

**Application Number** 18/00017/PLCOND

<b>Proposal</b>	Application for minor material amendment to approved planning application 15/00063/FUL. Variation to condition no.2 (Approved Plans) to allow alterations to the design, siting, landscaping and mass of the approved development for the erection of 24 no. two bedroom apartments within a 3 storey block with accommodation within the roof space.
<b>Site</b>	Site of Former Conservative Social Club, Vernon Street, Ashton
<b>Applicant</b>	Olive Property Construction North Limited
<b>Recommendation</b>	Grant a Minor Material Amendment subject to conditions and completion of a deed of variation to the original section 106 agreement.
<b>Reason for report</b>	A Speakers Panel decision is required because the application constitutes a major development.

**1. APPLICATION DESCRIPTION**

- 1.1 The application has been submitted as a minor material amendment to approved planning application 15/00063/FUL a development of 24 apartments within a single 3 storey block.
- 1.2 The application seeks to amend condition no.2 (Approved Plans) of the extant planning permission. The justification for this is to address discrepancies within the approved documents which relate to the siting and landscaping of the site. In addition the proposals seek to revisit the external design and fenestration of the approved block. To clarify the scale, quantum and access would remain unchanged from that of the details previously approved.
- 1.3 The application has been accompanied with the following documents in support of the planning application:
  - Design and Access Statement
  - Covering Letter /Statement
  - Landscaping Masterplan
  - Full Plans Package
- 1.4 The applicants supporting statement confirms that the maximum heights of the building has been retained. The most significant changes would be to the roofline, fenestration and materials of the development.
- 1.5 As a major planning application the site extant application was subject to a section 106 agreement securing approx. £37k towards off site Green Space and Highways improvements. Members are advised that a deed of variation would be required to the completed agreement should they be minded to approve the application.

**2. SITE & SURROUNDINGS**

- 2.1 The application site is located off Vernon Street, a short un-adopted road off Kings Road. The site is rectangular in shape and covers an area of approximately 0.38ha in area. It was formerly occupied by a social club which has since been demolished although the foundation slab is however still visible. The site is covered with self-set vegetation in addition to a number of mature trees to the boundaries. The site is secured by a gated entrance but is prone to fly-tipping.

- 2.2 The site is bounded by residential properties Ladbrooke Road (south), Kings Road (East), Hilton Crescent (North) and Ladbrooke Close (West). These are predominately two storey brick built terraces.

### **3. PLANNING HISTORY**

- 3.1 15/00063/FUL - Erection of 24 no. two bedroom apartments in one 3 storey block with means of access, refuse storage, landscaping and parking provision – Approved subject to a section 106 agreement 28.02.2017. This application remains extant.
- 3.2 Prior to the above approval there had been three applications for residential development at the site, these had been refused with two also being dismissed at appeal.
- 3.3 05/00697/OUT – Outline (including details of access and layout) application for erection of 24 Apartments – Refused at Speakers Panel 19.10.2005. Decision was subsequently allowed at appeal.

### **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**  
Strategic Employment Development Site
- 4.4 **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;
- 4.5 **Part 2 Policies**  
H4: Type, Size and Affordability of Dwellings;  
H7: Mixed Use and Density;  
H10: Detailed Design of Housing Developments;  
C1: Townscape and Urban Form  
N4: Trees and Woodland;  
N5: Trees Within Development Sites;  
MW11: Contaminated Land  
T1: Highway Improvement and Traffic Management;  
T7: Cycling;  
T10: Parking;  
T11: Travel Plans;  
U3: Water Services for Developments;  
U4: Flood Prevention;  
U5: Energy Efficiency.
- 4.6 **Other Policies**  
Trees and Landscaping on Development Sites Supplementary Planning Document  
Residential Design Guide

- 4.7 **National Planning Policy Framework (NPPF)**  
Section 1 Delivering sustainable development  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities  
Section 11: Conserving and enhancing the natural environment

4.8 **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.
- 5.2 Local residents were notified in writing on the 22<sup>nd</sup> May 2018.
- 5.3 A press notice was published on the 31<sup>st</sup> May 2018
- 5.4 A site notice was erected on the 1<sup>st</sup> June 2018 on a lamppost opposite the site entrance.

**6. RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – No objections to the proposals subject to the provisions of the previous recommended conditions.
- 6.2 Environmental Health Officer – No objections
- 6.3 Tree Officer – Approximately 6 low to medium value trees are to be removed but this is adequately mitigated by the replacement of 8 trees of suitable species.
- 6.4 Coal Authority – Proposal falls outside the defined Development High Risk Area. Therefore a Coal Mining Risk Assessment is not necessary for this proposal and no objections area raised.

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

- 7.1 One letter of objection has been received the reasons for which are summarised as follows:
- Adverse impact upon residents of Ladbrooke Road with a loss of light and privacy due to scale and height of the building;
  - Increased Noise pollution during construction period;
  - Congestion on Kings Road/ unsuitability of the site access;
  - Structural Damage would occur to adjacent properties;
  - Loss of mature trees cannot me adequately mitigated;
  - Bats are present within the site;
  - Lives of Domestic Pets will be put at risk from the plant; and,
  - Onsite contamination.

## **8. ANALYSIS**

- 8.1 The Government's Planning Practice Guidance states that there is no statutory definition of a 'minor material amendment'. This is because it will be dependent on the context of the overall scheme – an amendment that is minor-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is a minor-material in order to grant an application. As a guide a minor-material amendment is not likely to include any amendment where its scale and/or nature results in a development which is not substantially different to the one which has been approved.
- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application'. The original planning permission will continue to exist.
- 8.3 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice for the grant of planning permission under section 73 repeats the relevant conditions from the original planning permission.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 The principle of the sites redevelopment for 24 residential apartments within a three storey block has been established on the granting of planning permission 15/00063/FUL. A material start has yet to commence but the permission remains extant until its expiry on the 28<sup>th</sup> February 2020.
- 9.2 The access and parking arrangements remain unchanged and the footprint and height of the block would be directly comparative to that of the approved development. The proposal essentially relates to changes to the elevation treatment, roof design and materials palette and would not increase/alter the overall quantum of development from that approved.
- 9.3 The principle of the development is firmly established and the main issue in the assessment of the application relates to the acceptability of the design amendments.

## **10. DESIGN AND VISUAL AMENITY**

- 10.1 UDP policy H10 provides criteria to be met when considering the detail of housing developments including design which meets the needs of potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area.
- 10.2 The amendments do not significantly depart from the design parameters established on the previous planning application. The maximum heights of the building would be retained along with the siting and quantum. Essentially the concept remains unchanged with a 3 storey apartment block fronting a communal car park within landscaped grounds the siting of which exceeds recommended spacing standards to existing properties.
- 10.3 The elevations have been revisited to give a more contemporary appearance to the apartment block. The revised design takes a more rational approach with design reference to the areas industrial heritage. The main changes include the inclusion of series inverted pitched roofs to the building and an overall simplification to the materials palette to brick for the elevations, stone copings, and anthracite Grey openings. The fenestration has been

enlarged and would be set within a generous reveal to provide texture and interest to the appearance of the facades.

- 10.4 As a comparison to the extant permission the design takes a more considered approach. The elevations and materials respond more successfully to the sites context, the design exhibits more depth and character to that of the previous approval which on reflection appears somewhat monolithic. The relationship of the site to the surrounding properties means that it is largely screened from surrounding vistas, the impact upon the street scene is therefore somewhat limited. Nonetheless the amendments are considered positive in terms of how they respond to the sites constraints and the relationship to the surrounding area.
- 10.5 Having full consideration to the design merits of the revised proposals it is considered that the development would create an improved design to the extant permission. The design and form is more purposeful, it would assimilate with its surroundings and enhance the area. Overall this would create a more attractive residential environment for both future occupiers and existing residents alike. It is therefore, considered that the proposal adheres to the objectives of UDP Policies C1 and H10 which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11. RESIDENTIAL AMENITY**

- 11.1 The Design of Residential Development SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties.
- 11.2 The minimum separation distances are set out in SPD policy RD5 which also makes allowances for degree of angle, height of buildings and differences in site levels. The policy confirms a minimum separation distance between habitable room windows on two storey developments of 21 metres where habitable room windows directly overlook. Added to this should be 3 metres for every additional storey and 1 metre for every metre difference in ground level.
- 11.3 The application does not need to revisit these standards as the building would be essentially located on the same footprint. The proposed east and west elevations of the building (front and Rear) will maintain a 30m separation to the rear elevation of properties fronting Ladbrooke Close and Kings Road. The north (side) elevation of the building facing the rear elevation of Ladbrooke Road, achieves a minimum separation distance also of 25.5m. Taking into account the number of stories and difference in site levels, the proposed amendment would continue to achieve the requirements of this policy which should ensure there is no significant impact on the occupiers of neighbouring properties.

## **12. HIGHWAYS**

- 12.1 No changes are proposed to the site's access or parking arrangements or that of the internal site layout. The proposals do not raise any further issues for consideration to those of the approved development whereby there would be no changes to the number of vehicles travelling to / from the site, nor will there be a materially different car parking demand or servicing requirement. Relevant conditions were applied on the extant permission relating to the provision of the parking and access improvements, these would be carried over onto the present scheme. As such, no objections are raised to amending the extant permission and the application continues to accord with UDP Policies T1, T7 and T10.

### **13. TREES & ECOLOGY**

- 13.1 No additional trees would be removed from the site as a result of the amendments. The landscaping would not be materially different from that of the extant permission which has established the extent of tree removal and replanting. The key features of the submitted landscape plan include;
- Retention of poplar trees along the west property boundary (shared with Ladbrooke Close) and allocation of a generous root protection area;
  - Communal garden predominantly lawn to provide amenity space;
  - Low shrub planting along front building elevation and throughout car park;
  - Brick paving around building and pedestrian footpath of Vernon Street up to King Street.
- 13.2 The retention of the significant line of Poplar trees will benefit the site and area generally providing an interruption of view of the development whilst retaining an important feature of the area. It is considered the proposed development and landscape proposals will enhance both the development and character of the area and would comply with UDP policy N5.

### **14. DRAINAGE & GROUND CONDITIONS**

- 14.1 Details of the drainage design would be agreed by a planning condition. The changes do not deviate from the principles established at the site and there would be no material difference in run off area associated with the development. Likewise subject to the safeguarding of remediation measures there are no reasons why the amendments would give rise to any stability or contamination issues.

### **15. LEGAL**

- 15.1 The original consent was subject to a section 106 agreement which secured the following contributions:
- Green Space – £20,632.37 fund infrastructure improvements to King George's Park, Cedar Park and Smallshaw Fields.
  - Highways – £16,482.24 will fund new and improved cycle and pedestrian links between Ashton and Queens Road/Palace Road as part of the Ashton/Stalybridge circular route identified in Tameside Cycling Strategy Options Report.
- 15.2 A deed of variation would be required to the legal agreement. This would also ensure that the identified contributions are index linked at the point of payment. On this basis the application adequately mitigates its impacts.

### **16. CONCLUSION**

- 16.1 The amendments are of an acceptable scale which does not conflict with the principles established upon the original planning consent. The revisions to the design are positive in that the finish responds more successfully to the character and context of the local housing stock. The proposed amendments are considered to be minor in the context of the approved scheme and it is recommended that they are approved.

## 17. RECOMMENDATION

Members Resolve to grant planning permission subject to the completion of a section 106 agreement securing offsite highway improvements and the imposition of the following conditions:

Grant planning permission, subject the following conditions:

1. The development must be begun before the 28 February 2020.
2. The development shall be carried out in accordance with the following approved drawings: - Location Plan Rev B, Proposed Contextual Elevations Ref PL2, Proposed Elevations Ref PL2, Proposed Ground & First Floor Plans Ref PL2, Proposed Second Floor & Roof Plans ref PL2, Detailed planting Plan Ref D6851.002
3. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
4. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
  - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
  - ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
  - iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
  - iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

7. Prior to occupation, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose. The area shall be maintained and kept available for the parking of vehicles at all times.
8. The parts of the site to be used by vehicles shall be constructed, drained and surfaced in a manner having been previously submitted to and agreed by the Local Planning Authority. These areas shall be used for the approved purpose only.
9. Prior to occupation of the development, details of a lighting scheme to provide street lighting to the shared parking area have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed in accordance with the approved scheme prior to the occupation of the development.
10. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.
11. All trees shown as being retained on the submitted landscape plan and specifically the line of Lombardy Poplar on the northern perimeter, shall be protected to BS5837 during the development.
12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the Local Planning Authority gives written consent to any variation.
13. Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or



other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.