 and 4 of the Crime Impact Statement submitted with the planning application.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 Three letters of objection have been received from neighbouring residents, raising the following concerns (summarised):
- The application is proposing too many dwellings and a development that is too high.
  - The proposed Spar shop will presumably apply for a license, which is likely to generate anti-social behaviour in a location close to residential properties occupied by older people.
  - The undercroft parking is also likely to be a cause of anti-social behaviour which would have a detrimental impact on the amenity of the area and the residential amenity of adjacent properties.
  - The proposal will result in additional traffic in an area which already suffers from congestion and would therefore be detrimental to highway safety.
  - The proposed development would have an ugly appearance and would not be in keeping with the character of the surrounding area.
  - The Retail and Housing Statement submitted with the planning application is considered to be inaccurate and makes no reference to the effect that the retail element of the proposal would have on the viability of the shop at the petrol station adjacent to the site. The sale of alcohol from the petrol station was prevented by the relevant Authorities due to concerns about crime and anti-social behaviour. The same concern would relate to this proposed development.

## **8. ANALYSIS**

- 8.1 The issue to be assessed in the determination of this planning application are:
- 1) The principle of development
  - 2) The impact upon the residential amenity of neighbouring properties
  - 3) The impact of the design and scale of the development on the character of the site and the surrounding area
  - 4) The impact on highway safety,
  - 5) The impact on flood risk
  - 6) The impact on environmental health

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 The application site is located approximately 150 metres east of Droylsden town centre. Policy S6 of the UDP states that additional neighbourhood foodstores, local shops and other small scale retailing outlets serving local needs will be supported so long as the development would comply with the following criteria:

(a) will not adversely affect the vitality and viability of established district and local centres, and

- (b) will not lead to a loss of amenity in surrounding residential areas, and
- (c) will not result in traffic problems on adjacent highways.

- 9.2 The proposal would deliver a mixed use regeneration scheme through the redevelopment of a derelict brownfield site, providing new homes in a highly accessible location and would result in the viable re-use of a site that is currently the subject of anti-social behaviour.
- 9.3 The supporting text of the policy states that the policy is concerned with retail development outside of the Borough's town centres (of less than 1,400 square metres gross floorspace) and caters for local needs. This policy seeks to take advantage of whatever opportunities may arise for improving local shopping provision, so long as this would not weaken existing local centres or cause amenity or traffic problems.'
- 9.4 The Retail and Housing Statement submitted with the planning application includes a sequential test which has assessed available alternative sites for the proposed development within a five minute walking distance (equating to a radius of approximately 400 metres) of the site. Within this distance, Droylsden Town Centre, a parade of shops 390 metres to the east of the site and Audenshaw Local Parade (approximately 400 metres further east of that parade) are considered. The sequential test was limited to premises between 150 square metres and 450 square metres, with the mid-point being the 300 square metres of floorspace being proposed in this application. Due to falling outside of the size range applied, 5 vacant premises in Droylsden Town Centre were considered unsuitable. There were no vacancies within the parade of shops 390 metres to the east of the site at the time the sequential test was undertaken and so that location did not provide a viable alternative for the proposed development. Whilst there were 4 vacant units at the Audenshaw Local Parade, none of these units exceeded 100 square metres in floorspace and therefore were substantially smaller than the unit proposed in this application.
- 9.5 Whilst the test did highlight that there are available units in Droylsden Town Centre, which is only a short walking distance from the site that are vacant, the applicant has pointed to case law which emphasises that the test is whether alternative sites are suitable for the proposed development, not whether the proposal could be adapted to fit the available sites. On that basis, the applicant's rejection of potentially available sites due to them being too large as well as too small is considered to be robust.
- 9.6 The applicant has also undertaken an impact assessment, which considers how the proposed development would affect the retail offer in the town Centre and on the vitality of existing retail businesses. Given the size of the retail unit, such an assessment was not required to be undertaken (in accordance with local and national policy) but the assessment highlights the fact that within the 400 metre radius of the site, the only comparable size operation to the proposal is the One Stop Shop to the east of the site. There is a 67 square metre convenience store at Audenshaw Local Parade but this offers a far smaller range of goods than the proposed unit. The Tesco and Iceland stores in Droylsden are of a size that would exceed the retail offer provided by a convenience store.
- 9.7 Whilst it is the case that the BP garage to the east of the site includes a Mace store which does sell convenience items, the fact that this is part of a petrol filling station is considered to ensure that this is a different offer, with a smaller range of goods than would be available in the proposed development. Furthermore, neither that shop nor the One Stop Shop are located within a district or local centre and therefore cannot be considered to contribute directly to the vitality and viability of these areas, which is what policy S6 is concerned with.
- 9.8 In assessing the impact of the overall proposal, it must also be considered that the proposal would include residential accommodation, increasing the residential population within walking distance of the town centre. This may well result in a positive impact on the vitality and viability of the town centre, improving the likelihood that the larger units identified as vacant in the sequential test would be re-occupied. The function of a store in this location

would provide a 'top up' service in addition to those in the town centre, meeting a local need identified in policy S6.

- 9.9 On the basis of the above assessment, it is considered that the proposals would comply with criterion (a) of policy S6. Assessment against criterion (b) and (c) of the policy is considered later in this report but the principle of development is considered to accord with the adopted Local Plan, subject to all other material considerations being satisfied.

## **10. CHARACTER OF THE SURROUNDING AREA**

- 10.1 The previously refused scheme was dismissed at in appeal in part due to having a detrimental impact on the character of the site and surrounding area. As previously stated, that proposal was 4 storeys in height. Furthermore, it was also only set back from the back edge of the footway adjacent to the southern boundary by 2 metres. In this revised scheme, the front building line would be set back back from the southern boundary of the site and the building has been reduced in height. Whilst the reduction in height is approximately 600mm from the previous scheme, this revised application only proposes 3 storeys of accommodation and therefore the upper element of the height visible on the streetscene is the pitched roof over the apartments that would front on to Ashton Road. The overall massing of the building on the streetscene would be reduced in this revised scheme to an acceptable degree through the combination of the reduction in height and setting the front building line back from the southern edge of the site.
- 10.2 In addition to improving the impact of the development on the residential amenity of the properties to the north, the removal of the central 3 flats at second floor level in the rear section of the building would also reduce the massing and bulk of the overall building, representing a design improvement on the previously approved scheme. The proposal would incorporate a 'landscape buffer' in the form of a strip running along the southern edge of the site, which would help to emphasise the recessed nature of the front building line of the development and would also help to define and soften the visual impact of the undercroft parking area, which would be open to provide parking for the ground floor retail unit.
- 10.3 The scheme has been amended to include brick pillars at either end of the undercroft parking, providing a closer relationship with the bricked elevations of the upper floors and having the effect of 'grounding' the building in views of the development on the streetscene. In addition, brick piers, connected by a low rise wall as part of the physical separation between the retail parking to the front of the site and the car parking associated with the first and second floor residential units to the rear.
- 10.4 Following the above assessment, it is considered that the amended proposals have been designed so as to reduce the bulk, scale and massing of the development to an extent that would overcome the reason for refusal and appeal dismissal relating to the impact of the previous proposal on the character of the site and surrounding area and would therefore accord with policy H10 of the UDP.

## **11. RESIDENTIAL AMENITY**

- 11.1 The proposal has been amended to remove the three flats originally proposed at the centre of the second floor rear element of the scheme. This has addressed concerns relating to the original submission, which would have presented a tall building within 12 metres of the northern boundary of the site (on Tatton Mere Drive), which is abutted by the gable elevations and amenity space of the neighbouring two properties. Whilst the gable elevations of those adjacent properties facing the application site are blank, ensuring that there could be no direct overshadowing or overlooking impact from the proposed

development, the original scheme would have given opportunities for direct overlooking of the private amenity space to the rear of those units and from a second floor height, this would have been oppressive and therefore harmful to the amenity of those neighbouring properties.

- 11.2 The amended proposal would result in the flats at the eastern and western ends of the rear elevation at second floor level projecting forward of the recessed central section. The two projecting apartments would have 2 bedroom windows and a balcony facing the northern boundary of the site. Of these openings, only the western most window on the rear elevation of the apartment at the eastern end of the building would allow overlooking of the amenity space of the neighbouring development.
- 11.3 Given the fact that the positioning of that window would not allow direct overlooking into any habitable rooms of those neighbouring properties, combined with the separation distance to be retained to the common boundary (just over 8.5 metres) and the recessed nature of the majority of the rear elevation at second floor level, it is considered that any adverse harm to the amenity space of the properties to the north of the site would be avoided. Any harm arising would not therefore be sufficient to outweigh the benefits of boosting the supply of housing through the redevelopment of a vacant brownfield site.
- 11.4 At first floor level, the same relationship would exist between the end units as applies at the second floor level, assessed above. The reduction in height down to first floor level and the separation distance to be retained would ensure that overlooking from any of the first floor windows in the rear elevation of the proposed development would not have a detrimental impact on the amenity of the neighbouring properties. This position would be further improved by ensuring that the glazed screens applied to the balconies facing over the common boundary are fitted with obscured glass, a requirement that can be secured by condition.
- 11.5 The angle to be retained between all of the proposed windows and balconies and the habitable room windows of the adjacent properties would be sufficiently oblique to avoid any direct overlooking that would be harmful to the residential amenity of those properties.
- 11.6 The proposed development would involve one storey of accommodation less than the previous scheme for 33 units which was refused and dismissed at appeal. The height of the building in this scheme has been reduced by 600mm following amendments to the proposal, but remains close to the height of the previously refused scheme, due to the incorporation of a pitched roof, despite only consisting of 3 storeys. However, there would be no windows in the gable elevations of the building and the separation distance between the rear elevation of the building and the northern boundary of the site are considered to overcome the reason for refusal of the previous application relating to the residential amenity.
- 11.7 Following the above assessment, it is considered that the proposed development would not have an adverse impact on the amenity of neighbouring residents, subject to a condition securing the details of the means of enclosure of the balconies on the rear elevation of the building. The proposals would therefore accord with policy H10 of the UDP, the Residential Design Guide and the NPPF in this regard.

## **12. HIGHWAY SAFETY**

- 12.1 The amended scheme proposes 7 car parking spaces for the retail unit and 20 spaces for the 17 residential units (10 x 2 bed and 7 x 1 bed). The Residential Design Guide (RDG) indicates a maximum provision of 2 parking spaces for 2 bedroom units in this location. With 1 space per 1 bed flat (meeting the requirements of policy RD8 the RDG), there would be 13 spaces left for the 10 x 2 bed units, falling short of guidelines contained within policy

RD8. The Council's maximum car parking standards in relation to retail uses are that 1 customer space should be provided for every 25 square metres of floor space. This proposal would fall short of that standard, providing 7 car parking spaces in total for a retail unit of 300 square metres.

- 12.2 However, these policies set out guidelines on the maximum levels of provision expected and the application site is considered to be in a highly accessible location. Tram Line E runs along Ashton Road, with services at regular intervals and a 20 minute journey time to the centre of Manchester and there is also a regular bus service covering the same route. These provide a realistic alternative to the use of the private car for occupants of the development to access a wide range of services and facilities and employment opportunities. Therefore, it is considered reasonable to reduce the level of parking provision to below the maximum standard in this location, a factor that would not result in material harm to highway safety, as evidenced by the lack of objection from the Local Highway Authority and Transport for Greater Manchester.
- 12.3 In addition to the accessibility of the location, it is considered that the scale of the retail use proposed and the high density of residential development in the surrounding area suggests that the shop would generate high turnover and short stay custom. The proposal would be materially different to a shop on a retail park and therefore application of the maximum standard is considered not to be necessary. In addition, the amended scheme would provide 6 bicycle spaces within the parking area for the retail unit, a significant over provision against the minimum of 2 for a unit of this size, as required by the standards in the UDP. On basis of this combination of factors, it is considered that the sustainable location and the modest scale of the development justify the level of car parking proposed.
- 12.4 The Local Highway Authority has not raised any objections to the amended proposals, subject to conditions. A condition to require the laying out of the parking bays is considered to be necessary. The final details of the access can be secured by condition, but the location of the access and egress points are considered to be acceptable in highway safety terms. In addition, a condition requiring the Construction Environment Management Plan as requested by Transport for Greater Manchester is considered to be reasonable and would minimise disturbance caused by the construction phase of the development within the adopted highway.

### **13. FLOOD RISK**

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have raised no objections to the proposals subject to the imposition of conditions requiring the foul and surface water drainage mechanisms to be separated and details of a sustainable surface water drainage strategy being approved and implemented. The applicant has confirmed on the application form that foul water would be drained from the development via a connection to the existing main sewer.
- 13.2 It is considered that the proposed development would not result in a harmful impact in relation to flood risk, subject to the above details being secured by condition.

### **14. ENVIRONMENTAL HEALTH**

- 14.1 The Borough's Environmental Health Officer has raised no objections to the proposals, subject to the imposition of conditions limiting the hours of operation and deliveries during the construction phase of the development, restrictions on the hours of operation of the proposed retail unit and measures to control noise levels associated with that retail use. These conditions are considered to be reasonable. A condition is also requested requiring a noise impact assessment to be undertaken to identify any mitigation required to ensure that



noise generated by the traffic on Ashton Road would impact on the amenity of the occupants of the proposed development.

- 14.2 The suggested limit to the hours of operation would match those applied for (0800-2200 hours Monday to Saturday and 0800 to 2200 on Sundays and Bank Holidays). Whilst there are neighbouring properties within relatively close proximity of the site, the established use of the site is as a public house, which would operate after 2200 hours most nights and would involve similar noise associated with patrons entering and leaving the premises. The car park associated with that use also extends to the northern and western boundaries of the site and an outside seating area and garden associated with the pub was located in the eastern portion of the site, also extending to the boundaries of the plot. On that basis, it is considered that the proposed retail use would not result in an adverse impact on the residential amenity of neighbouring properties in terms of noise, given the established use of the site, particularly given the enclosed nature of the car parking provision on all but the front boundaries of the site.
- 14.3 In relation to the noise impact assessment required to ensure adequate mitigation is provided for the occupants of the proposed development, this is considered to be reasonable given the proximity to Ashton Road. Any necessary mitigation can be secured via the condition imposed. In relation to the request regarding amplified noise not being audible at the perimeter of the site, this condition is considered to be unreasonable given that the proposed retail unit would not operate as late as a drinking establishment, which is the lawful use of the site and any amplified noise levels would be contained within the building. The Council has powers under Environmental Health legislation to deal with unreasonable levels of noise generated by either the residential or commercial uses proposed and it is unnecessary to duplicate this through the planning permission.
- 14.4 The Borough Contaminated Land Officer has not raised any objections to the proposals, subject to securing the further investigation work by condition. A condition requiring this additional work to be undertaken and that any necessary mitigation measures are agreed and implemented prior to the commencement of development is considered to be reasonable given the brownfield nature of the site.
- 14.5 The south eastern corner of the site is within an Air Quality Management Area. The front elevation of the residential element of the scheme would be set 7.6 metres from the back edge of the footway. Whilst the south eastern corner of the development would fall within this area, the majority of the building would not. Given the extent of the set back and the fact that residential accommodation would be elevated above ground floor level, it is considered that the impact on the amenity of the occupants of the development would not be significantly harmful. When weighing the potential harm in this regard against the benefits of the scheme (as required by policy MW14 of the UDP), it is considered that the fact that that is well served by public transport would reduce dependency on the private car and this would be of benefit to the management of air quality within the area.
- 14.6 The Environmental Health Officer has considered whether an Air Quality Assessment is required and concluded that in light of the above, the submission of this document is not required as the proposals are considered not to result in adverse harm in this regard.

## **15. OTHER MATTERS**

- 15.1 In relation to the impact on trees, the proposal would require the removal of 1 tree classified as Category B (of moderate quality) and the removal of 4 trees are Category C (of low quality), with works to be undertaken to a fifth in that category. The Weeping Willow in the south western corner is the highest quality tree on the site, located in the south western corner and would be retained as part of the amended scheme. Details of tree protection measures to be installed during the construction works and the method of construction to

be employed within the Root Protection Area of the Willow tree shall be secured by condition. Other trees to be removed are located in the north western corner and along the eastern boundary of the site.

- 15.2 There would be space along the northern boundary of the site for new tree planting and the details of the species mix and number of trees to be planted, along with maintenance of the landscaping scheme can be secured by condition.
- 15.3 The issue raised by objectors to the application include the social impact of the proposed retail unit being able to sell alcohol. The principle of the change of use and the impact of the retail unit on the residential amenity of neighbouring properties in terms of noise generated, overshadowing and overlooking are material planning considerations. The type of goods that a retail use would sell is not a matter for the planning system so long as the use of the premises falls within use class A1. A license would be required to sell certain items, including alcohol and an application would need to be permitted before the affected items were sold from the unit. This application would be assessed against legislation that is separate from the Planning Act and a decision would be made by Licensing Panel.
- 15.4 Likewise, whilst the impact of a proposed retail development on the vitality and viability of established town centres/ concentrated retail areas is a material consideration, competition between specific businesses is not. The impact of the proposed retail use on the nearby town centre has been considered in the principle section of this report and given the size of the proposal, it is considered that there would be no adverse impact on the centre of Droylsden. On that basis, the economic impact of the proposals complies with local and national planning policy.
- 15.5 In relation to financial contributions required to mitigate the impact of the development, the applicant will be required to make a contribution to the provision of open space within the local area, in accordance with policy H5 of the adopted UDP. The contribution from this development is approximately £12,443.89, based on the Council's Developer Contributions formula, which shall be secured via a Section 106 Agreement. A scheme for upgrading the pathway network within Lees Park is a project that has been identified as a suitable project that this scheme would contribute to. Lees Park is immediately adjacent to the north east of the site and the level of open space provision within the application site would be relatively limited given the number of apartments proposed. The contribution is considered to meet the CIL regulations in that it is necessary to make the development in planning terms (given the limited amenity space to be provided on site), directly related to the development (as the close proximity of the park ensures that residents are likely to use this space given the limited nature of the onsite provision) and proportionate in that the sum is based on the size of the development.
- 15.6 The scheme proposes less than 25 dwellings and therefore no affordable housing or education contributions are required, in accordance with the adopted policies of the UDP.
- 15.7 Given the close proximity of existing public transport, provided by both tram and bus, it is considered that a contribution towards the upgrading of public transport links would not be required to mitigate the impact of the development, having regard to the relatively small scale of the development. Such a requirement would therefore fail to comply with the CIL regulations and cannot therefore be sought.
- 15.8 A Heritage Statement has been submitted as part of the planning application. The building is not listed or within a conservation area. The statement, dated December 2014, indicates that the building was at that point considered to be a non-designated heritage asset. However, the building and site have been substantially altered, with the installation of the hardstanding car parking area and extensions to the building itself weakening the significance of the 19<sup>th</sup> century building. Given the decline in the condition and the current vacant nature of the site, it is considered that the regenerative benefits of proposal would

outweigh any harm caused by the loss of the existing building, in accordance with the guidance in paragraph 135 of the NPPF.

- 15.9 Following the completion of an updated ecology survey, the Borough Ecologist has raised no objections to the proposals.

## **16. CONCLUSION**

- 16.1 The principle of residential development on the site is considered to be acceptable as a mixed use, residential led development of a derelict previously developed site in a sustainable location. It is considered that the proposal would not have an adverse impact on the vitality and viability of Droylsden town centre, which is within walking distance of the site. The proposal is considered to accord with policy S6 of the UDP, as the applicant has provided information to demonstrate that there are no vacant units that would be suitable alternatives due to size. The impact assessment and sequential test are considered to be sufficient when considered alongside the support for the redevelopment of sites outside of defined centres to improve local provision in sustainable locations.
- 16.2 Following amendments to the design of the proposed development, it is considered that the scheme would respect the character of the streetscene and would not be of a scale or design that would result in an unreasonable impact on the residential amenity of neighbouring properties. The level of parking provision would be below the standards set out in the UDP. However, the regularity and close proximity of public transport services to the site ensure that this is considered to be a sustainable location, offering realistic alternatives to the private car for travel to and from the site for customers of the retail unit and occupants of the residential development.
- 16.3 There are no objections to the proposals from the statutory consultees in relation to highway safety, environmental health, flood risk/drainage, the impact on trees or ecology. A financial contribution to the provision of green space within the surrounding area can be secured via a Section 106 agreement.
- 16.4 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

## **17. RECOMMENDATION**

Subject to the completion of the s106 Agreement referred to in 15.5 and 16.3 grant planning permission, subject to the following 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 hereby approved shall be carried out in accordance with the following approved plans: amended proposed site plan (ref. 927 A 002 Rev. E), proposed first floor plan (ref. 927 A 004), amended proposed second floor and roof plan (ref. 927 A 005 Rev. A), amended proposed elevations plan (ref. 927 A 005 Rev. D), proposed streetscene plan (ref. 927 A 006 Rev. B)
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type,

colour and texture of the materials. Development shall be carried out in accordance with the approved details.

4. The car parking spaces to serve the development hereby approved shall be laid out as shown on approved the approved proposed site plan (ref. 927 A 002 Rev. E), prior to the first occupation of any of the dwellings or the retail unit hereby approved and shall be retained free from obstruction for their intended use thereafter.
5. The use hereby permitted for the commercial business shall not operate and no deliveries shall be made to or taken from the site outside the hours of 07:00 to 22:00 Monday to 08:00 to 22:00 on Sundays and Bank Holidays.
6. Prior to the first occupation of any of the residential units hereby approved, scaled elevation and section plans (at a scale of 1:20) and details of the construction material and finish (including level of obscenity) of the means of enclosure of the balconies on the rear elevation at second floor level shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be implemented in accordance with the approved details prior to the first occupation of the residential units and shall be retained as such thereafter.
7. Prior to the first occupation of the dwellings or retail unit hereby approved, details of the boundary treatments to be fully installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the treatments and details of the construction material and the finish to be applied. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwellings.
8. Notwithstanding the details shown on the approved plans, no development shall commence until scaled plans detailing the construction of the access and including vehicular swept paths have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
9. Prior to the first occupation of the dwellings or retail unit hereby approved, details of all hard and soft landscaping to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans and schedule of plants and trees including dimensions, maturity and proposed numbers/densities. The hard landscaping details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details.
10. The approved scheme of landscaping scheme shall be implemented before the first 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 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.
11. No development shall commence until details of tree protection measures to meet the requirements of BS5837:2012 have been installed around the Weeping Willow tree to be retained in the south western corner of the site and details of the method of construction to be employed within the Root Protection Area of the trees to be retained have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be installed in accordance with the approved details prior to the commencement of development and shall be retained in situ for the duration of the

construction works. The construction works shall be carried out in accordance with the approved details.

12. Prior to the first occupation of any part of the development hereby approved, a noise impact assessment and details of the measures to be incorporated within the building to mitigate the impact of noise generated by traffic on Ashton Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of the mitigation measures to be installed, indicating that noise levels within the building would not exceed existing background noise levels (both measurements to be given in dBA .) The approved mitigation measures shall be installed prior to the first occupation of any part of the development and shall be retained as such thereafter.

13. 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.

14. 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:

Wheel wash facilities for construction vehicles;  
Arrangements for temporary construction access;  
Contractor and construction worker car parking;  
Turning facilities during the remediation and construction phases;  
Details of on-site storage facilities;

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

15. Notwithstanding the details shown on the approved plans, no part of the development 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 storage for both the commercial and residential uses and shall indicate the capacity of storage that can be accommodated within the designated storage areas. The bin storage arrangements for both the commercial and residential uses shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

16. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be discharged to the public sewerage system either directly or indirectly unless specifically otherwise agreed in writing. Foul and surface water shall be drained on separate systems unless otherwise agreed in writing and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The development shall be completed in accordance with the approved details.

17. The development shall be carried out in accordance with the design and maintenance measures detailed in the Crime Impact Statement Produced by Greater Manchester Policy, submitted with the planning application. The development shall be retained as such thereafter.

18. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
19. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.
20. No development, other than site clearance and site compound set up, shall commence until such time as 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 (including controlled waters) 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.

**Reasons for conditions:**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the appearance of the development reflects the character of the surrounding area.
4. To ensure that the development is served by adequate parking provision.
5. To ensure that the development would preserve the residential amenity of the occupants of neighbouring properties.
6. To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

7. To ensure that the development would preserve the residential amenity of the occupants of neighbouring properties.
8. In the interests of highway safety.
9. To ensure that sufficient hard and soft landscaping are implemented to ensure that the overall development respects the character of the surrounding area.
10. To ensure that the approved landscaping scheme is adequately maintained.
11. To ensure adequate protection of the trees to be retained on the site as part of the development.
12. To ensure that the residential amenity of the future occupiers of the development is preserved, in accordance with policy H10 of the Tameside UDP and the NPPF .
13. To provide adequate secure bin storage to serve the development and to safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.
14. To ensure that the impact of the construction phase of the development would be contained within the site and would not have a detrimental impact on highway safety or the residential amenity of neighbouring properties.
15. To provide adequate secure bin storage to serve the development and to safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.
16. To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with the National Planning Policy Framework.
17. To ensure that the development is designed to minimise opportunities for crime.
18. In order to prevent any habitat disturbance to nesting birds in accordance with the National Planning Policy Framework.
19. To ensure that the development maintains highway safety.
20. To ensure that the site is suitable for its intended end use and to remove any unacceptable risk to people/buildings/environment from contaminated land as per paragraph 121 of the National Planning Policy Framework.

## **Informatives**

Section 106 Agreement to secure contribution towards off site green space provision

Detailing the applicant's obligations in relation to avoiding harm to Protected species during the construction process.