

Application Number 21/00272/FUL

Proposal	Erection of 12 no. apartment block (Use Class C3) and associated landscaping, car parking and infrastructure works following demolition of existing building.
Site	58 Spring Gardens, Hyde, SK14 4RZ
Applicant	Homes for Life Ltd
Recommendation	Members resolve to grant planning permission subject to recommended conditions and completion of a Section 106 agreement.
Reason for Report	A Speakers Panel decision is required as the application constitutes a major development.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for a residential development comprising of 12 x 1 bedroom apartments and associated works. This would include the demolition of the Flowery Field Community Centre that occupies the site.
- 1.2 The accommodation would be provided within a modern 3 storey pitched roof building with the 4 apartments laid out across each floor. The apartments would measure between 42sqm and 46sqm. The accommodation would include supported living facilities to allow staff to be present on site. The form of accommodation would provide independent living accommodation for occupants with disabilities and who need only very limited support. The proposal would see the accommodation provided via a Registered Provider who specialises in the provision of accommodation for adults with disabilities. The applicant is happy for this to be secured within a Section 106 agreement.
- 1.3 The building makes provision for six parking spaces to the frontage which would be accessed via a dropped crossing onto Spring Street. A central entrance lobby would serve as access to each of the apartments via either a lift or stairwell. To the rear of the block there would be a private enclosed communal garden with secure bin and cycle storage.
- 1.4 The building would be constructed from materials very similar to those of the adjacent Newton Street apartments. This would include a red brick with recessed coursing, feature banding to windows. The roof material would be an interlocking slate effect tile.
- 1.5 At the request of officers, amendments have been submitted during the course of the application. This would see the building repositioned (5m to the north) to move it away from the rear boundary and also a reduction in height by 0.5m. This has been achieved by reconfiguring the car park.
- 1.6 The application has been supported by the following reports:
 - Full Plans Package;
 - Design and Access Statement;
 - Coal Mining Risk Assessment;
 - Phase 1 Geo Environmental Desk Study;
 - Crime Impact Statement;
 - Daytime Bat Survey;
 - Building Condition Survey;
 - Statement on behalf of the trustees of Ashton Trust; and

- Supporting Letter (prepared by Empower Housing Association).

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to land occupied by the Flowery Field Centre at 58 Spring Gardens Hyde. The site is rectangular in shape and measures approximately 790sqm in area. Levels are generally flat albeit for a minor fall to the rear.
- 2.2 The Flowery Field Centre is presently unoccupied, but was previously used as a community centre. The building stands at two storeys in height and is constructed from stone with a tiled roof. It is set back from the highway and extends along the eastern boundary to the car park of Newton Street apartments. The curtilage is defined as hardstanding/parking with the boundary supporting a palisade fence to all sides.
- 2.3 The surrounding area is distinctly residential in character and there have been a significant number of modern housing developments close by. The housing stock is varied, to the immediate east are 3 storey apartments which front onto Newton Street, these properties have a communal car park to their rear which borders the sites boundary. Beyond the western boundary there is vacant land, on the other side of which are modern two storey semi-detached properties. Across the road, there are bungalows and to the rear are further semi-detached properties (which also front Newton Street). These are separated from the site across an area of open land.
- 2.4 There are a number of amenities within the local area and Newton Street is served by regular bus services. Flowery Field railway station, Hyde Park and Hyde town centre are also within a short walking distance.

3.0 PLANNING HISTORY

- 3.1 05/00175/FUL - Erection of part 2 metre high and part 3 metre high fencing – Approved.

4.0 RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated immediately bordering Green Belt & Site of Biological Importance.
- 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;
 1.11: Conserving Built Heritage and Retaining Local Identity; and
 1.12: Ensuring an Accessible, Safe and Healthy Environment.
- 4.5 **Part 2 Policies**
- H2: Unallocated Sites
 H4: Type, Size and Affordability of Dwellings
 H5: Open Space Provision

H6: Education and Community Facilities
H7: Mixed Use and Density.
H10: Detailed Design of Housing Developments
OL4: Protected Green Space.
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management
T10: Parking
T11: Travel Plans.
C1: Townscape and Urban Form
N4: Trees and Woodland
N5: Trees within Development Sites
N7: Protected Species
MW11: Contaminated Land
U3: Water Services for Developments
U4: Flood Prevention
U5: Energy Efficiency

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016
Residential Design Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007
Tameside Open Space Review 2018

4.7 National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 6 Delivering a sufficient supply of homes
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable travel
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 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.

5.0 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:

- Neighbour notification letters to 59 addresses;
- Display of site notice; and
- Advertisement in the local press.

6.0 RESPONSES FROM CONSULTÉES (SUMMARISED)

- 6.1 Coal Authority – Agree with the conclusion / recommendations coal mining risk assessment which recommends further site investigations. Recommend that this is secured via a condition.
- 6.2 Contaminated Land – No objections. Confirm that the submitted ground report highlights a possibility of made ground within the site. Recommend condition for further investigation and remediation if deemed necessary.
- 6.3 Environmental Health Officer – No objections subject to conditions relating to working hours and details of refuse storage arrangements.
- 6.4 Greater Manchester Ecology Unit – No objection. Reviewed the preliminary bat survey that included an adequate survey of the building. Satisfied that the building has negligible potential to support roosting bats. Would recommend an informative be applied on any permission relevant to the legal responsibilities. Conditions are recommended relevant to tree planting within the site and biodiversity enhancement measures in line with the requirement of the NPPF.
- 6.5 Highway Authority – Recommend a conditional approval. The development would not in the LHA's opinion have an unacceptable impact on highway safety or capacity of the highway network.
- 6.6 Lead Local Flood Authority – Have reviewed the drainage strategy and raised no objections. Site is not prone to flood risk and identify that further investigation is required to identify whether surface water can be addressed via infiltration.
- 6.7 Police (Secure by Design) – Satisfied with the recommendations within the Crime Impact Statement which should be conditioned on any approval.
- 6.8 United Utilities – raised no objections. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Recommend drainage design be addressed via conditions requesting compliance with the drainage hierarchy.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the consultation undertaken there have been eight letters of objection received.
- 7.2 The following concerns have been raised within the individual objection letters, these are summarised as follows:
- Loss of privacy to nearby residents;
 - Scale of the development is too large;
 - Noise disturbance;
 - Property will feel enclosed due to apartment to the front and rear;
 - Child has sensitive medical condition and the development will be really disruptive to their needs;
 - Overlooking to garden areas, won't feel comfortable with children using the space;
 - Loss of light/overshadowing from the height of the building;
 - Too many houses within the area;
 - Increased traffic pollution;
 - Appearance is unsightly;
 - Neighbours should have been informed of the proposals before they bought their properties;

- Conflict with land use policy; and
- Development is out of character with the area.

8.0 ANALYSIS

- 8.1 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.
- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 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 making 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.

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight that should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 The site is not allocated on the adopted UDP proposals map and is also not subject to any designations. Policy H2 applies to unallocated sites, it gives preference to the reuse of previously developed sites. Paragraph 59 of the NPPF identifies the Government objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, the proposals would meet these policy objectives.
- 9.4 With regard to the broad principle of residential development at the site, it is noted that the residential use would be readily compatible with adjoining uses and that the applicant's contribution to investment in affordable housing stock would be welcomed. The Council's current lack of a five-year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

- 9.5 The buildings established use as a community facility warrants consideration against the loss of the community use as advocated by paragraph 92C of the Framework. The applicant's case is framed on the overall viability of the building. A submitted Building Condition report identifies that it is in a poor condition requiring significant investment, this, along with other factors has contributed directly to a significant decline in use by community groups. It is noted that the no representations have been received relevant to the loss of the community/social function of the building and that within the wider Flowery Field / Hyde area there are other buildings, which could, or already do, fulfil these uses. On balance, the applicant's position is supported, in that there is considered to be clear regenerative benefits associated with the efficient reuse of the site to contribute towards housing need.
- 9.6 The site is located in a highly accessible area well connected to public transport, local services and employment uses across Hyde and Flowery Field. In terms of the assessment against paragraph 11, all developments must be considered in light of their sustainable credentials, which the NPPF identifies as having three dimensions (Economic, Social and Environmental). The development would contribute directly to the choice of housing. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to affordable housing. On the matter of the environmental impact and the sustainable credentials the redevelopment of Previously Developed Land carries significant weight along with the locational factors relating to access to services and transport, appropriate levels of ecological mitigation can be secured and the accommodation can be constructed to reduce energy/CO2 emissions. Therefore, to conclude, the overall sustainable credentials are not questioned, and the proposals are considered to achieve the three dimensions of sustainable development through the contribution to the supply of affordable housing within a sustainable location.

10.0 DESIGN & LAYOUT

- 10.1 UDP, NPPF polices and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The framework 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. 130).
- 10.2 The local area has been re-developed significantly with a mixture of housing types, which also includes 3 and 4 storey apartments, in addition to traditional 2 storey dwellings. The design, age and materials the community centre appears distinctly at odds with the now prevalent character established by the modern housing developments, which surround the site. The unconformity of the building is further enforced by its position back from the highway, external stairwells and enclosure within a palisade fence. The building is not considered to be of any local heritage (non-designated) value and its loss can be tolerated.
- 10.3 The applicant has submitted amendments to the design following a review of neighbour representations and advice from officers. These alterations have seen the building re-positioned closer to Spring Street by 5m and the building height reduced by 0.5m. These alterations are taken as positive enhancements, the revised siting creates better enclosure to the highway and is more in keeping with prevailing building lines, it creates a better separation distance to the dwellings to the rear and it also provides a better relationship to the adjacent undeveloped land to the east.
- 10.4 In responding to the local context, the scale, materials and fenestration of the apartment would be almost identical to that of the neighbouring apartment blocks on Newton Street. The height, scale, and features of the apartment would be reflective of what has become the modern local vernacular. The design and scale would frame the highway in a successful manner adding interest and variety to the streetscape in what is an improvement of the

existing building. The provision of frontage parking does see the building set back from the highway beyond the building line established by the Newton Street apartments, this can be tolerated, noting that the position would be not too dissimilar to that of the neighbouring semi-detached properties located to the east.

- 10.5 Apartments represent a very efficient use of land and this is demonstrated by the density which can be achieved, in this instances equates to 171 units per hectare. This aligns to NPPF objectives and the emerging strategy of the GMSF to promote the efficient re-use of land within established urban areas that are accessible by public transport, this is particularly important in periods of housing undersupply.
- 10.6 Frontage parking can be a weakness of design where it results in a dominance of hard surfacing and parking. The design seeks to break this up by the separation of walkways from parking areas via landscaped planting borders. Unlike the neighbouring properties the bin storage area would be accommodated to the rear of the building outside of the public domain.
- 10.7 Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would complement the existing area. The scale and density of the development is reflective to that of properties within the locality and would be compatible with the street scene and relationship to neighbours. The redevelopment of the site would uplift the appearance of the locality and contribute to environmental improvements in the local area. It is therefore considered that the proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

11.0 DESIGN AND RESIDENTIAL AMENITY

- 11.1 The policies of the adopted Residential Design Guide strive to raise design standards; they should be applied along with the criteria of Building for Life (BfL). Good design is aligned to the delivery of high residential amenity standards, this should reflect equally on the environment of existing residents as well as that of future residents. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) and promote Natural Surveillance at street level (policy RD4). Building for Life states that basic principles should be observed when designing layouts, the use of strong perimeter blocks is advocated and specific reference is made to avoiding houses which back on to the street and create what is effectively a 'dead edge'.
- 11.2 The existing community centre has as influence upon levels of outlook of neighbouring (Newton Street) residents. Standing at two storeys in height and extending along the eastern boundary it forms a relatively prominent feature, which is clearly visible from surrounding properties.
- 11.3 The layout and heights of the apartment block has been amended to improve the relationship to the street and that of existing residents. The building would stand at 3 storeys with the overall proportions being directly akin to those of the adjacent apartments fronting Newton Street. The siting of the priorities would be 21.8m away from the rear elevation of the apartments at 73 Newton Street and would be positioned 28m away (on an acute angle) from the rear elevation of the two-storey semi-detached property no.69 Newton Street. In terms of the objections raised on amenity, privacy and outlook/light, the exceedance of the spacing standards required by policy RD5 is considered sufficient mitigation. In addition it is also

recommended that windows on the east and west facing elevations are also obscurely glazed.

- 11.4 Occupants of the dwellings would be served with a good level of amenity. The design of the properties is such that they have well-proportioned room sizes in line with housing technical standards. The apartments are served with large levels of glazing which will provide good levels of light and ventilation. The communal rear garden would also provide a valuable asset for future residents.
- 11.5 The site of the development is within an established urban area, which represents an accessible and sustainable location. It is located close to a bus route and is located within walking distance of Hyde town centre and its associated amenities. Within Flowery Field, there are local conveniences that can serve day-to-day requirements.
- 11.6 The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of policy H10 and the adopted SPD.

12.0 HIGHWAY SAFETY

- 12.1 The community centre represents an established 'fall-back' position when considering the access and highway merits of the proposals. The applicant stresses that trip generation associated with the community use (in peak periods) is likely to be lower than that of the apartments.
- 12.2 The accommodation would be provided on an affordable (rental) basis via a Registered Provider. Typically, car ownership amongst tenants is likely to be low. The development would be accessed from Spring Street via a dropped crossing. The development proposes 6 No. off Street vehicle parking spaces for the apartments. This is below the requirement set out in the TMBC SPD however, with the proposals for secure/covered cycles storage and the sites location within close proximity to sustainable transport facilities will mitigate for the reduction of off street parking spaces. The inclusion of a vehicle charging point is also welcomed.
- 12.3 Consultation with the LHA confirms that the design and layout would be acceptable to ensure safe, and convenient, access and manoeuvring arrangements for vehicles and pedestrians alike into and out of the site. The LHA are also satisfied with the level of parking provision.
- 12.4 The location is highly sustainable with access to local amenities, bus services and Hyde town centre being within walking distance.
- 12.5 The access and parking arrangements have been designed in conjunction with advice given from Highways and they have raised no objections. Conditions will ensure that the access arrangements are designed to technical standards. It is considered that the development adheres to the provisions of policies T-1, and T-10 in addition to the standards of the Tameside Residential Design Guide.

13.0 AFFORDABLE HOUSING

- 13.1 Paragraph 64 of the NPPF identifies that all major (10 units and above) residential developments should include the provision of affordable housing. This is below the threshold identified by policy H5, which set a threshold of 25 units, the Housing Needs Assessment identifies an expectation of to the provision of 15% of units on an affordable basis. The

Glossary of the NPPF provides a definition of affordable housing, which includes affordable housing for rent provided by a Registered Provider.

- 13.2 The applicant identifies that upon completion of the development the building would be leased to a Registered Provider who would act as landlord and rent the apartments in consultation with TMBC. The proposed development and form of occupancy therefore represents 100% affordable housing in compliance with paragraph 64 of the NPPF. The applicant has offered to enter into a Section 106 agreement to ensure that this accommodation is provided and maintained on an affordable basis in perpetuity. The policy test would therefore be exceeded.

14.0 DRAINAGE

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. A drainage strategy has been submitted with the application which has been reviewed respectfully by both the LLFA and United Utilities. They are satisfied with the level of investigation undertaken.
- 14.2 The full methodology of the sites drainage is a matter of detail to be conditioned but for the purposes of the planning application flood risk and overall water management have been appropriately investigated. The details to be secured via a condition would ensure that the drainage hierarchy is followed. Surface water would be positively drained and attenuated to ensure that greenfield run-off rates can be achieved.
- 14.3 Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

15.0 TREES & ECOLOGY

- 15.1 The site is completely hard surfaced and this offers limited amenity and biodiversity habitat. The building has been appropriately inspected for the presence of bats and GMEU have confirmed acceptance to the level of investigation and accept that the building has negligible roosting potential. The demolition of the building is not restricted on grounds of protected species.
- 15.2 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes to the completed development.

16.0 GROUND CONDITIONS: MINING & CONTAMINATION

- 16.1 The application has been accompanied with a suitable site investigation and Coal Mining risk assessment. Consultation with the Coal Authority has confirmed support to its recommendations, which will be secured by condition, as such the development, should not be prejudiced by any mining legacy issues.
- 16.2 Consultation with the Contaminated Land Officer confirms that no objections are raised subject to the further site investigations being undertaken to identify any potential onsite remediation requirements. This would be secured through the requirements of a planning condition.

17.0 CONTRIBUTIONS

- 17.1 The scale of the development constitutes a major development, as such there would normally be a requirement for Affordable Housing (15%) and to meet Green Space and Highways contributions as per the requirements of policies H4, H5 and T13 of the Development Plan. In this instance, the affordable housing requirement would be exceeded through the applicants intention to provide all of the apartments on an affordable basis secured via a Section 106 agreement. Contribution towards Green Space would stand at £8,438.81 and the highways contribution at £3,991.04. This will fund tree planting and cycling improvements/initiatives in the local area.

18.0 OTHER ISSUES

- 18.1 Noise: - Noise to affect the development is largely transport based as there are no commercial or industrial uses within the proximity of the site. The EHO is satisfied that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions.
- 18.2 Sustainability: - The redevelopment of a previously developed site within an accessible location accords with the strategic principles of sustainable development. The apartments would be constructed to reduce energy usage through a fabric first approach.
- 18.3 Heritage: - As identified, the community centre is not considered to be of a local heritage value and its demolition can be tolerated. In addition to this, there are no recorded assets within the vicinity of the site. The development will therefore not have any influence on the setting of any assets.
- 18.4 Security:- The application has been accompanied with a Crime Impact Statement. Subject to the recommendations, it is considered that the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public areas.

19.0 CONCLUSION

- 19.1 At the heart of the NPPF is a presumption in favour of sustainable development. This requires planning applications that accord with the Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 19.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the policies of the Development Plan, National Guidance and all material considerations raised.
- 19.3 The redevelopment of a brownfield site for residential purposes would be compatible with the Housing Strategy and would also be readily compatible with the modern housing development that is established within the locality. The development would add to and contribute to much needed, good quality affordable housing in a period of documented under supply.
- 19.4 The design creates a positive and welcoming residential environment. The apartments would read as a continuation of the Newton Street fronting apartments and make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.

- 19.5 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

RECOMMENDATION

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

- (i) To complete a suitable legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - Contribution of 3,991.04 towards highway (cycling) improvements
 - Contribution of 8,438.81 towards off site green space improvements
 - Restriction on the occupancy of the apartments on an affordable basis
- (ii) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;
- (iii) That Officers are afforded discretion to make minor amendments to the wording of any conditions (as necessary); and,
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions:

Planning Conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2) 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.

Plans:

PL01 Location Plan
864_201 rev C Existing and Proposed Site Plan
864/200 rev B Proposed Plans & Elevations
864_203 rev C Hard and Soft landscaping
864_210 Street Elevation / Section
864_210 Proposed Materials

Reports:

Day time Bat Survey – Rachel Hacking Ecology October 2020
Design and Access Statement (prepared by Cartwright and Gross Architects)
Planning Statement – Seymour Planning
Coal Mining Risk Assessment and Appendix (prepared by Earth Environmental and Geotechnical and the Coal Authority) Ref A3801/20

Phase 1 Geo Environmental Desk Study (prepared by Earth Environmental and Geotechnical) Ref A3801/20 November 2020
Crime Impact Statement (prepared by Greater Manchester Police Design for Security) ref 2015/0855/CIS/02
Building Condition Survey (prepared by Alexander Dawn) Ref 1220123
Statement on behalf of The trustees of Ashton Trust (prepared by Aspin and Co. Surveyors)
Supporting Letter (prepared by Empower Housing Association) dated 18 February 2021

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

- 3) Notwithstanding any description of materials in the application and shown on drawing 864_210 'Proposed Materials' 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 (this applies equally to the refurbishment of the Ambleside Parade). Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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.

- 4) The car parking spaces to serve each dwelling as part of the development hereby approved (Drw.Number 864_201 REVC) shall be laid out as shown on the approved site plan prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 5) 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:

- Arrangements for the control of Noise and dust;
- Any 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.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 6) A clear view shall be provided from the site access where it meets the footway / roadway on Springs Garden. Its area shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be kept clear of anything higher than 600mm above the access, on land that you control and retained as such thereafter.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 7) As indicated on the approved plan, prior to the first occupation of the development hereby approved provision shall be made for an electric vehicle charging facility. The specification of the charging points installed shall:
- i) Be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
 - ii) Have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
 - iii) Be fitted with a universal socket (known as an untethered electric vehicle charge point);
 - iv) Be fitted with a charging equipment status indicator using lights, LEDs or display; and
 - v) A minimum of Mode 3 or equivalent.

Reason: In the interest of sustainability to encourage electric vehicle ownership in the interests of air quality.

- 8) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve apartments have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the first apartment and shall be retained as such thereafter.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management.

- 9) 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.

- 10) No development, other than site clearance, demolition 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 site investigation strategy, based on the Earth Environmental and Geotechnical Geoenvironmental Desk Study dated November 2020 (Reference: A3801/20). This will need to provide full details of 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.
 - 2. The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
 - 3. Based on the site investigation and detailed risk assessment referred to in point (2) 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.

4. 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 (3) have been fully implemented including any requirements for long term monitoring and maintenance.

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 178 of the National Planning Policy Framework.

- 11) Prior to use, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the local planning authority (LPA).

If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken 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 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 178 of the National Planning Policy Framework.

- 12) No development shall commence (excluding the demolition of existing structures) until 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. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with UDP policy U3 Water Services for Developments and Section 14 NPPF.

- 13) Within three months of the commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained and a schedule of implementation shall be submitted for approval in writing to the local planning authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s) and the soft landscaping details in accordance with approved schedule.

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

- 14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of five years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

- 15) No development shall commence (excluding the demolition of existing structures) until:

- a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 178 and 179 of the NPPF.

- 16) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 178 and 179 of the NPPF.

- 17) Dust suppression equipment in the form of sprinklers or water bowsers shall be employed at the site at all times during demolition and construction. During periods of hot or dry weather water suppression shall be undertaken at regular intervals to prevent any migration of dust from the site. All surface water run off associated with the equipment shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway at any time.

Reason: In the interests of air quality and local residential amenity.

- 18) The development hereby approved shall be carried out in accordance with the measures listed in the Security Strategy (Section 4) of the Crime Impact Statement ref version A: 13/01/21 submitted with the planning application and shall be retained as such thereafter.

Reason: In the interests of security and residential amenity.

- 19) A scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions 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.

- 20) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason: In the interests of local residential amenity.

- 21) The window on the side (east and west) elevations of the building facing shall at all times be fitted with obscure glass and retained as such thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of obscurity, or such equivalent as may be agreed in writing by the local planning authority.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with UDP policy H10: Detailed Design of Housing Developments.