

Application Number 21/00205/FUL

Proposal	Proposed Change of Use of Vacant Warehouse to 30 No. Apartments including extension to roof and demolition of lean-to building.
Site	4-10 Church Street, Ashton-under-Lyne, OL6 6XE
Applicant	Real Estate Aventor Ltd
Recommendation	Grant planning permission subject to conditions and the prior completion of a Section 106 Agreement
Reason for Report	A Speakers Panel decision is required because the application constitutes major development and any planning permission granted would be subject to a Section 106 Agreement.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for the change of use of the premises to accommodate 30 no apartments comprising of 13 x 1 bedroom, 12 x 2 bedroom and 5 x studio apartments. The proposals also include the addition of a roof extension to accommodate a dormer extension and removal of existing single storey lean-to building. A number of openings would be reinstated with external works would also include a comprehensive refurbishment of the building. The conversion largely works to the buildings constraints with all apartments meeting national prescribed standards.
- 1.2 The scheme has been amended to reduce the level of residential accommodation from 31 units to 30 units. This has also see the creation of a parking area of 6 parking spaces, dedicated bin store and dedicated internal (secure) bike storage.
- 1.3 The following documents have been submitted in support of the planning application:
- Planning Statement;
 - Noise Impact Statement;
 - Heritage Statement;
 - Design and Access Statement;
 - Preliminary Ecological Appraisal;
 - Crime Impact Statement; and
 - Preliminary Contaminated Land report;

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to 4-10 Church Street in Ashton town centre. The buildings consist of a two storey residential unit with a commercial storage unit to the rear (no. 4, Church Street) that dates to the late 19th century, a two storey plus lower ground floor warehouse (no. 6, Church Street) that dates to the mid-19th century and a further three storey plus lower ground floor warehouse (no. 8, Church Street) that dates to the mid-19th century, with a modern single storey lean-to extension against its western elevation. To the rear of the building the site borders Fleet Street which supports mixed employment and commercial uses. The building abuts the back of the footway on both streets.
- 2.2 The area around the side consists of three storey buildings at the rear of the site and single storey employment units and a public car park opposite the site fronting Church Street. There is another two/three storey empty warehouse attached to one side of the building and a small, private car park on the other. Buildings within the area are constructed to a tight urban grain

which immediately abut the highway and have minimal curtilage. There are numerous examples of residential conversion to similar style properties, the nearest being Camden House which fronts Grey Street/Fleet Street.

2.3 Further details and description of the site, its surroundings and historic nature can be read in both the Design and Access Statement and Heritage statement which have accompanied the application.

2.4 In terms of Unitary Development Plan allocation, the site is located within the designated Ashton Town Centre and is also within the boundaries of the Ashton Town Centre Conservation Area.

3.0 PLANNING HISTORY

3.1 06/01019/FUL - Demolition of lean-to building, alteration of existing building and construction of new extension to form 18 new apartments - Approved 06.12.2006

3.2 15/00255/FUL - Demolition of lean to building, alteration of existing buildings and construction of new extension to form 18 new apartments – Approved 05.06.2015

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation:

Within the designated Ashton Town Centre Conservation Area and the UDP defined Town Centre boundary.

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;
1.7: Supporting the Role of Town Centres;
1.10: Protecting and Enhancing the Natural Environment;
1.11 Conserving Built Heritage and Retaining Local Identity; and
1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

S1: Town Centre Improvements;
C1: Townscape and Urban Form;
C2: Conservation Areas;
C3: Demolition of Unlisted Buildings in Conservation Areas;
C4: Control of Development in or adjoining Conservation Areas;
H2: Unallocated Sites (for housing);
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;
MW11: Contaminated Land;
MW12: Control of Pollution;
MW14 Air Quality;
N3: Nature Conservation Factors;

N4 Trees and Woodland;
N5: Trees Within Development Sites;
N7: Protected Species;
OL10: Landscape Quality and Character;
T1: Highway Improvement and Traffic Management;
T10: Parking;
T11: Travel Plans;
U3: Water Services for Developments; and
U4: Flood Prevention
U5: Energy Efficiency

4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 (“GMSF”) which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections.

Residential Design Supplementary Planning Document (SPD);
Trees and Landscaping on Development Sites SPD adopted in March 2007;
Tameside Open Space, Sport and Recreation Study (2010); and
Tameside Council Playing Pitch Strategy 2015

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

Section 2: Achieving Sustainable Development;
Section 5: Delivering a sufficient supply of homes;
Section 7: Ensuring the vitality of town centres;
Section 8: Promoting healthy and safe communities;
Section 11: Making Effective use of Land;
Section 12: Achieving well-designed places;
Section 15: Conserving and enhancing the natural environment; and
Section 16: Conserving and enhancing the historic environment

4.6 **Planning Practice Guidance (PPG)**

4.7 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 Neighbour notification letters were issued, a press notice published and a notice displayed adjacent to the site for 21 days, 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.

6.0 **RESPONSES FROM CONSULTEES**

6.1 Contaminated Land – historical mapping for this site indicates that it was located on land associated with a cotton mill. Potential sources of contamination such as former reservoirs,

engine house, boiler house and a smithy are shown on historical mapping dating from the mid nineteenth century. The site appears to have altered into its current layout in the late nineteenth/early twentieth century. The site is also located in a coal mining Development High Risk Area. When considering the change to a more sensitive end use, the potential sources of contamination, and the possibility due to the age of the property of the presence of asbestos, it is recommended that conditions are attached to any recommendation to grant planning permission requiring further investigation, potential remediation and subsequent validation.

6.2 Environmental Health Officer (EHO) – no objections to the proposals, subject to the imposition of conditions covering the following:

- Provision of refuse storage and collection arrangements;
- Limiting the hours of work during the construction phase of the development;
- Details of the appearance, screening and specification of any plant/ventilation equipment to be installed on the exterior of the building;
- Details of a soundproofing scheme to be installed between the ground floor retail units; and
- Compliance with the mitigation measures detailed in the Noise Assessment submitted with the planning application.

6.3 Greater Manchester Ecology unit (GMEU) – Confirm an adequate survey has been undertaken discounting the presence of any roosting bats. No objection subject to the imposition of conditions requiring biodiversity enhancements.

6.4 Local Highway Authority – no objections to the amended proposals following consideration amendments to the layout of the scheme. A number of conditions are recommended, as detailed in the main body of the report. Note that the site is a highly sustainable with immediate access to services and the public transport network. TMBC surface car park is located opposite the site which can accommodate any additional parking demand.

6.5 United Utilities - No objections recommend that the principles of the drainage hierarchy are applied.

6.6 Greater Manchester Police (Design Out Crime Officer) – no objections to the proposals subject to the imposition of a condition requiring the crime reduction measures detailed in the Crime Impact Statement to be installed prior to the occupation of the development.

6.7 Council Tax – Consulted to confirm the status of the buildings. Confirmed that no.6 Church Street has been vacant since 22.12.2020 and 8 Church Street since 10.09.19. No. 10 Church Street does not appear on a ratings.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 Two letters of representation have been received to the proposals from local businesses, which raise the following concerns (summarised):

- Have adequate and enforceable provision been made for waste storage and collection (there are associated problems within the locality);
- Consideration needs to be given to car parking;
- Supportive of the re-use of the building / brownfield site for residential development; and
- Sound proofing to the apartments needs to be taken into account as the Station Hotel PH is a licensed venue for live music which promotes grass music live music and is a member of the Music Venues Trust.

8.0 ANALYSIS

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

- 1) The principle of development
- 2) The impact of the proposed design and scale of the development on the character of the site and the Conservation Area;
- 3) The impact on the amenity of neighbouring properties including commercial uses;
- 4) The impact on highway safety;
- 5) Consideration to ecology;
- 6) The impact on flood risk/drainage;
- 7) Developer contributions; and
- 8) Other matters

9.0 PRINCIPLE OF DEVELOPMENT

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in the Framework indicate development should be restricted.

9.3 In terms of housing development, Members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 30 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.

9.4 Section 7 of the NPPF is entitled 'Ensuring the vitality of town centres.' Paragraph 85 of the NPPF states that 'planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' The same paragraph goes on to state that there is a need to 'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.' Planning Practice Guidance 'Town Centres and Retail' promotes the diversification of town centres, it states; 'Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services. Given their close proximity to transport networks and local shops and services'. Residential development within a central location and the principle of re-purposing buildings is supported by the policy framework.

- 9.5 In terms of loss of employment use then the building has no current functioning employment capacity. Consultation with the Council Tax Service has confirmed that the buildings are currently vacant. It is also material to consider that the change of use of the premises (exception of the roof extension) could be applied for under a prior approval application whereby no consideration could be given for the retention of the existing use. In addition to this, the planning history has previously established residential change of use of elements of the buildings, this carries significant weight in the acceptability of the proposals, and consequently no objections are raised in principle.
- 9.6 The 30 units of residential accommodation would significantly increase footfall in this part of Ashton. Residents would have access to a range of services and facilities available within walking distance of the site; this includes regular public transport services. Having regard to the accessibility the site is considered to be an appropriate location for housing as per the requirements of paragraph 85 of the NPPF quoted above.
- 9.7 In relation to the density of development, paragraph 122 of the NPPF states that 'planning policies and decisions should make efficient use of land, taking into account:
- a) The identified need for different types of housing and other forms of development, and the availability of land for accommodating it;
 - b) Local market conditions and viability;
 - c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) The importance of securing well-designed, attractive and healthy places.
- 9.8 Paragraph 123 states that 'where there is an existing shortage of land for meeting identified housing needs (as is currently the case in Tameside), it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
- 9.9 The site covers an area of approximately 900sqm, this equates to a density of 333dph, whilst this is significant, it demonstrates the high levels of sustainability/efficiency that can be achieved from the development of land or buildings for apartments. Policy H7 of the UDP refers to a range of densities of between 30 and 50 dwellings per hectare as a general target across the Borough, with higher densities being appropriate in locations close to public transport links, such as this site. The recently published Strategic Housing and Economic Land Availability Assessment (SHELAA) gives an indicative density of 150 dwellings per hectare for apartment schemes in locations such as this, based on TfGM's Greater Manchester Accessibility Levels dataset. Consequently, from a housing perspective the proposal is supported by the principles of efficient development.
- 9.10 The site is located within a highly sustainable location as demonstrated by its accessibility and relationship to services. Precedents have been established on previous approvals, it is considered that there are significant regeneration associated with the redevelopment of a vacant site for residential purposes and consequently the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10.0 CHARACTER OF THE CONSERVATION AREA AND DESIGNATED ASSETS

- 10.1 The existing properties are largely vacant and this reflect negatively upon the character and overall vitality of the area. The building has been subject to a number of alterations which have seen openings closed and the adjoining lean-to extension has a disproportional

appearance. The cumulative impact of the lack of stewardship, short term repairs and unsympathetic alterations has a detrimental impact on the character of the Conservation Area and weakens the significance of the non-designated heritage asset.

- 10.2 Section 16 of the NPPF is entitled conserving and enhancing the historic environment. Paragraph 192 states that Local Planning Authorities should take into account the following when assessing applications affecting heritage assets (such as Conservation Areas):
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 10.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that developments pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. UDP policy C2 of the UDP echoes the requirements of the NPPF that new development must preserve or enhance the character of Conservation Areas. The Ashton Town Centre Strategy SPD (2010) seeks to ensure that development within the Old Town acknowledges the character of this historic area. This should be evident through elements such as the primary materials, alignment & size of windows, detailing and the vertical or horizontal emphasis of the building's fenestration. The SPD also identifies a number of strong views through Old Town, including views along Fleet Street and Church Street towards St Michael and All Angels Church (Grade I listed). New development is expected to complement or enhance these views with high quality architecture.
- 10.4 New construction is limited to the additional floor to the rooftop of no.8 Church Street. This extension had previously been deemed acceptable. The Heritage statement identifies that the extension would be seen from the context of the Church Tower. It is agreed that the scale of the works would not visually compete with the existing views of the Church or its tower given that it would be no higher than the adjoining Camden House building. In addition the former Stamford Street Methodist chapel (grade II) would not be influenced by the development with no encroachment on established views, as such the prominence and setting of nearby assets would not be impacted upon. The overall scale of the works are considered modest and acceptable from the heritage perspective.
- 10.5 In terms of impact on the Conservation Area the repurposing of the building is extremely positive as it will secure investment and long term stewardship at the site. The removal of the lean-to building is a positive aspect of the development, its proportions and overall form are out of kilter with that of the host and neighbouring properties so this is welcomed. The approach to the conversion would be undertaken sensitively with a 'repair and replace' strategy applied, former openings would be opened up and fenestration across the elevations would be consistent in size and form. Ultimately all external works would be subject to conditions to ensure heritage value is not lost.
- 10.6 Having regard to the above, it is considered that that the redevelopment of the site presents an opportunity to create a development that would have a more positive impact on this part of the Conservation Area. In line with the requirements of both national and local planning policy, the design quality and public benefits brought about by the proposed scheme is considerable to be acceptable. The comprehensive redevelopment of the site with a residential use would have a positive impact on the character of this part of the Conservation Area and would therefore achieve a public benefit that outweighs the limited harm arising from the demolition of the existing buildings.

10.7 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in UDP policies C3 and C4 and Section 16 of the NPPF as quoted above.

11.0 RESIDENTIAL AMENITY AND COMMERCIAL USES

11.1 Albeit for the extension of the roof and reinstatement of openings the proposals will work to the constraints of the building. Church Street is built on an established grid iron and there is a tight relationship to properties to the rear on the opposite site of Fleet Street. The planning history dictates that the acceptability of residential conversion has been accepted on 2 previous occasions. The intervening period since the previous approval has not seen a material change in circumstances which would dictate that this would no longer be the case.

11.2 Policy RD5 of the Residential Design Guide SPD identifies that on infill sites variation to prescribed guidelines may be acceptable. The existing townscape dictates that spacing standards across Fleet Street could not be achieved, there are however, no identified residential uses in the opposite facing buildings.

11.3 With respect to private amenity space the scheme there would be limited communal space outside of the apartments. That which would be provided is limited to parking, bin storage and cycle storage. Again precedents of previous approvals carry weight in the assessment but it must also be noted that such arrangements are not uncommon in a town centre environment. Furthermore it is considered that the buildings central location (with access to services) helps to mitigate against the perceived shortcomings of the amenity standards.

11.4 Internally the accommodation is very well proportioned the smallest of the apartment (studio) measuring 36sqm and the larger 2 bed apartments being 67sqm. The accommodation would allow for separate living, sleeping and kitchen areas in addition to dedicated storage provision. It is recognition to levels of outlook where consideration of the proposals is more balanced. The internal layout of the apartments dictates that their outlook would be largely single aspect onto either Church Street or Fleet Street. Questions are raised about the quality of the amenity of the rear facing units onto Fleet Street, this would be compromised by virtue of the tight urban grain and influence of opposite buildings. In addition it is noted that two of the studio apartments would be located within the basement and served primarily by light wells which open upon on the pavement level of the building. Ultimately the relationship is reflective of the more niche forms of accommodation that is found within central areas (town centres), there are precedents within Ashton and it would also remain at the discretion of prospective purchasers/future occupiers to decide whether the details are adequate to meet their individual requirements. Overall the levels of residential accommodation would be comparable or improved (larger units) than those approved on previous permissions. More generally the sites central location (with access to services) and local recreation facilities helps to mitigate against the perceived shortcomings of the amenity standards. Overall it is considered that there is both a strong design and regenerative case for flexibility with prescribed standards. The benefits of the scheme would outweigh the normal requirements for private amenity standards.

11.5 It is noted that with the central location there are commercial uses within the vicinity of the site and representations have also been received in this regard. A noise report has been submitted which concludes that a suitable residential environment can be achieved. A review by Environmental Health is supportive of the proposals but note that there is potential for some disturbance from live entertainment associated with the Station Hotel PH. To mitigate this a more robust glazing specification is recommended above that identified within the noise report, this is a matter which can be suitably conditioned.

11.6 On the basis of the above assessment, the proposals are considered to be acceptable safeguarding conditions will ensure that internal living standards and that of established commercial operations would not be unduly impacted on by noise or disturbance.

12.0 HIGHWAY SAFETY

- 12.1 In a town centre location the site is inherently sustainable and is easily accessed by public transport, foot or bicycle. Ashton town centre is served by bus, tram and train connections across the Greater Manchester region. It is also apparent that a host of amenities and employment opportunities are immediately on hand.
- 12.2 Vehicular access to the parking spaces would be via an established point of access onto Church Street which serves as access to the lean-to which would be demolished. A total of 6 parking spaces would be provided which is an improvement on that originally proposed. Policy RD8 of the adopted RDG recommends 1 parking space per 1 bedroom property, although indicates that 0.5 spaces per unit may be acceptable within Ashton town centre. Car parking provision should average out at 1.5 spaces per 2 bedroom unit in this location, according to policy RD8.
- 12.3 The provision of six car parking spaces clearly falls below the lower end of the policy requirement. This site is within the very centre of the allocated town centre boundary. Bus, tram and railway stations are all under a 10 minute walk from the site and the scheme would meet the level of secured cycle parking provision for each of the dwelling required by RD8 (30 to be provided). Highways have reviewed the proposals and raise no objections. It is noted that no off street parking is dictated by the constraints of the site, in addition substantial regard must be given to the potential parking demand associated with the former employment use if the buildings were in full occupation. As with other development within the town centre, the access to services and public transport network, in addition to large surface car parks off Church Street adequately mitigates for this lack of provision.
- 12.4 The Local Highway Authority have recommended that a condition requiring the submission and approval of a Sustainable Travel Plan to serve the development. Given the extent of the deficit of car parking provision proposed against the standards in the RDG, it is considered important that the opportunities afforded by the close proximity of regular public transport services are maximised. Such a condition is therefore attached to the recommendation.
- 12.5 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety, subject to the imposition of appropriate conditions.

13.0 ECOLOGY

- 13.1 Demolition works are limited to that of the removal of the lean-to building which adjoins the premises. The applicant has submitted a Preliminary Ecological Appraisal of the site. The conclusion of the Appraisal is that the existing buildings have low potential for roosting bats, with no evidence of recent bat activity recorded during the survey. As such, no specific mitigation measures in this regard are considered necessary by the Appraisal.
- 13.2 GMEU has reviewed the findings of the appraisal and has not raised any objections to the proposals. Due to the tight urban grain of the site and wider locality opportunity for biodiversity net gain will be limited. Nonetheless in accordance with para 170 of the NPPF a condition requiring details of enhancements is considered to be both reasonable and necessary and are attached to the recommendation.
- 13.3 Informatives outlining the developer's responsibilities with regards to both protected and invasive species can also be attached to any planning permission granted.

14.0 FLOOD RISK/DRAINAGE

14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. No drainage strategy has been submitted with the application, given that the development is largely a change of use (with minimal extension) one is not deemed necessary for the application. Ultimately surface run-off will not be increased by the development and future residents are not considered to be at risk. United Utilities has not raised any objections to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms.

15.0 DEVELOPER CONTRIBUTIONS

15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 56 of the NPPF):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

15.2 The 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. A contribution of £24,458.55 is to be secured towards improvements to public open space within Ashton town centre.

15.3 The development contribution calculation takes into account the previous/established use of development sites. In this instance the associated level of vehicle movements associated with the proposed residential use falls considerably below that of the established employment use, the site sustainable credentials are also weighted in the calculation. Consequently no contributions are required to mitigate the impact of the development on highway capacity.

15.4 The Open Space contributions is considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the limited amenity space to be provided on site), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.

15.5 In relation to other infrastructure, where a proposal exceeds 25 dwellings, policy H6 requires financial contributions towards education and other community facilities where current facilities do not have the capacity to meet the additional population of a proposed development. Given that the scheme would be 100% apartments, with the majority being 1 bedroom or studio in size, officers consider that it highly unlikely that the scheme would yield substantial numbers of occupants that are of school age. As such, a contribution in this regard is considered not to be necessary to make the scheme acceptable in planning terms and would therefore be contrary to the CIL regulations. On that basis, a contribution towards the improvement/expansion of education provision is not being secured as part of the recommended Section 106 package.

15.6 Paragraph 64 of the NPPF states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.' The latest version of the NPPF came into force in February 2019. Following adoption of the Housing Needs Assessment (HNA) for the Borough in August 2018, the Council now has an up to date evidence base on which to seek affordable housing contributions for developments of this scale. The HNA requires 15% of units on the proposed development to be provided as affordable housing.

15.7 Previous approvals at the site were not subject to any affordable housing provision, this reflects on policy H4 not being supported by the HNA. Paragraph 63 of the NPPF lists

exceptions to affordable housing requirements. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

- 15.8 The proposals seek to introduce an additional 150sqm (following demolition) above an existing floor space of 1598sqm which reflects as 9% increase on the cumulative floor area. The application of the credit equates to an affordable housing contribution below 1% and as such no contribution is sought/required on the development for affordable housing.

16.0 OTHER MATTERS

- 16.1 Environmental Issues - As addressed the Environmental Health Officer has not raised any objections to the proposals, subject to the imposition of a number of conditions. Indicative details of an area for communal refuse storage are shown on the proposed site plan adjacent to the northern boundary of the site. Exact details of the capacity of the bins to be provided and the means of enclosure of the communal storage area can be secured by condition.
- 16.2 Contamination - In relation to ground contamination, a Phase I Assessment has been submitted in support of the planning application. The Assessment highlights the brownfield nature of the site and concludes that intrusive investigations need to be undertaken to inform what remediation works may be necessary. The Contaminated Land Officer has reviewed the finding and has not raised any objections to the proposals, subject to the imposition of a condition requiring the undertaking of this intrusive investigation and the submission of a remediation strategy prior to the commencement of development. Such a condition is attached to the recommendation.
- 16.3 Ground Stability - The site is located within an area identified as being at high risk in relation to the lands stability issues associated with coal mining legacy. The development effectively relates to a change of use of the existing building with no groundworks/extension required. The building is showing no signs of movement and it is not considered there are any associated risks with the residential conversion of the building.
- 16.4 Air Quality - The application site is not within a designated Air Quality Management Area. The highly sustainable nature of the location promotes sustainable means of travel via cycle and pedestrian and public transport. The development should not generate a significant volume of vehicle movements which would impact adversely on local air quality.
- 16.5 Security - In relation to designing out crime, the applicant has submitted a Crime Impact Statement. The GMP Designing Out Crime Officer has reviewed the content of the Statement and has raised no objections to the proposals. Recommendations relevant to security and crime reduction will be conditioned.

17.0 CONCLUSION

- 17.1 The site is located within a highly sustainable location as demonstrated by its central location and access to transport and services. Precedents have been established on previous approvals for the site's change of use to residential accommodation. The proposals would bring into use a prominent and largely underutilised building within the heart of the town centre and will complement the growing housing offer. This would also secure significant regeneration benefits attributed to the long-term stewardship of the building, environmental improvements and the increased residential population will contribute to the overall health and vitality of the town centre. The building would successfully address Church Street and would be complementary to the overall setting and character of the Conservation Area.

- 17.2 The proposals would represent a highly sustainable and efficient use of the site. It would secure economic benefits such as jobs associated with construction and increased spend in the local area that would have a positive impact on the continued regeneration of the town centre. This development alongside other housing schemes will contribute to a growing housing market, this is considered to meet town centre housing objectives and achieve social benefits particularly when the Council is in a position of housing undersupply.
- 17.3 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures of the proposed conditions, 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 value of financial contributions to be sought via a Section 106 agreement is considered to be appropriate given the viability constraints presented by this brownfield site. The proposal therefore complies with the prevailing policies of the Development Plan as a whole and the advice in the NPPF; accordingly Section 38(6) requires that the application be granted.

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 S106 of the Town and Country Planning Act 1990 (as amended) to secure £24,458.55 towards environmental improvements to the public open space within Ashton town centre;
- (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 amend the wording of any conditions; and,
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following 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.
Proposed Site Plan 19.2034.SC1.7A
Proposed Elevations 19.2034.SC1.4C
Proposed Basement Plan 19.2034.SC1.1F
Proposed first and Second Floor Plan 19.2034.SC1.4C
Proposed third Floor Plan 19.2034.SC1.3C
Heritage Statement January 2021
Design and Access statement prepared James Campbell Associates
Crime Impact Statement ref 2020/0734/CIS/01
Contaminated Land report ref 2026.1 January 2021
Preliminary Roost Assessment Survey Dated 08/12/2020
- 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.

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) 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:

- Any arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and
- 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.

- 5) The car parking spaces to serve the apartment complex as part of the development hereby approved shall be laid out as shown on the approved site plan (19.2034.SC1.7A) prior to the first occupation of the development and shall be retained free from obstruction for their intended use thereafter. Parking spaces 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.

- 7) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the 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 for each apartment shall be implemented in accordance with the approved details prior to the occupation of that 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

- 8) 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.

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

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

10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority in order to protect future occupants from road traffic noise from the A635 and live, amplified entertainment from the adjacent public house:

- Scaled plans showing the location of windows to be treated with high specification glazing and mechanical, acoustic, ventilation and the manufacturers specifications of each of the noise mitigation measures to be installed.
- The noise mitigation measures shall be implemented in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been installed in accordance with the agreed details.

Reason: To protect the amenities of future occupants from external noise in accordance with UDP policy H10.

11) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A Preliminary Risk Assessment which has identified:
 - All previous and current uses of the site and surrounding area.
 - All potential contaminants associated with those uses.
 - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
3. The findings of the site investigation and detailed risk assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: 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) Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring

and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation 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.

- 13) If conversion works have not commenced by February 2023 an updated Bat survey of all buildings should be submitted to the Planning Authority for approval in writing. The survey shall include an assessment of any new mitigation and/or licensing that may be required as a result of new evidence.

Reason: In the interests of biodiversity net gain in accordance with the NPPF and UDP policy N7: Protected Species.

- 14) Details of specification and location of 2 bat/bird boxes to be installed on the building should be provided to the Planning Authority for approval in writing by the local planning authority. The approved details shall be installed prior to the first occupation of the accommodation and thereby retained.

- 15) All materials and architectural features capable of re-use shall be salvaged and stored securely on site and, where practical, incorporated within the building. Any replacement material to external elevations must be of an identical material in a colour and texture to match the existing brickwork and detailing. Accurate copies of architectural features in terms of material, design, colour and texture should be cast if required. Samples should be made available for inspection on site and approved in writing by the local planning authority prior to use.

Reason In order to preserve the character and appearance of the building in the interests of the Ashton Town Centre Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas

- 16) 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.

- 17) The development hereby approved shall be carried in accordance with the measures listed in the Security Strategy (Section 4) of the Crime Impact Statement ref 2020/0734/CIS/01 submitted with the planning application and shall be retained as such thereafter.

Reason: In the interests of security and residential amenity.

- 18) No development shall commence until plans at a scale of 1:20 of all new and replacement window openings (including details of the surrounding cladding) to be installed on the elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a section plan showing the thickness of the frames and the depth of the recess of the frames from the outer face of the host elevation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

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

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

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

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