

**Application Number** 21/01175/FUL

<b>Proposal</b>	Construction of 24 apartments within a 3 storey block and associated works.
<b>Site</b>	Former site of Conservative Social Club, Vernon Street, Hurst Knoll, Ashton-under-Lyne, OL6 8JT
<b>Applicant</b>	Watson Homes Ltd
<b>Recommendation</b>	Members resolve to grant planning permission subject to recommended conditions.
<b>Reason for Report</b>	A Speakers Panel decision is required as the application constitutes a major development.

## **1. APPLICATION DESCRIPTION**

- 1.1 The application seeks full planning permission for a residential development comprising of 24 x 1 bedroom apartments and associated works.
- 1.2 The accommodation would be provided within a modern 3 storey pitched roof building with a design which references the mills of Ashton. There would be 8 apartments laid out across each floor, 4 either side of a central entrance. The building would be positioned approximately 31m from the rear elevation of Kings Road properties, 30m from Ladbroke Close properties and 25m from Ladbroke Road Properties.
- 1.3 The apartments would measure 39sqm in area and comprise of a kitchen/living area, bedroom, separate bathroom and dedicated built in storage. The proposal would see the accommodation provided on a 100% affordable rent basis via the applicant (Jigsaw Homes Tameside). Prior to making the planning application TMBC Housing have been supportive of a bid by Jigsaw Homes for funding for the development from Homes England.
- 1.4 The building makes provision for 19 parking spaces to the frontage, accessed from Vernon Street. There would be 4 spaces provided with full electric charging points with ducting provided to enable future rollout to other spaces. A central entrance lobby would serve as access to each of the apartments via a stairwell. The apartments would be situated within landscaped grounds. There would be a private enclosed communal garden with secure bin and cycle storage.
- 1.5 The building would be constructed from materials which reference the brindle brick prevalent in the local housing stock. Window openings would be positioned with deep reveal to the front and rear elevations only. The side elevations would include recessed coursing. The massing of the roof is reduced by the introduction of valleys, the material would be an interlocking slate effect tile.
- 1.6 The application has been supported by the following reports;
  - Full Plans Package
  - Design and Access Statement
  - Coal Mining Risk Assessment
  - Site Investigation Reports
  - Ecology Survey
  - Flood Risk Assessment
  - Drainage Proposals
  - Site Waste management Plan
  - Energy Statement

- Affordable Housing Statement

## **2. SITE & SURROUNDINGS**

- 2.1 The application site is located off Vernon Street, a short un-adopted road off Kings Road, Ashton. The site is rectangular in shape and covers an area of approximately 0.38ha in area with a fall (east to west) of approximately 8m. It was formerly occupied by a social club which has since been demolished where the foundation slab is still visible. The site is covered with self-set vegetation in addition to a number of mature trees to the boundaries. The site is secured by a gated entrance but is prone to fly-tipping and associated anti-social behaviour.
- 2.2 The site is bounded by residential properties on Ladbroke Road (south), Kings Road (East) Hilton Crescent (North) and Ladbroke Close (West). These are predominately two storey brick built terraces.

## **3. PLANNING HISTORY**

- 3.1 18/00784/FUL - Application for minor material amendment to approved planning application 15/00063/FUL. Variation to condition no.2 (Approved Plans) to allow alterations to the design, siting, landscaping and mass of the approved development for the erection of 24 no. two bedroom apartments within a 3 storey block with accommodation within the roof space – Approved subject to a section 106 agreement 23.08.2018.
- 3.2 15/00063/FUL - Erection of 24 no. two bedroom apartments in one 3 storey block with means of access, refuse storage, landscaping and parking provision – Approved subject to a section 106 agreement 28.02.2017.
- 3.3 05/00697/OUT – Outline (including details of access and layout) application for erection of 24 Apartments – Refused at Speakers Panel 19.10.2005. Decision was subsequently allowed at appeal.

## **4. RELEVANT PLANNING POLICIES**

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated immediately bordering Green Belt & Site of Biological Importance.

### **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;
- 1.11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### **4.3 Part 2 Policies**

- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- OL4: Protected Green Space

OL10: Landscape Quality and Character  
T1: Highway Improvement and Traffic Management  
T10: Parking  
T11: Travel Plans  
C1: Townscape and Urban Form  
N4: Trees and Woodland  
N5: Trees within Development Sites  
N7: Protected Species  
MW11: Contaminated Land  
U3: Water Services for Developments  
U4: Flood Prevention  
U5: Energy Efficiency

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

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

#### **4.5 Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

#### **4.6 Other Policies**

Places for Everyone – Publication Draft August 2021  
TMBC Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007  
Tameside Open Space Review 2018

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

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development:

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

### **6. RESPONSES FROM CONSULTEES (SUMMARISED)**

- 6.1 Coal Authority – Have reviewed the submitted site investigation reports. Queries have been raised as to whether there is ground stability risk present at the site. Clarification has been sought from the applicant's consultants.

- 6.2 Contaminated Land – No objections. Confirm that the submitted ground report highlights a possibility of made ground within the site. Recommend condition for further investigation and remediation if deemed necessary.
- 6.3 Environmental Health Officer – No objections subject to conditions relating to working hours and details of refuse storage arrangements.
- 6.4 Greater Manchester Ecology Unit – No objection. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can likely be resolved via condition and/or informative relevant to the landscaping proposals. Conditions are recommended relevant to tree planting within the site and biodiversity enhancement measures in line with the requirement of the NPPF.
- 6.5 Highway Authority – Recommend a conditional approval. The development would not in the LHA's opinion have an unacceptable impact on highway safety or capacity of the highway network. The existing access/egress from the development onto Kings Road is satisfactory and meets the LHA requirements for max gradients/minimum 10m from existing junctions. The LHA require TRO's shown on Vernon St to be extended 10m from the junction along the kerbline of Kings Road to achieve the visibility splays required for safe access from the site.
- 6.6 Lead Local Flood Authority – Have reviewed the drainage strategy and raised no objections. Site is not prone to flood risk and identify that further investigation is required to identify whether surface water can be addressed via infiltration.
- 6.7 Police (Secure by Design) – Support the application and are satisfied with the recommendations within the Crime Impact Statement which should be conditioned on any approval.
- 6.8 Tree Officer – Confirms that the two trees to be removed are of lower value to the surrounding area and the proposed planting will adequately mitigate for their loss. The most significant trees are a row of Poplars to the western boundary which will be retained. Confirmed that the protective fencing recommended within the arboricultural report is of a suitable design and conforms with BS5837.
- 6.9 United Utilities – Raise no objections. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Recommend drainage design be addressed via conditions requesting compliance with the drainage hierarchy.

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

- 7.1 In response to the consultation undertaken there have been four letters of objection received.
- 7.2 The following concerns have been raised within the individual objection letters, these are summarised as follows:
- Loss of privacy and light to nearby residents;
  - The building is too high and is being built on elevated land to Ladbroke Road;
  - Concerns over noise from the development from the level of occupation;
  - Traffic within the area is already a concern and the development will add to existing problems;
  - There is not enough car parking for the development;
  - Development will tarnish the reputation of the area;
  - Apartments are not appropriate within a terraced area;
  - Concerns over the environmental impacts on wildlife;

- The access road is not suitable for the level of development;
- Public money should be spent on existing derelict buildings within Ashton; and
- Development is out of character with the area.

## **8. ANALYSIS**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Paragraph 219 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan (2004) and the Greater Manchester Joint Waste Plan Development Document.
- 8.4 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decision on planning applications 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. PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. The site is not allocated on the adopted UDP proposals map and is not subject to any other designations. Policy H2 (Unallocated Sites) applies to housing development proposed on unallocated sites, it gives preference to the reuse of previously developed sites. Paragraph 60 of the NPPF identifies the government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, given the sites location within an established residential area with links to services the proposals would meet these policy objectives.
- 9.2 With regard to the principle of the residential redevelopment of the site, it is noted that this principle has been established on the granting of previous planning permissions the last of which was in 2018. Previous consents had not been implemented and the permission had lapsed. In comparison to the previous approval the access arrangements remain unchanged and the footprint and height of the block would be directly comparative to that of previously approved development.
- 9.3 Since the previous approval it remains that the site is in a derelict state which continues to attract antisocial behaviour. The site should be considered as previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. Residential use would be

readily compatible with adjoining uses and that the contribution to investment in affordable housing stock would be welcomed. The Council does not have a five year housing supply, where this is afforded significant weight in the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The opportunity to make a positive contribution to housing supply by the redevelopment a brownfield site is considered to be highly sustainable and this is afforded significant weight to the planning assessment.

- 9.4 The site is located within a highly accessible area well connected to public transport, local services and employment uses across Ashton. In terms of the assessment against paragraph 11, all developments must be considered in light of their sustainable credentials, which the NPPF identifies as having three dimensions (economic, social and environmental). As previously identified the development would contribute directly to the choice of housing. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to affordable housing. On the matter of the environmental impact and the sustainable credentials the redevelopment of PDL carries significant weight along with the locational factors relating to access to services and transport, appropriate levels of ecological mitigation can be secured and the accommodation can be constructed to reduce energy/carbon emissions. Therefore, the overall sustainable credentials are not questioned, and the proposals are considered to achieve the three dimensions of sustainable development through the contribution to the supply of affordable housing within a sustainable location.

## **10. DESIGN & LAYOUT**

- 10.1 The UDP and NPPF policies and the guidance of the Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The framework emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 10.2 The proposals do not significantly depart from the design parameters established on the previous planning application. The maximum height of the building along with its siting and access would be nearly identical to that established on previous approvals. Essentially the concept remains unchanged with a 3 storey apartment block fronting a communal car park within landscaped grounds, as per the previous approvals the siting of the building exceeds recommended spacing standards to neighbouring properties, this also includes a relevant allowance to the change in site levels.
- 10.3 The Design & Access Statement submitted by the applicant notes that the building has been designed to reflect a 'Mill' building as a direct reference to the local area's industrial heritage. This includes a series of low gables to the front and rear of the building, coupled with a regular window pattern across the main elevations, the roofline and overall mass is broken by a series of valleys. The fenestration style is designed to reflect those used successfully in the conversion of mill buildings elsewhere in Ashton. It is intended to source a brindle brick to resemble the brickwork found immediately within the locality. The windows would be set within a deep reveal to give texture to the buildings appearance, to improve the legibility of the sites entrance the opening would be treated with a black timber effect composite cladding surround.
- 10.4 The relationship of the site to the surrounding properties means that it is largely screened from surrounding vistas, the impact upon the street scene is therefore somewhat limited. Nonetheless the approach to the design is considered positive in terms of how it responds to the site's constraints and the relationship to the surrounding area. The elevations and

materials respond successfully to the site's context, the design exhibits depth and character which is befitting of the locality and meets with design objectives.

- 10.5 Apartments represent a very efficient use of land and this is demonstrated by the density which can be achieved, in this instance the density would equate to 63 units per hectare. This aligns to NPPF objectives to promote the efficient re-use of land within established urban areas that are accessible by public transport, this is particularly important in periods of housing undersupply.
- 10.6 Frontage parking can be a weakness of design where it results in a dominance of hard surfacing and parking. The design seeks to break this up by well-proportioned landscaped planting borders to parking boundaries. The scale and overall mass is not considered to be overly domineering and by virtue of the landscaped areas the parking is sufficiently integrated within the design.
- 10.7 Having full consideration to the design merits of the proposal, and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would complement the existing area. The scale and density of the development is reflective to that established on previous planning approvals and this would be compatible with the street scene and relationship to neighbours. The redevelopment of the site would uplift the appearance of the locality and contribute to environmental improvements in the local area. The proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11. DESIGN AND RESIDENTIAL AMENITY**

- 11.1 The policies of the adopted Residential Design Guide strive to raise design standards; they should be applied along with the criteria of Building for Life (BfL). Good design is aligned to the delivery of high residential amenity standards, this should reflect equally on the environment of existing residents as well as that of future residents. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) and promote Natural Surveillance at street level (policy RD4).
- 11.2 Since the demolition of the club, the site has continued to fall into a state of disrepair and neglect. This is a blight on the local landscape and will be reflecting negatively on residents which immediately border the site. There would be direct amenity benefits attributed to the investment and redevelopment of the site.
- 11.3 The layout and height of the apartment block has been influenced by initial discussion with the applicant prior to submission. The building would stand at 3 storeys with the overall proportions being directly akin to that previously established at the site. The siting of the apartment block is such that its front and rear elevations would be a minimum of 30m away from the rear elevation of properties which front Kings Road and Ladbrooke Close. In terms of the objections raised on amenity, privacy and outlook/light, the exceedance of the spacing standards required by policy RD5 is considered sufficient mitigation. In addition, it is also noted that the surrounding grounds will be landscaped with tree planting which over time will provide screening.
- 11.4 The majority of properties on Ladbrooke Road appear to have extended their gardens into the site. The development is not looking to develop this land and these garden areas will remain fenced off from the development site therefore not impacting upon amenity.

- 11.5 The occupants of the dwellings would be served with a good level of amenity. The design of the properties is such that they have well-proportioned room sizes in line with housing technical standards. The apartments are served with large levels of glazing which will provide good levels of light and ventilation. The communal garden would also provide a valuable asset for future residents.
- 11.6 The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of policy H10 and the adopted SPD.

## **12. HIGHWAY MATTERS**

- 12.1 No changes are proposed to the site's access or parking arrangements or that of the internal site layout established on the previous permissions.
- 12.2 The accommodation would be provided on an affordable (rental) basis via a registered provider. Typically, car ownership amongst tenants is likely to be low. The development would be accessed from Kings Road/Vernon Street, the carriageway of Vernon Street would be upgraded to an adoptable standard along with new dedicated pedestrian footways, tactile paving, signage and lighting where necessary. Consultation with the LHA confirm that work on the Vernon Street/Kings Road junction will be subject to a S78 agreement under the Highway Act. This will be addressed separate to the planning application although conditions are still recommended detailing the level of highway improvement required.
- 12.3 The development proposes 19 No. off Street vehicle parking spaces (4 dedicated to electric vehicles) for the apartments. Policy RD8 requires 0.5 parking spaces for each one bedroom property, the level of parking provision as proposed meets with the requirements of the policy guidance. In addition, the applicant is committed to the delivery of proposals for secure/covered cycle storage, this along with the sites location within close proximity to sustainable transport facilities provides residents with an attractive alternative to the use of a private vehicle.
- 12.4 Consultation with the LHA confirms that the design and layout would be acceptable to ensure safe and convenient, access and manoeuvring arrangements for vehicles and pedestrians alike into and out of the site. The LHA are also satisfied with the level of parking provision recognising that car ownership within single bedroom developments is generally low and that the site is accessible. Vehicle movements associated with the development would not be significant and there is considered to be adequate capacity within the local network.
- 12.5 The location of the development is within an established urban area which has established services. This represents an accessible and sustainable location. It is located close to a bus route and is located within walking distance of Ashton town centre and its associated amenities. Within the immediate area there are local conveniences which can serve residents day to day requirements. The location is highly sustainable with access to local amenities, bus services and Ashton town centre being within walking distance.
- 12.6 The access and parking arrangements have been designed in conjunction with advice given from Highways and they have raised no objections. Conditions will ensure that the access arrangements are designed to technical standards. It is considered that the development adheres to the provisions of policies T-1 and T-10, in addition to the standards of the Tameside Residential Design Guide.

## **13. AFFORDABLE HOUSING**



- 13.1 Paragraph 65 of the NPPF identifies that all major (10 units and above) residential developments should involve the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units, the Housing Needs Assessment identifies an expectation of the provision of 15% of units on an affordable basis. The Glossary of the NPPF provides a definition of affordable housing, which includes affordable housing for rent provided by a registered provider.
- 13.2 The applicant identifies that upon completion of the development the building would be leased to Jigsaw Homes Tameside who would act as landlord and rent the apartments in consultation with TMBC. The proposed development and form of occupancy therefore represents 100% affordable housing, this would exceed the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF.

#### **14. DRAINAGE**

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

#### **15. TREES & ECOLOGY**

- 15.1 No additional trees would be removed from the site as a result of the amendments. The landscaping would not be materially different from that of the extant permission which has established the extent of tree removal and replanting. The key features of the submitted landscape plan include:
- Retention of poplar trees along the western boundary (shared with Ladbroke Close);
  - Communal landscaped garden;
  - Low shrub planting along front building elevation and throughout the car park; and
  - Brick paving around the building and new pedestrian footpath along Vernon Street up to Kings Road.
- 15.2 The retention of the significant line of Poplar trees along the north/northeast boundary will benefit the site and area generally. The trees will provide an interruption of views of the development and provide a much welcomed mature landscaping feature. It is considered the proposed development and landscape proposals will enhance both the development and character of the area in compliance with UDP policy N5.
- 15.3 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site can be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes to the completed development.

## **16. GROUND CONDITIONS: MINING & CONTAMINATION**

- 16.1 The application has been accompanied with a suitable site investigation and coal mining risk assessment consultation. The Coal Authority has confirmed that further clarification on the conclusions reached within the site investigation report is required. At the time of writing the report the applicant was preparing additional information to submit to the Coal Authority for review. Coal mining risk has been investigated on the previous application which was subject to a conditional approval. It is considered that a conditional approval is a proportionate response to addressing the outstanding queries. These conditions (19 & 20) will ensure that further investigation is undertaken to inform an appropriate mitigation strategy to be agreed with the LPA in conjunction with the Coal Authority. Subject to these conditions, the development should not be prejudiced by any mining legacy issues.
- 16.2 Consultation with the Contaminated Land Officer confirms that no objections are raised subject to the further site investigations being undertaken to identify any potential onsite remediation requirements. This would be secured through the requirements of a planning condition.

## **17. CONTRIBUTIONS**

- 17.1 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and highways contributions as per the requirements of policies H4, H5 and T13 of the UDP. Education contributions don't apply on development below 25 dwellings. The affordable housing requirement would be exceeded through the applicant's intention to provide all of the apartments on an affordable basis, the development will be funded via grant funding through Homes England which has been supported by the Council. The affordable housing contribution carries significant weight in the assessment of the application. Beyond improvements to the Vernon Street/Kings Road junction there are no highway impacts associated with the development which would warrant off-site mitigation via a commuted sum. Likewise, with reference to greenspace contributions weight is apportioned to the redevelopment of a brownfield site. The building would sit within a landscaped area and there would be a significant local environmental improvement secured by the development. Locally, King George playing fields are on hand to serve formal recreation requirements of residents of the development.

## **18. OTHER ISSUES**

- 18.1 Noise: Noise affecting the development is largely transport based as there are no commercial or industrial uses within the proximity of the site. The EHO is satisfied that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions. A construction management plan (to be conditioned) will ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.
- 18.2 Sustainability: The redevelopment of a previously developed site within an accessible location accords with the strategic principles of sustainable development. The apartments would be constructed to reduce energy usage through a fabric first approach along with the use of air source heat pumps. The addition of electric vehicle charging points along with secure cycle storage demonstrates a commitment to sustainable travel.
- 18.3 Heritage: There are no recorded assets within the vicinity of the site. The development will therefore not have any influence on the setting of any assets.

- 18.4 Security: The application has been accompanied with a Crime Impact Statement. Subject to the recommendations it is considered that the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public and private areas.

## **19. CONCLUSION**

- 19.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the adopted development plan to be approved without delay, and where the development plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 19.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the policies of the development plan, national planning policy and guidance and all material considerations raised.
- 19.3 The redevelopment of a brownfield site for residential purposes would be compatible with the housing strategy and would also be readily compatible with the modern housing development that is established within the locality. The development would add to and contribute towards much needed, good quality affordable housing in a period of documented under supply.
- 19.4 The design creates a positive and welcoming residential environment. The apartments would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 19.5 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the Borough's affordable housing supply.

## **RECOMMENDATION:**

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

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

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

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Plans:

Existing Site Plan ref 121303 02P4

Proposed Site Plan ref 121303 03P8

Proposed Plans ref 121303 04P5

Proposed Elevations ref 121303 05P4

Proposed Bin/Bike Store ref 121303 06P1

Landscape Plan 6751.01A LP Nov21

General Arrangement Plan ELL-21142-WH-L-550 (B) S278  
Road Contours and Drainage ELL-21142-WH-L-552 (A) S278  
Kerbing and Surfacing ELL-21142-WH-L-553 (A) S278  
Traffic Signs and Road Markings ELL-21142-WH-L-554 (B) S278  
Concept Drainage Layout ELL-21142-WH-L-1000 (-)

Reports:

Design and Access Statement  
15-0036-02 Vernon Street  
Energy Statement  
Construction Management Plan  
Site Cabin Locations  
Location Plan  
Topographical Survey  
Phase 1 and 2 Reports (including Coal Mining Report)  
Phase 3 Report Ref ELLUC-WH-21142-300921-FRA-F1  
Jigsaw Homes Supporting Statement  
Ecological Assessment Land off Vernon Street PEA 1.1  
Tree Survey PM FULL 25-09-21

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

- 3) Notwithstanding any description of materials in the application form and shown within the Design & Access Statement 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) The car parking spaces to serve each dwelling as part of the development hereby approved on Dwg ref 121303 03 P8 shall be laid out as shown on the approved site plan prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

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

- 5) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of:

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

- 6) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the local planning authority. The methodology of the survey shall be approved in writing by the local planning authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the local planning authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the local planning authority.

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

- 7) No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the local planning authority. The scheme shall include full details of:
  1. Phasing plan of highway works;
  2. Surface and drainage details of all carriageways and footways;
  3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
  4. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas; and
  5. Details of carriageway markings and signage.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

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

- 8) Prior to the occupation of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

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

- 9) As indicated on the approved plan (Dwg.Number 121303 03 P8), prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the local planning authority which complies to the requirements listed below:
  - i) be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
  - ii) have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
  - iii) be fitted with a universal socket (known as an untethered electric vehicle charge point);
  - iv) be fitted with a charging equipment status indicator using lights, LEDs or display; and
  - v) a minimum of Mode 3 or equivalent.

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

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

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

- 11) The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to the private carriageways/driveways off the adopted highway have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the local planning authority prior to the occupation of any part of the development.

Reason: To secure the provision of satisfactory access to the site and in the interests of road safety and personal safety.

- 12) 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.

- 13) 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. The scheme shall be implemented and verified as approved and shall include all of the following components unless the local planning authority 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; and
  - 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 local planning authority 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.

- 14) 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 local planning authority. 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, 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 local planning. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the local planning authority on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the local planning authority and occupation of the development shall not commence until this time unless otherwise agreed in writing by the local planning authority.

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.

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

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

The discharge of this planning condition will be given in writing by the local planning authority on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the local planning authority and occupation of the development shall not commence until this time unless otherwise agreed in writing by the local planning authority.

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.

- 16) No development shall commence (excluding the demolition of existing structures and site clearance or preparation) until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment

of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

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

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

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

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

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

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

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

Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 183 and 184 of the NPPF.

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



Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 183 and 184 of the NPPF.

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

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

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

Reason: In the interests of security and residential amenity.

- 23) A scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.

- 24) 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.

- 25) Prior to first occupation of the development, a scheme for any television/radio aerial/satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.

Reason: In the interest of the appearance of the building and the visually amenity of the locality. In accordance with policy C1 and H10 of the UDP.