

<b>Application Number:</b>	22/00214/FUL
<b>Proposal:</b>	Demolition of existing building to create a four storey building to provide 24 apartments, with associated offices, support space and parking at ground floor level.
<b>Site:</b>	Former Stalybridge Police Station, Corporation Street, Stalybridge
<b>Applicant:</b>	Watson Homes Ltd
<b>Recommendation:</b>	Grant planning permission subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The site relates to an existing building, which was previously in use as Stalybridge Police Station. It has been closed for over 13 years, falling into a state of disrepair and dereliction. The building has more recently being stripped out internally.
- 1.2 The site is situated within Stalybridge Town Centre. The buildings surrounding the site are of a mixed style and appearance. To the west is the imposing brick built Civic Hall, and immediately to the north west the St Matthews smaller brick built building. An imposing stone built church, the Holy Trinity and Christ Church, is situated to the south west. To the south is a modern Tesco supermarket, with a large car park. The Huddersfield Narrow Canal and accompanying towpath is also situated to the south. The nearest buildings to the east are some distance from the site, and the nearest is a rear facing brick building, and it is not considered that these are viewed within the same context, and a similar scenario applies to the north, given the site is bordered to the north by the River Tame.
- 1.3 Three listed buildings are situated within close proximity to the west of the site. The Holy Trinity and Christ Church, Victoria Market (Civic Hall building, and Stalybridge Public Library, are all Grade II listed buildings. The site lies within the Stalybridge Town Centre Conservation Area.

## **2. PROPOSAL**

- 2.1 This full application seeks planning permission for the demolition of the existing former police station building and erection of a four storey building for residential use, to provide 24no. apartments, with associated offices, support space and parking at ground floor level. Twenty one of the apartments would be one bedroomed, and three would be two bedroomed.
- 2.2 The proposed building would have a flat roof design and would be constructed off the structural grid of the existing building. The building would be of a simple design, with primarily red brick elevations to the three upper floors. The ground floor would be of a primarily grey type, contrasting brickwork. The building would measure 11.4m in height, aside from a small corner section which would include a slightly raised parapet, which would measure 11.9m in height.

- 2.3 The applicant has indicated that the development would include an element of supported living for future occupiers. The proposals demonstrate that each of the apartments would be self-contained, and self-sufficient per se, all including bedroom, bathroom, kitchen/dining and living space facilities. The submitted ground floor plans show that staff facilities, including a staff office, meeting room, training/activity room and toilets, would be provided.
- 2.4 The proposed scheme at the former Stalybridge Police Station site will provide 24 specialist supported living apartments comprising 21 one bedroom apartments and 3 two bedroom apartments. The scheme will enable residents to live independently, where they would perhaps not be able to otherwise. A dedicated care team will be on site 24 hours. They will assist residents on a daily basis.
- 2.5 Also provided at ground floor would be car parking, bin store, cycle store, storage/plant room, scooter storage area, garden store, smoking area and outdoor patio area.

### **3. PLANNING HISTORY**

- 3.1 06/01853/OUT – Demolition of existing building and erection of a new building comprising of ground and 3 additional floors with basement car parking, use of the ground floor as a restaurant and the upper 3 floors as residential, 27 apartments (12 one bed and 15 two bed) (Outline) – Approved April 2007
- 3.2 06/01859/CON –Conservation Area Consent for the demolition of the existing police station building and redevelopment to provide commercial and residential accommodation in line with planning application reference number 06/01853/OUT – Approved April 2007
- 3.3 06/01852/FUL – Change of use of existing building (Police Station) to create offices and first floor with associated car parking – Approved April 2007
- 3.4 14/00821/FUL – Conversion of the former Police Station to create 14no. two bedroom; 4no. one bedroom apartments and 1no. office with the addition of a further storey – Approved December 2014

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions

that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

#### Tameside Unitary Development Plan (2004)

### 4.5 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### 4.6 **Part 2 Policies**

- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- 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
- C6: Setting of Listed Buildings
- N3: Nature Conservation Factors
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- S4: Retail Dominance and Shopping Frontages
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

### **Places for Everyone**

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the

closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

- 4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

### **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 by neighbour notification letter, display of a site notice; and advertisement in the local press

### **6. SUMMARY OF THIRD PARTY RESPONSES**

- 6.1 None received.

### **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority – No objections, subject to conditions requiring car parking and servicing to be implemented; a demolition and construction management plan; a scheme for electric vehicle charging points; a scheme for secured cycle storage. A financial contribution to off-site highway works is also requested. Travel plan not required.
- 7.2 United Utilities – No objections, subject to a condition requiring a surface water drainage scheme. Notes the presence of a water main in the vicinity of the site, and recommends the applicant makes contact prior to works commencing.
- 7.3 Lead Local Flood Authority – No objections, following the submission of additional information, subject to a condition requiring a surface water drainage scheme.
- 7.4 Greater Manchester Ecology Unit – No objections, and no concerns of impact of the development upon the Huddersfield Narrow Canal. Recommends conditions requiring a new bat survey should demolition not commence prior to 30<sup>th</sup> April 2023; submission of an external lighting design strategy; submission of a bird nesting survey prior to demolition; submission of a method statement for dealing with invasive species Himalayan Balsam; a Construction Environmental Management Plan detailing how the River Tame and wildlife corridor will be protected from pollution during construction; the landscape plan submitted should be carried out.

- 7.5 Environmental Health – No objections, subject to conditions requiring acoustic mitigation measures outlined within the submitted Noise Impact Assessment to be implemented; and restrictions on construction working hours. The proposed waste and recycling facilities may not be sufficient for the future development, and a revised bin storage area should be provided.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and verification plan; and that recommended remedial measures be implemented prior to use.
- 7.7 Transport for Greater Manchester – No objections, subject to conditions requiring cycle parking to be provided; and a Travel Plan/Travel Pack. Recommends upgrades to access points, footways and Traffic Regulation Orders.
- 7.8 Greater Manchester Police Designing out Crime Officer – No objections. The physical security measures included within the Crime Impact Statement should be implemented.
- 7.9 Waste Management – The proposed waste and recycling facilities may not be sufficient for the future development, and a revised bin storage area should be provided.
- 7.10 Canal and River Trust – No objections.
- 7.11 Education - Would like to see a contribution towards education infrastructure.
- 7.12 Environment Agency – No objections, subject to conditions requiring that the development be undertaken in accordance with the submitted Flood Risk Assessment; and that a Construction Environmental Management Plan detailing how the River Tame and wildlife corridor will be protected from pollution during construction.

## **8. ANALYSIS**

- 8.1 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Policy H2 (Unallocated Sites) states that unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan. 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 a town centre location with links to services the proposals would meet these policy objectives.
- 8.2 The site lies wholly within the Stalybridge Town Centre boundary, as identified within the Tameside Unitary Development Plan (UDP). Policy S4 of the UDP states that outside of the primary shopping areas of the town centres (as shown on the Proposals Map), the Council will permit a diversity of uses which contribute to the overall appeal of the town centre, help to minimise the extent of empty properties, and improve the appearance of the centre.
- 8.3 Paragraph 68 (criterion f) of the NPPF states that planning policies should recognise that residential development often plays an important role in ensuring the vitality of town centres and encourage residential development on appropriate sites.
- 8.4 Planning permission for residential development has been granted on the site in the past, most recently in 2014. Given previous permissions had not been implemented and had

lapsed, it remains that the site is undeveloped and reflects negatively on the local environment.

- 8.5 There is no doubt that the site constitutes 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. The Council does not have a 5 year housing supply, where the NPPF is clear that contribution to housing supply is a material consideration in the assessment process. The opportunity to make a positive contribution to housing supply by the redevelopment of a brownfield site is considered to be highly sustainable and this is afforded significant weight in the determination of the application. The site is situated outside of the defined primary shopping areas of Stalybridge Town Centre, and it is considered that, as per the above policies, residential development would improve the vitality of the town centre, and would be an appropriate re-use of previously developed land.
- 8.6 The applicant has indicated that the development would include some element of supported living for future occupiers. The proposals demonstrate that each of the apartments would be self-contained, and self-sufficient per se, all including bedroom, bathroom, kitchen/dining and living space facilities. Whilst this layout would allow occupiers to live within their own homes, it would allow some element of care to be provided to some residents, when required and as their care needs may change. It has been assumed from the submitted information that care to be provided would range from occasional to more intensive. Use Class C3, under Article 2 of the Use Classes Order 1987 (as amended) involves use as a dwelling house (whether or not as a sole or main residence) either: by a single person or by people to be regarded as forming a single household; or by not more than six residents living together as a single household where care is provided for residents; or by not more than six residents living together as a single household where no care is provided to residents. The submitted floor plans show that staff facilities, including a staff office, meeting room, training/activity room and toilets, would be provided. On the basis of this, the building would not be utilised as a residential care facility (under Use Class C2). The staff facilities make up a small proportion of the overall apartment development, and is considered proportionate and incidental to the apartments.
- 8.7 The site is located within a highly accessible area within a town centre, connected to public transport, local services and employment uses within Stalybridge. In light of the above, the principle of residential development in this location is considered to be acceptable.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP, NPPF and the adopted 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 NPPF 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).
- 9.2 The site currently consists of a three storey building, with two storeys above street level and a basement, which is brick built and dates from the 1970s or 1980s. The building has been in a poor state of repair, and has suffered in the past from vandalism and anti-social behaviour. Internal strip out of the building has begun recently.
- 9.3 The buildings surrounding the site are of a mixed style and appearance. To the west is the imposing brick built Civic Hall, and immediately to the north west the St Matthews smaller brick built building. An imposing stone built church, the Holy Trinity and Christ Church, is situated to the south west. To the south is a modern Tesco supermarket, with a large car park. The nearest buildings to the east are some distance from the site, and the nearest is a rear facing brick building, and it is not considered that these are viewed within the same

context, and a similar scenario applies to the north, given the site is bordered to the north by the River Tame.

- 9.4 The proposed development seeks to reuse the structural grid of the existing building such that it is of a similar footprint, but is proposed as four storeys in height. The applicant has stated that the design of the building is intended to replicate the general architectural style of mill buildings, which were commonplace within Tameside throughout the 19<sup>th</sup> century.
- 9.5 The proposed building would be of a simple design, with primarily red brick elevations to the three upper floors. The ground floor would be of a primarily grey type, contrasting brickwork. This is considered to be acceptable visually, drawing attention to the street level aspect of the building, whilst reducing the bulk of the building through its increased height.
- 9.6 Feedback was initially provided that some effort should be made to break up the red brick elevation of the building, and in response a vertical addition to the front and both side elevations has been proposed, with the front being a recess within the building, above the entrance. These would be finished in a grey brick, which would reduce the appearance of the overall massing of the building, and create interest in an otherwise relatively uniform structure. The corner of the building would include a slightly raised parapet, adding height in this location to draw attention to this part of the building and to the entrance area. A contrasting brickwork would then separate this section of parapet from the remainder of the building.
- 9.7 In terms of fenestration, the upper floor windows would be horizontally and vertically aligned, creating a clean appearance. Two additional partial vertical rows would be in place on both the front and one side elevation, with cladding rather than brickwork linking the upper floor windows in those locations, assisting with adding variation across the wide elevations.
- 9.8 The existing building includes a raised entrance, with steps leading from street level. The proposed building would include a brick feature entrance porch area, at street level, with a flat roof design. This would include glazing on all three sides to ensure an active frontage, projecting light onto the pavement during hours of darkness, and creating a sense of security. The ground floor of the front and side elevation (facing Dean Street) would include high level openings, which would provide a level of privacy internally but also provide light to the street level during hours of darkness.
- 9.9 The windows and doors would be coloured grey, which it is considered would sit well against the red brick finish of the main building. The majority of the upper floor windows would include a detailed soldier course above them, and a metal coating would be included to edge the parapet roof. A condition is recommended requiring full details of the materials to be provided, however broadly this palette is considered to be acceptable visually.
- 9.10 In light of the above, the design and scale of the building is appropriate in this location. The design of the building has been improved upon based on initial feedback from officers, ensuring a reduction in appearance of massing of the building, and interest added through design features.

## **10. IMPACT UPON HERITAGE ASSETS**

- 10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 10.2 Policy C2 of the UDP states that the character and appearance of the Borough's Conservation Areas will be preserved or enhanced through the control of development, the promotion of improvement measures, or both. Policy C3 states that where unlisted buildings in Conservation Areas make no positive contribution to the character or appearance of the area, demolition will only be permitted if this would be followed, as soon as practical, by a development scheme which would make a greater contribution to the character or appearance of the area. Policy C6 states that new development, which fails to preserve, or detracts from, the setting of a listed building or structure will not be permitted.
- 10.3 Three listed buildings are situated within close proximity to the west of the site. The Holy Trinity and Christ Church, Victoria Market (Civic Hall building, and Stalybridge Public Library, are all Grade II listed buildings. The site lies within the Stalybridge Town Centre Conservation Area.
- 10.4 It is not considered that the proposed development would affect the setting of the Stalybridge Public Library, due to the presence of other buildings separating the two, including the Victoria Market. The library is viewed primarily from Trinity Street, and a small section of Dean Street, however the latter is relatively narrow and the host site is not widely visible within the same context.
- 10.5 The proposed development would however affect the setting of the Victoria Market and the Holy Trinity and Christ Church. Again, the primary appreciation of each of these buildings takes place from Trinity Street, onto which they both front. However, both buildings are seen when approached from the east to their rear, along Corporation Street. The tower of the church in particular is widely visible from this public vantage point.
- 10.6 Although of an increased height over and above the existing building, the proposed development would be constructed off the existing structural grid, and therefore would be similar in proportion with regard to width and length. Views from adjacent to the proposed development and from further eastwards would not be interrupted by the proposed development, with clear views along Corporation Street towards the Church building. Mature trees already partially screen the rear of the Victoria Market from the development site, however again clear views along Corporation Street and from within the adjacent Tesco car park would remain available.
- 10.7 Notwithstanding the above, it is noted that the existing building has now been in use and has been derelict for at least thirteen years. The proposed development would deliver a scheme which is relatively simple in design, with a red brick finish and some features of interest, which is considered a significant improvement over the existing building in place today. The design and scale of the proposal is considered to be appropriate for its setting. In accordance with Policy C3 of the UDP, it is considered that the proposed development would make a positive contribution to the character and appearance of the Conservation Area.
- 10.8 The proposal would lead to the demolition of a derelict building that negatively impacts upon the heritage assets. The proposed building is of an appropriate design visually, and although taller it would not unduly impact upon the setting of heritage assets given it would be constructed off the existing structural grid of the existing building. In light of this, no harm is attributed to the identified listed buildings or Conservation Area.

## **11. RESIDENTIAL AMENITY**

- 11.1 No neighbouring residential properties are identified within close proximity, which would be impacted upon by reasons of overlooking or overshadowing, or privacy concerns. Similarly, noise, disturbance and general amenity would not unduly affect any surrounding residents, given their siting a considerable distance from the site. Furthermore, it is noted that the site

lies within a busy town centre location, with background noise and disturbance commonplace.

- 11.2 With regard to the amenity of future occupiers, it is noted that each of the one bedroom apartments would exceed 39sqm internally, which is the minimum expected to achieve a reasonable standard of amenity, as outlined within the Government Technical housing standards document (nationally described space standard). The three proposed two bedroom apartments would measure 52sqm, which is below the 61sqm minimum expected internal floor space for such units. The applicant states that the second bedrooms are intended to be utilised primarily on a temporary basis, as a bedroom or break out space, for family members and carers, as the proposed operator intends that an element of care be provided to future occupiers. Although below the nationally described space standard, it is noted that each of these two bedroom units proposes only a single bed on the submitted floor plans. Although future operators of the building and use cannot be controlled by the Council, it is likely that a maximum of two persons would occupy the two bedroom units, and on this basis the level of amenity provided would be sufficient. On balance, the development is acceptable in this regard. Furthermore, the development would benefit from a shared outdoor patio area at ground floor, which could be utilised by future occupiers.
- 11.3 As noted above, the site lies within a town centre location, with associated background noise and disturbance from adjacent highways and commercial activities within close proximity. The applicant submitted a Noise Impact Assessment alongside the application, which recommends a range of mitigation measures to ensure better soundproofing of the future accommodation. The application has been reviewed by the Council's Environmental Health officers, who raise no objections but recommend that the mitigation measures be implemented prior to occupation of the accommodation. A relevant condition is thereby recommended.
- 11.4 The Council's Environmental Health officers have also recommended a condition restricting the hours of construction of the proposed development to daytime hours. As set out above, the site is in a town centre location and not close to neighbouring residential properties. For these reasons, it is not considered that such a condition is necessary to protect the amenities of residential properties.
- 11.5 In light of the above, the development is considered to be acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, and not causing undue noise and disturbance to residential uses.

## **12. HIGHWAY SAFETY & ACCESSIBILITY**

- 12.1 The proposed access into the site would utilise the existing access point from Corporation Street. The proposed access is acceptable, with vehicles able to enter the site and leave safely.
- 12.2 The proposed development would generate only a small amount of vehicle movements, and these are considered to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 12.3 The development proposes 13no. off street car parking spaces. This provision is appropriate in this location, considering the site is situated within a town centre, with good access to shops, services and public transport provision, which would likely reduce reliance upon the private car.
- 12.4 The LHA considers that 24no. spaces should be provided for use by cycles, and 3no. car parking spaces should include electric vehicle charging provision. These are important matters to promoting sustainable travel and can be addressed by way of a condition.

- 12.5 The LHA have noted that infrastructure improvements would be required in order to accommodate the increased vehicle trips on the approach to the site. Specifically, they recommend that alterations to kerb lines and tactile paving and lining be provided at the access point, to ensure good levels of highway safety provision. Although the LHA have recommended that this be secured through a financial contribution, it is considered that this could be ensured via a planning condition, and is therefore recommended.
- 12.6 TFGM initially recommended that the application should be supported by a 'travel pack' for future occupiers, including details of nearest public transport services and journey planning, etc. The LHA have not recommended a condition requiring such provision, and although this would be useful for future occupiers, it is not necessary to be controlled by means of a condition, given the town centre location of the site and its proximity to public transport in any case. It may be appropriate for the applicant or future operator of the building to consider further.
- 12.7 It is reasonable to impose conditions requiring the laying out of the vehicle car parking spaces as indicated on the submitted plans prior to the operation of any part of the development. It is also considered reasonable to condition the submission and approval of a management plan relating to the construction phase of the development.
- 12.8 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, the safety of the access arrangements or car parking capacity, subject to the recommended conditions. The proposals would not result in a detrimental impact on highway safety.

### **13. DRAINAGE AND FLOOD RISK**

- 13.1 The applicant has submitted a Flood Risk Assessment (FRA) with the planning application. The site is primarily located in Flood Zone 2, with a small portion to the north partially covered by Flood Zone 3, adjacent to the River Tame, however all of the building development is to be situated within the former. As noted earlier, the site is a previously developed site.
- 13.2 The Lead Local Flood Authority (LLFA) have reviewed the submitted FRA, and raise no objections to the application, subject to a drainage scheme to be agreed and implemented as per the agreed details. Therefore, a condition requiring a full sustainable drainage scheme to be submitted is recommended.
- 13.3 United Utilities, similarly to the LLFA, consider that the details within the submitted FRA are acceptable, however consider that there is insufficient detail on the proposed drainage design. Therefore, United Utilities recommend that a sustainable drainage scheme is agreed. The condition recommended as a result of the LLFA response is therefore considered to satisfy both consultees. United Utilities also note that a water main is situated within close proximity to the site, and state that they would not permit building over or in close proximity to such, and it is the responsibility of the developer to demonstrate the relationship between this and the development, prior to works commencing. An informative is therefore recommended which advises the applicant to contact United Utilities in advance of any works taking place.
- 13.4 The Environment Agency (EA) has also reviewed the submitted FRA, considering the close proximity of the site to the River Tame and its siting within Flood Zone 2. They raise no objections to the application in regards to drainage and flood risk, provided that the works are undertaken in accordance with the information submitted through the FRA, and the proposed mitigation measures set out within. This includes the construction of finished floor levels to a certain level to avoid potential flood waters, and in order that essential maintenance access is maintained to the watercourse. A relevant condition is thereby recommended.

- 13.5 Subject to imposition of conditions as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.
- 13.6 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

#### **14. GROUND CONDITIONS**

- 14.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 14.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The report noted that made ground with elevated contaminants within it may pose a risk to future users, particularly because soft landscaping would be included in the completed development. In addition, made ground may pose a ground gas risk to the future development. The report also identifies that an underground fuel storage tank is located on the site, which may still contain fuels which could pose a contamination risk to future users of the site and to groundwater. The EPU raise no objections to the application, and recommend that a condition is attached to any approval which would require a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and a verification plan, in order to address any unacceptable risks posed by contamination. The condition would ensure any recommended remedial works and measures be implemented prior to first use.
- 14.3 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

#### **15. ECOLOGY**

- 15.1 Greater Manchester Ecology Unit (GMEU) have reviewed the application. They note that the site lies 50m from the Huddersfield Narrow Canal, which is designated as a Site of Special Scientific Interest (SSSI). GMEU are satisfied that the proposed development would not negatively impact upon the conservation status of the canal, as it would not impact upon the aquatic plants which are present. No further information in this regard is therefore considered necessary, and the Canal and River Trust have raised no objections.
- 15.2 GMEU notes that the existing building was investigated for bats through a daytime assessment, with no evidence of bats found (and a negligible roosting potential). Notwithstanding, the building is situated in an area where there is a high potential of bats being located. Therefore, if demolition of the building has not commenced by the end of April 2023, it is recommended that a further bat survey be submitted in order to ensure there are no bats or roosts present. A relevant condition is thereby recommended. Furthermore, it is considered that the adjacent river may accommodate foraging and commuting bats, and GMEU recommend that any external lighting should not negatively impact upon the river corridor. A condition requiring an external lighting design strategy be submitted is therefore recommended.
- 15.3 GMEU have noted that a survey should be submitted demonstrating no nesting birds are present prior to demolition commencing. This would apply year round, because pigeons can breed throughout the year. This does not apply to feral pigeons, which on the advice of GMEU are not afforded the same protection as nesting pigeons or other birds, due to their pest status. A relevant condition is recommended. GMEU consider that should only feral pigeons

be discovered within the building, then a licence (issued by Natural England) should be submitted in addition to demonstrate works can commence. This is not considered to be necessary, as the licensing process is covered under separate legislation, and therefore the condition would be considered satisfied if a bird nesting survey concluded that no birds were nesting which fall within the legal protections.

- 15.4 GMEU notes that an invasive species, Himalayan balsam, was discovered along the boundary to the adjacent river. Considering the site is primarily hardstanding construction, eradication of this species should not present an issue, however there is a risk of seed transported off the site during construction. A condition is recommended which would require a method statement for eradication and/or control, and avoidance measures for the species.
- 15.5 Both GMEU and the Environment Agency have noted that there are risks to the River Tame during demolition and construction, resulting from dust, debris, sediment and pollutant, and there are also risks post development from any proposed drainage. A condition is therefore recommended which would require a construction method statement, in order to protect the River Tame from such pollution. GMEU have also stated that any surface water discharge to the River Tame should be cleaner than existing discharges, and of a lower volume. It is therefore recommended that GMEU be consulted on the proposed surface water drainage scheme, also recommended to be controlled by means of a condition.
- 15.6 GMEU have reviewed the submitted information and consider that the proposed landscape plan indicates an increase in the proportion of the site which will be vegetated. The location of the planting along the river boundary is also welcomed, as is the proportion of native species within the planting plan. A condition is recommended to ensure the landscaping is carried out as proposed.
- 15.7 The application is thereby considered acceptable in these regards.

## **16. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS**

- 16.1 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space, education and potentially highways contributions as per the requirements of policies H4, H5, H6 and T13 of the UDP.
- 16.2 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) 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 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.
- 16.3 The applicant identifies that the accommodation would be provided on a social/affordable rent basis, proposed to be operated by Great Places Housing Group, who are a registered provider. The intention would be to lease the apartments in consultation with the Council's housing service, and they are intended to be accommodated by those requiring supported living. The proposal therefore represents a 100% affordable development exceeding the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF. In the circumstances of the application it is considered reasonable to secure the affordable housing via a planning condition.
- 16.4 The affordable housing requirement would be exceeded through the applicant's intention to provide all of the apartments on an affordable basis. The affordable housing contribution carries significant weight in the assessment of the application.

- 16.5 Beyond improvements to the site entrance onto Corporation Street there are no highway impacts associated with the development which would warrant off-site mitigation via a commuted sum. The off-site improvements listed are considered to accord with the highways policies outlined within the UDP, and with the NPPF, in order to ensure the development does not unduly affect highway safety. These provisions can be secured by means of a planning condition.
- 16.6 Likewise, with reference to green space, although none is proposed to be delivered on-site, immediately to the south of the site is the Huddersfield Narrow Canal towpath. Furthermore, the development is within walking distance of other areas of public open space, including along Mottram Road and Huddersfield Road to the north east, where access to the Stalybridge – Mossley footpath and cycling route is available. Noting that 21 of the apartments would be one bedroomed, the accommodation is not deemed to be suited to family accommodation. Contributions towards education would therefore not be warranted.

## **17. OTHER MATTERS**

- 17.1 The application has been accompanied with a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded the contents of the statement are sufficient. The Designing Out Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The applicant is advised of this via an informative.
- 17.2 The application has been accompanied by a Refuse Strategy, which has been reviewed by the Council's Environmental Health and Waste Management officers. They consider that the provision of waste and recycling bins may not be sufficient for the proposed development of 24no. apartments, with ancillary staffing and communal facilities. It is therefore recommended that a revised bin storage area be proposed. A condition is recommended requiring the applicant to submit further details of this, prior to the proposed use commencing, in order to ensure that adequate waste storage provision is provided. Assuming the condition is attached should the application be approved, it is considered that the proposals would meet the requirements of the National Planning Policy for Waste (NPPW).

## **18. CONCLUSION**

- 18.1 The application proposes the demolition of an existing commercial building, and replacement with a four storey building which would be utilised for residential use. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 18.2 The site is situated within a busy town centre, close to shops and services. The town centre benefits from public transport links including bus and rail, and provides sustainable connections to surrounding areas, reducing reliance upon the private car. Encouraging town centre living accords with the strategy outlined both locally within the UDP and nationally within the UDP, with a diversity of uses within these areas. Furthermore, the principle of residential development in this location has been established in the past.
- 18.3 The design and scale of the development is appropriate for this location, and is restricted by the confines of the existing building. The applicant has responded positively to early suggestions of design improvement, and it is considered that the development would be appropriate visually.
- 18.4 Following an assessment of the relationship between the development and surrounding heritage assets, including listed buildings and the Stalybridge Town Centre Conservation Area, it is considered that no harm would be caused to the setting of those assets as a result

of the development. The proposals would improve the site, demolishing a derelict building and ensuring a viable future use.

- 18.5 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and the considerable distance and intervening uses between residential uses.
- 18.6 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 18.7 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing site.
- 18.8 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

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

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

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

- Proposed elevations. Dwg no. 0108-P-2.
- Proposed first and second floor plan. Dwg no. 0106-P-2.
- Proposed ground floor plan/site plan. Dwg no. 0105-P-2.
- Proposed street elevations. Dwg no. 0109-P-1.
- Proposed third floor plan and roof plan. Dwg no. 0107-P-2.
- Site location plan. Dwg no. 01, issue P1.
- Landscape proposals. Dwg no. 6856.01.

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 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 building; 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 OL10: Landscape Quality and Character and C1: Townscape and Urban Form

- 4) No development, other than site clearance, demolition and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health,

buildings and the environment has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A site investigation strategy, based on the submitted LKC Preliminary Risk Assessment (ref: CL-602-LKC 22 1029-01), detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
2. The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
3. Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 5) Prior to first occupation of the development hereby approved, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA). If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

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

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 6) With exception of site clearance and demolition, and notwithstanding the submitted plans / information, no further development shall commence until a detailed surface water drainage scheme and associated strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:
  - Investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof), to include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- A restricted rate of discharge of surface water, if infiltration is discounted by the investigations;
- Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- Be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
- Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- Demonstrate that foul and surface water shall drain on separate systems;
- Shall include details of ongoing maintenance and management. The development shall be completed and maintained in full accordance with the approved details.

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 Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 7) Prior to first occupation of the development hereby approved, the car parking, servicing and turning facilities indicated on the approved plans shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.

Reason: In the interests of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 8) No development, other than site clearance, demolition and site compound set up, shall commence 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:
- a. Phasing plan of highway works;
  - b. Details of alterations to kerb lines and tactile paving at access point;
  - c. Details of carriageway markings/lining at access point.

The approved scheme of highway works shall be constructed and completed prior to the first occupation of any part of the development.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 9) Prior to the first occupation of the development hereby approved, details of Electric Vehicle Charging Point(s) shall be submitted to and approved in writing by the Local Planning Authority which complies with the requirements listed below.

The specification of the charging points installed shall:

- 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);
- have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
- be fitted with a universal socket (known as an untethered electric vehicle charge point);
- be fitted with a charging equipment status indicator using lights, LEDs or display;
- a minimum of Mode 3 or equivalent.

The Electric Vehicle Charging Point(s) shall be installed in accordance with the approved details prior to the first use of the development, and shall be retained and maintained as such thereafter.

Reason: In the interest of promoting sustainable forms of transport, in accordance with UDP Policy T1 and the NPPF.

- 10) No development shall commence until a Demolition and Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:-
- Wheel wash facilities for construction vehicles;
  - Arrangements for temporary construction access;
  - Contractor and construction worker car parking;
  - Turning facilities during the remediation and construction phases;
  - Details of on-site storage facilities.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

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

- 11) Prior to the first occupation of the apartments hereby approved, details of secured cycle storage to be installed to serve the apartments shall be 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 shall be installed in accordance with the approved details prior to the first occupation of the apartments and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 12) Prior to the first occupation of the development hereby approved, full details of the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. The approved facilities shall be implemented in conjunction with the approved method statement prior to the first use or occupation of the development and shall be retained as such thereafter

Reason: In the interests of encouraging recycling and visual amenity in accordance with Policies C1 and H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy for Waste.

- 13) Prior to the first occupation of the apartments hereby approved, the noise mitigation measures outlined in the submitted Noise Protection Scheme (undertaken by Ensaf Consultants, ref: N59843-1RO, dated 25 February 2022) shall be implemented in full, with evidence of such implementation submitted to and approved in writing by the Local Planning Authority. The measures shall be retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 14) Prior to the first occupation of the development hereby approved, the following mitigation measures outlined in the submitted Flood Risk Assessment (ref: ELLUC-WH-21027-FRA-F1) shall be implemented in full:
- Finished floor levels shall be set no lower than 112.16 metres above Ordnance Datum (AOD);
  - The proposed development should not restrict essential maintenance and emergency access to the watercourse. The permanent retained perimeter should allow access to the watercourse.

The measures shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 15) Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for any harmful invasive plant species, including himalayan balsam, shall be submitted to and approved in writing by the Local Planning Authority (LPA). The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: in the interests of biodiversity to secure nature improvement.

- 16) There shall be no tree felling, vegetation clearance works, or other works that may affect nesting birds on the development, unless the absence of nesting birds has been confirmed by further surveys or inspections submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, this requirement does not apply to feral pigeon birds.

Reason: In the interest of protected species conservation in accordance with Policy N7 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 17) If the demolition hereby approved is not commenced prior to 30 April 2023, the building shall be reassessed for bat roosting potential, and the findings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed details.

Reason: In the interest of protected species conservation in accordance with Policy N7 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 18) Prior to the first installation of any external lighting, an external lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this strategy shall show how and where external lighting will be installed and through appropriate lighting contour plans demonstrate that any impacts on bats and the River Tame is negligible; and specify frequency and duration of use. Any external lighting shall be installed in accordance with the agreed strategy.

Reason: In the interest of protected species conservation in accordance with Policy N7 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 19) No development, including demolition, site clearance and earth moving, shall commence until a Construction Environmental Management Plan, to demonstrate how the River Tame and associated wildlife corridor shall be protected and/or appropriately

reinstated, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:-

- Measures to be used during the development in order to minimise environmental impacts of the works (considering both disturbance and pollution, and positive landscape reinstatement);
- Adoption of appropriate good practice pollution prevention measures;
- Adoption of multifunctional sustainable drainage systems solutions as outlined in CIRIA guidance (SuDS Manual C753 Chapter List (ciria.org)), where feasible, for any new surface water discharges to River Tame waterbody;
- Best practice ecological design, including incorporation of environmental recommendations and enhancements as outlined within Section 8 of the submitted Preliminary Ecological Appraisal (dated February 2022, produced by Tyrer Ecological Consultants Ltd).

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: In the interest of nature conservation in accordance with Policy N3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 20) The development hereby approved shall be carried out in accordance with the submitted Landscape Proposals drawing (dwg no. 6856.01).

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 building or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 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.

- 21) No development, other than site clearance, demolition and site compound set up, shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location within the block of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and,
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with UDP Policy H4 Type, Size and Affordability of Dwellings.