

Application Number 21/00311/FUL

Proposal Change of use of first and second floor from redundant retail space into 32 apartments (18 x 1-bed and 14x 2-bed). Creation of a large shared roof garden and introduction of three courtyards providing private amenity areas. Provision of a new entrance and bin store area off Warrington Street.

Site 53 Warrington Street, Ashton-under-Lyne, OL6 7JG

Applicant Herskovic, Adar Investment 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 first and second floor of the former M&S department Store (53 Warrington Street) to accommodate 32.no apartments comprising of 18 x 1 bedroom and 14 x 2 bedroom units. The proposals also include the addition of a new entrance, shared roof garden and internal courtyards. A number of openings would be enlarged to provide outlook to the accommodation. Overall, a comprehensive refurbishment of the building would be undertaken.

1.2 The following documents have been submitted in support of the planning application:

- Crime Impact Statement;
- Daylight report;
- Design and Access Statement;
- Full Plans Package & CGI's;
- Nosie Impact Statement;
- Phase I Environmental Assessment Report; and
- Planning Statement.

2.0 SITE & SURROUNDINGS

2.1 The application relates to the first and second floor of no. 53 Warrington Street. Members will be more familiar with these premises as the former M&S department store which vacated the town centre several years back. The building stands at 3 storeys in height with a flat roof. It occupies a prominent location which overlooks the Ashton market square and the ground floor of the building is occupied by a retail operator (Poundland).

2.2 The building is located centrally within the retail area and it is bounded by other commercial buildings immediately to the west and south (The Ladysmith Centre). The Arcades shopping centre is located to the north and this is separated by a pedestrian access which links through to the market area.

2.3 The building is constructed from a brown brick and at three storeys, it is one of the larger buildings that frames the market ground. The ground floor comprises of a contemporary shopfront and the upper floors have windows located on the north, south and eastern elevations. These openings have a vertical emphasis to their appearance.

- 2.4 The area around the site consists of retail and leisure uses which are commensurate to the town centre location. In recognition of the location, the site is highly sustainable with immediate access to a number of services and public transport options. The bus station, tram stop and railway station are all located a short walking distance to the north.

3.0 PLANNING HISTORY

- 3.1 A search of the planning history reveals no applications relevant to the proposals. Previous applications at the premises relate to minor works or advertisement consent relevant to the historic use.

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;
- T7: Cycling;
- T10: Parking;
- T11: Travel Plans;
- U3: Water Services for Developments;

U4: Flood Prevention; and
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); and
Tameside housing Needs Assessment (2017)

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 – No objections from a contaminated land perspective. Suggest that any imported soils used for the terrace/court yard areas should be subject to verification checks.

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;
- Implementation of mitigation measures within the Noise Assessment Report; and
- Details of the appearance, screening and specification of any plant/ventilation equipment to be installed on the exterior of the building.

- 6.3 Greater Manchester Ecology Unit (GMEU) – Acknowledge the consultation and raise no objections on nature conservation grounds. No conditions have been recommended.
- 6.4 Lead Local Flood Authority – The application is mainly considered to be internal conversion; concerning outstanding information the applicant is recommended to:
- Carry out connectivity / MH survey for the existing drainage asset in order to establish current discharge regime and then;
 - Consult UU for any enhancement and actions that the applicant may need to fulfil and provide outcome of the discussion for drainage review; and
 - Provide drainage information for the roof garden.
- 6.5 Local Highway Authority – No objections. Comment that the highly sustainable location with immediate access to services and public transport adequately mitigates for the lack of dedicated parking. The provision of secure cycle storage is also welcomed. Recommend conditions relevant to the provision of the cycle storage prior to occupation.
- 6.6 Transport for Greater Manchester (TfGM) – No objections to the proposals and wish to make no comment.
- 6.7 United Utilities – No objections but recommend that the principles of the drainage hierarchy are applied.
- 6.8 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.
- 6.9 Council Tax – Consulted to confirm the status of the upper floors relevant to the application of Vacant Building Credit. Confirmed that records indicate vacancy since 2017.
- 6.10 Economic Development – Acknowledge that residential development has an important role to play in regenerating Tameside’s high streets, comment that they would prefer to see a masterplan-led approach where landowners of the assets within this area work together in partnership to deliver a more comprehensive scheme.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 One letter of representation has been received to the proposals from representatives of the Ladysmith Shopping centre. The concerns are primarily related to potential impacts upon future developments of their site. The comments are summarised as follows:
- Failure to comply with requirements of the NPPF relevant to: efficient use of land, impact and quality of the local area; amenity standards of future occupants, inadequate mitigation, ability to integrate with existing businesses;
 - Contrary to policy H10 of the Tameside UDP;
 - Sunlight assessment does not provide a sufficient or robust assessment and rooms would be served with a substandard level of light / outlook contrary to guidelines with almost half the accommodation falling below BRE criteria;
 - Noise assessment was undertaken at an inappropriate time which does not account for commercial activity and underestimates the potential impact of the typical noise climate;
 - The noise assessment should not be relied upon for the assessment of the application;
 - Lack of provision towards social infrastructure relevant to Affordable Housing, Open Space, Education and Community Facilities;
 - Lack of a Travel Plan;

- Layout of the apartments (single aspect) placing a significant burden upon the Ladysmith Shopping Centre which could burden regeneration plans and stifle significant opportunities;
- Concerns about noise and odour and impact on future residents;
- The change of use may limit the opportunities for commercial developments in the area potentially putting constraints on existing businesses;
- Poor outlook from a number of the apartments to service yards or redundant car park of the Ladysmith Shopping Centre; and
- Whilst not a planning issue attention is brought to restrictive covenants that would prevent the use of the rear service yard.

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 32 apartments would make a positive contribution to housing land supply and 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 86 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’. The principle of repurposing commercial buildings is also cemented within the prior approval procedure which permits, in principle, the residential conversion of former retail buildings which meet with qualifying criteria. Residential development within a central location and the principle of re-purposing buildings is therefore supported by the National Planning Policy Framework.

- 9.5 In terms of loss of retail use then the building has no current functioning retail capacity. Consultation with the Council Tax Service has confirmed that the first and second floor of the building has been vacant since approximately 2017. The site is located within the primary shopping frontage on one of the main pedestrian through/ shopping routes within the town centre between Warrington Street and Market Place/Old Street, which is an area of high footfall in Ashton. Policy S4 states that the Council will not permit the change of use from retail premises to non-retail uses where this would “cause an imbalance or dominant grouping of non-retail uses in any particular area”. The policy strives to ensure a continuity of shopfronts. The ground floor of the unit is currently occupied as retail use, which would be unaffected by the proposals, and this will retain the continuity of shopfronts on this primary shopping frontage. The conversion of the upper floors is considered to be appropriate as it will bring the vacant upper floors back into use and provide an appropriate mix of housing for this town centre setting.
- 9.6 In recognition of changing retail habits it is recognised that there has been an increase in vacancy rates within town centres and residential conversion represents a long-term viable solution to the re-use of existing buildings stock and also accords with the principle of brownfield redevelopment. A flexible approach is emphasised within the NPPF whereby Paragraphs 120d and 123a recommend that Local Planning Authorities make decisions that support development of under-utilised land and buildings, especially if this would help to meet the identified needs for housing. Information from Council Tax records confirms that the premises in question have been long-term vacancies within the town. This demonstrates the genuine viability issues surrounding traditional retailing habits, the need to repurpose existing building stock has, and will remain a growing challenge for traditional town centres.
- 9.7 The 32 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 and this includes regular public transport services. The accommodation is likely to appeal to a number of keyworkers who have employment within the town and nearby areas. Having regard to the accessibility of the site it is considered to be an appropriate location for housing as per the requirements of paragraph 86 of the NPPF quoted previously.
- 9.8 In relation to the density of development, paragraph 124 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.

- 9.9 Paragraph 125 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.
- 9.10 The site covers an area of approximately 1600sqm and the proposal equates to a density of 200dph. 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.
- 9.11 With reference to the concerns raised on behalf of the Ladysmith Shopping Centre these will be addressed through the following sections of the report. In terms of land use compatibility and the impact of the proposals relevant to the wider regeneration/redevelopment of Ashton, it is not considered that there are any negative connotations associated with the proposals. There is not an adopted regeneration framework in place, nor are there any current applications relevant to the redevelopment of the Ladysmith Shopping Centre against which an assessment can currently be made. The plethora of planning policy guidance promotes the repurposing of buildings and growing the residential population of the town centres. Indeed there are many precedents of residential accommodation within centres and this is considered to be highly sustainable to meeting housing needs, promoting accessibility and redeveloping brownfield sites. Should any redevelopment proposals come forward for the Ladysmith Shopping Centre then these will have to have due regard to neighbouring uses which extends beyond the application site.
- 9.12 The site is located within a highly sustainable location as demonstrated by its accessibility and relationship to services. Precedents have been established on developments elsewhere within the town centre. It is considered that there are significant regeneration benefits 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 HOUSING NEED AND AFFORDABILITY

- 10.1 The site sits within the St Peter's Ward which currently has a predominance of traditional terraced houses (53.4%, Tameside HNA 2017), and flats and apartments with a proportionally high level of private renting in the ward (20.3%) and affordable accommodation (43%, Tameside HNA, 2017). The provision of new build flats for owner-occupation or private rent could be attractive to first time buyers given the affordable prices, keyworkers (Tameside hospital, students, single households and professional couples (Tameside's HNA, 2017).
- 10.2 Paragraph 64 of the NPPF states that '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' (Vacant Building Credit). The proposal equates to straight forward conversion of the upper two floors of the building and would not result in any net increase in floor area. Discussions with Council Tax confirm that the upper floors are 'vacant' and have not been abandoned for the purposes of applying Vacant Building Credit policy. The application of the Vacant Building Credit confirms that no contribution is

sought/required on the development for affordable housing. The requirements of policy H4 are therefore considered to have been satisfied.

11.0 RESIDENTIAL AMENITY AND COMMERCIAL USES

- 11.1 The conversion of the building would work to the building's constraints without the need for extension. The main intervention of the building includes the creation of 3 courtyards to create internal light wells within the building's structure. Existing openings would be utilised and these would be increased in size to maximise levels of light and outlook for residents within the accommodation. In addition there would be a substantial landscaped terrace created on the roof of the building which would be accessible for all residents via a dedicated lift.
- 11.2 Internally the accommodation is very well proportioned with a good range in apartment sizes; the smallest of the one bedroom apartments would range from 45sqm to a generous 60sqm and the two bedroom apartments would range from 64-79sqm. The accommodation has separate partitioned living, sleeping and kitchen areas in addition to dedicated storage provision. Properties are single aspect in the main albeit for some units which would have an outlook into the internal courtyards that would be created.
- 11.3 With respect to private amenity space there would be no balconies providing any private outside space. The proposals make provision for a significant communal roof terrace to be created on the building's roof. Submitted drawings show that this would be landscaped to a high specification with access also provided via lift for all residents. This arrangement would be a significant asset to residents of the development providing good quality open space with a panoramic view of the town centre. Furthermore, it is considered that the building's central location (with access to services) helps to mitigate against the perceived shortcomings of the amenity standards.
- 11.4 It is in respect of levels of outlook where consideration of the proposals is more balanced. Questions are raised about the quality of the amenity of the north facing units that look outwards towards the Arcades Shopping Centre. This elevation is north facing and the presence of the Arcades Shopping Centre would create a sense of enclosure which would influence levels of outlook.
- 11.5 Policy RD5 of the Residential Design Guide SPD identifies that on infill sites variation to prescribed guidelines may be acceptable. There have been strong objections to the proposals which have centred upon the quality of the residential environment which would be achieved. A daylight and sunlight analysis has been undertaken, using computer software in order to measure the amount of daylight and sunlight that is available to windows within the development. The assessment made reference to the BRE Guide to Good Practice – Site Layout Planning – a guide to good practice. The BRE guide is generally accepted as the industry standard and can be used by local planning authorities to consider these impacts. The guide is not policy and aims to help rather than constrain designers. The guidance is advisory, and there is a need to take account of locational circumstances, such as a site being within a town or city centre where higher density development is expected and obstruction of natural light to existing buildings is sometimes inevitable.
- 11.6 Paragraph 125 (c) of the NPPF states; '*local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*'. It is clear that the Framework apportions significant weight to efficient use of buildings to meet the demands of housing

supply and that amenity standards should be looked at in the round rather on daylight factors alone.

- 11.7 In order to achieve the daylight recommendations in the BRE guidance, a window should retain a vertical sky component (VSC) of at least 27%. The BRE Guide recognises that different targets may be appropriate depending on factors such as location. The achievement of at least 27% can be wholly unrealistic in the context of high density town centre environment as this measure is based upon a suburban type environment (equivalent to the light available over two storey houses across a suburban street). It should be noted that VSC level diminishes rapidly as building heights increase relative to distance of separation and within town centre locations the corresponding ratio for building heights relative to distances of separation is frequently much greater than this. Whilst a detailed analysis has been undertaken adopting the 27% threshold for VSC levels, the results should be interpreted in the context that, within a densely developed town centre environment, achieving this level on a residential conversion is aspirational. It is noted that not all of the rooms within the development would meet or exceed the BRE Criteria; however, the advice is not policy and must be looked at within the wider planning balance.
- 11.8 It is noted that with the central location there are commercial uses within the vicinity of the site and a representation has been raised in this regard. A noise report has been submitted which concludes that a suitable residential environment can be achieved as a result of sound insulation secured by glazing and ventilation. A review by Environmental Health is supportive of the proposals subject to the recommendations of the noise report being conditioned. This is considered reasonable and will ensure that the amenity of residents is suitably protected.
- 11.9 Recognising the site is within a central location where densities are generally higher the relationship of these units to one another is not untypical to that found elsewhere within the town centre. Ultimately the relationship is reflective of the more niche forms of accommodation that are found within central areas 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. Where levels of light and outlook are more limited then this is weighted against accommodation which meets/exceeds technical standards. The communal roof terrace which is significant in area also provides mitigation/opportunity for residents to access outdoor space. Overall it is considered that there is both a strong design and regenerative case as per the NPPF guidance to re-purpose the building for residential use. The benefits of the scheme would outweigh any slight deficiencies in meeting the normal requirements for private amenity standards.

12.0 CHARACTER OF THE CONSERVATION AREA

- 12.1 The site is not located within the Ashton Conservation Area but the boundary is located immediately opposite the building. As such consideration is required relevant to the potential impacts.
- 12.2 Section 16 of the NPPF is entitled "Conserving and enhancing the historic environment". Paragraph 197 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.

- 12.3 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 new development complements or enhances the environment of the Conservation Area.
- 12.4 The proposed development does not necessitate any major external alterations to the property and only minor external alterations are proposed including the alteration of the Warrington Street / Market Place elevation of the building to provide the main residential access. Other works are limited to the communal roof terrace, dedicated lightwells and improvements to the fenestration. Overall, the scale of the works are considered modest and acceptable from a heritage and townscape perspective, having no discernible impact upon the character of the adjacent Conservation Area. The repurposing of the building is extremely positive as it will secure investment and long term stewardship at the site. The new entrance will add to the building's identity and provide welcomed interaction at street level. It is proposed that all external works would be subject to conditions to ensure that appropriate materials are used.
- 12.5 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 considered to be acceptable. The comprehensive redevelopment of the upper floors with a residential use would have a positive impact on the character on the adjacent Conservation Area associated with long-term stewardship of the building and external improvements. This is viewed as a public benefit not resulting in any harm occurring to the character of the Conservation Area.
- 12.6 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.

13.0 HIGHWAY SAFETY & ACCESS

- 13.1 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 with connections to these services a very short walk from the site. It is also apparent that a host of amenities and employment opportunities are immediately on hand.
- 13.2 The building is not served with any dedicated parking although it does have direct access to a service yard. The arrangement reflects the previous commercial use whereby customers used either public transport or the towns dedicated car parks. No car parking provision is proposed as this would not be possible given the building's constraints. The lack of dedicated parking is balanced against the sustainable credentials of the location, such an arrangement being typical within a town centre whereby there are many such precedents found. As with other development within the town centre, the access to services and public transport network, in addition to large surface car parks around the town adequately mitigates for this lack of provision.
- 13.3 With respect to cycle parking, guidance outlines that residential development should have cycle parking facilities that can accommodate a minimum of one secure cycle stand for every unit and this would be achieved with a dedicated store provided on level accessed via lift.
- 13.4 With regard to servicing, refuse will be collected from a dedicated bin store accessed from the existing service yard off Old Street. The service yard has suitable arrangements for manoeuvring of commercial vehicles and is also a secure environment.
- 13.5 The constraints of the town centre site require due consideration to the construction process which could affect the local highway network and neighbouring properties. This could include

compromising pedestrian safety, affecting access and damaging footways and carriageways. The provision of a construction method statement by the developer will be essential to minimising disruption. This will also need to undertake highway condition surveys before and after the work and ensure that any damage caused to the highway is rectified following construction.

- 13.6 To conclude, the access and parking arrangements have been assessed as being acceptable. The site is within a sustainable location which benefits from immediate access to services and transport options. As such in the absence of any demonstrable adverse impacts, and subject to recommended conditions, the development is considered to adhere to the provisions of policies T1, T7 and T10 as well as the relevant guidance within the NPPF.

14.0 ECOLOGY

- 14.1 Demolition works are limited to that of the creation of the 3 proposed light wells. Consultation with GMEU has raised no objections and it is recognised that the building has negligible potential for roosting bats. Due to the tight urban grain of the site and wider locality opportunity for biodiversity net gain will be limited. The communal roof terrace and associated landscaping will however raise the current biodiversity value of the building above its current position.
- 14.2 Informatives outlining the developer's responsibilities with regards to both protected and invasive species can also be attached to any planning permission granted.

15.0 FLOOD RISK/DRAINAGE

- 15.1 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). As such, one is not deemed necessary for the application. Ultimately surface run-off will not be increased by the development and future residents are not considered to be at risk. 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.

16.0 DEVELOPER CONTRIBUTIONS

- 16.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 16.2 The applicant will be required to contribute to the provision of open space within the local area, in accordance with policy H5 of the adopted UDP. A contribution of £26,089.12 is to be secured towards improvements to public open space within Ashton town centre.
- 16.3 The development contribution calculation takes into account the previous/established use of development sites. In this instance, the level of vehicle movements associated with the proposed residential use falls considerably below that of the established retail use. The site's sustainable credentials are also weighted in the calculation. Consequently no contributions are required to mitigate the impact of the development on highway capacity.

- 16.4 The Open Space contributions are 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.
- 16.5 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, officers consider that it is 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.

17.0 OTHER MATTERS

- 17.1 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 lower ground floor plan. Exact details of the capacity of the bins to be provided along with a strategy for their servicing will be required through a planning condition.
- 17.2 Contamination – The Contaminated Land Officer has reviewed the proposals and raised no objections. It is recommended that any soils which are brought to the site as part of the landscaping should be appropriately screened.
- 17.3 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.
- 17.4 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 that would impact adversely on local air quality.
- 17.5 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.

18.0 CONCLUSION

- 18.1 The site is located within a highly sustainable location as demonstrated by its central location and access to transport and services. The health of the town centre can often be judged by its environment, level of voids and efficient use of its assets. There remains underutilised assets in private ownership that have contributed little to the town centre. Upper floors of this building fall within this guise and have failed to reach its full potential given that they have remained vacant for a significant length of time.
- 18.2 The proposals will address this underutilisation with the upper floors brought forward for residential use, which is witnessing strong demand across the town centre, whilst maintaining

an active use on the ground floor to maintain animation at the street level. The building occupies a prominent position in the town centre, most notably overlooking the market square. The re-purposing of the building will provide a welcomed addition to the streetscape 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.

- 18.3 The proposal 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 and this is considered to meet town centre housing objectives and achieve social benefits particularly when the Council is in a position of housing undersupply.
- 18.4 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 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 £26,089.12 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.

Location and Block Plan dwg no. 001
Existing Plans level 0 Dwg no. 002
Existing Plans level 1 Dwg no. 003
Existing Plans level 2 Dwg no. 004
Existing plans level 3 Dwg no. 005
Existing Elevations Dwg no. 007
Proposed Plans Level 0 Dwg no. 010 Rev 3
Proposed Plans level 1 Dwg no. 011 Rev 8
Proposed Plans level 2 Dwg no. 012 Rev 7

Proposed Plans Elevations left and right Dwg no.015 rev 2
Courtyard Elevations Dwg no. 016 rev 2
Front entrance Dwg no. 304 Rev1
Roof Garden impression Dwg no. 305
Proposed Elevations Dwg no.014 Rev 2

Crime Impact Statement ref 2020/0362/CIS/01
Design and Access Statement ref DA19098
Daylight Sunlight Report Dated January 2021
Environmental Noise Assessment ref NM1507205NR dated 25 November 2020
Phase I Environmental Site Assessment report August 2016
Planning Statement Dated 16 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) The noise mitigation measures identified in Peak Acoustics Noise Assessment Report, ref: NM1507205NR, dated 25 November 2020, shall be implemented in accordance with the approved details, prior to the first occupation of any of the apartments 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

- 4) None of the apartments hereby approved shall be occupied until exact 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 apartment 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.

- 5) All fixed plant and machinery shall be acoustically treated / designed in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed measures shall be maintained thereafter.

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

- 6) Notwithstanding the information shown on the submitted drawings, no external construction or alteration to the external appearance of the building shall take place until a detailed schedule of all of the proposed materials of external construction (including any screen and boundary walls, balustrades, fences, railings or other means of enclosure) or repair has been submitted to and approved in writing by the local planning authority, and samples have been made available for inspection on site. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.

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

7) 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 PolicyT1: Highway Improvement and Traffic Management.

8) 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 2020/0362/CIS/01 submitted with the planning application and shall be retained as such thereafter.

Reason: In the interests of security and residential amenity.

9) 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 visual amenities of the locality, in accordance with polices H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

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

Reason: In the interests of the visual amenities of the locality, in accordance with policeH10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

11) Prior to the first residential occupation details of all screen and boundary walls, fences or other means of enclosure proposed to be erected as part of the roof top garden shall be submitted to and approved in writing by the local planning authority. No part of the building shall be occupied for residential purposes until the enclosures have been erected in accordance with the approved details.

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

- 12) No externally mounted or projecting plant or other equipment (including rainwater goods, mechanical extraction, and renewable energy installations) shall be installed until details of the location of all have been submitted to and approved in writing by the local planning authority and development shall not be occupied until the equipment has been installed in complete in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure compliance with polices H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

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

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

- 14) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works for the roof top terrace garden area, including details of materials and of the species, positions and planted heights of proposed trees and shrubs. The approved landscaping details shall be implemented prior to the first residential occupation of the building(s).

Reason: In the interests of visual amenity and to ensure that future residents have the benefit of access to outdoor amenity space in compliance with polices H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.