

<b>Application Number:</b>	21/01459/FUL
<b>Proposal:</b>	Erection of five storey building for use as a residential institution (Use Class C2), with access and associated infrastructure
<b>Site:</b>	Amenity Area Adjacent to 25 Grosvenor Street, Stalybridge
<b>Applicant:</b>	Evans UK Property Ltd
<b>Recommendation:</b>	Grant planning permission subject to a unilateral undertaking under s106 of the Town and Country planning Act 1990 and 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 application relates to an area of derelict open space located adjacent to 25 Grosvenor Street close to the junction of Grosvenor Street and Trinity Street within the Stalybridge Town Centre Boundary. The site consists of 0.0327ha of previously developed space that is currently derelict, fenced off and unused.
- 1.2 The sites boundaries are defined by Grosvenor Street to the north, a Tesco petrol filling station (west), the rear of residential properties on Kenworthy Street to the south and the blank side gable of commercial properties on Grosvenor Street to the east.
- 1.3 As well as being situated within the Town Centre Boundary, the site lies within the Stalybridge Town Centre Conservation Area.

## **2. PROPOSAL**

- 2.1 This full application seeks planning permission for the erection of a four to five storey building, for use within Use Class C2 (residential institution). The facility would provide living accommodation for adults, who would receive care at the facility.
- 2.2 The building would provide 21 apartments, four of which would be two bedroomed and the remaining seventeen would be one bedroomed. At ground floor, an office with staff facilities such as a bedroom, kitchen and toilets would be provided; alongside a bin store, cycle store, plant room. A lift would be provided alongside stairs to access upper floors.
- 2.3 The building would measure a maximum of five storeys in height, stepped to four storeys towards its eastern elevation. It would measure a maximum height of 16.2 metres (m), and 13m at its four storey sections. The building at its far eastern elevation would include a curved appearance. It would have a flat roof throughout. The building would consist of a primarily red brick finish, with soldier brick courses and plinth style details present at each storey. A secondary grey brick finish would be utilised on the western section of the fourth and fifth storey of the building. Aluminium doors and UPVC windows are proposed, both finished black.
- 2.4 The applicant has indicated that the development would provide long term accommodation for individuals. 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 apartments would operate as supported living accommodation, with care provided by staff who are based on site 24 hours per day. They would assist residents on a daily basis, and the level of care provided would depend upon the needs of each resident.

### **3. PLANNING HISTORY**

- 3.1 17/00012/OUT – Erection of part 3, part 4 storey apartment building to accommodate up to 14 units (Outline – all matters reserved) – Approved June 2019

### **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;
- 1.7: Supporting the Role of Town Centres;
- 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**

- H4: Type, Size and Affordability of Dwellings
- H10: Detailed Design of Housing Developments

- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- 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 In response to the neighbour notification letters, there have been 35 letters of objection. The concerns raised within the letters of objection are summarised below:

- The proposed development would cause amenity concerns, including loss of sunlight and privacy through overlooking;
- The development would affect views from adjacent developments due to its height;
- The development proposes no off-street parking, which would cause highway safety issues;
- The development may not be safe being sited directly adjacent to the fuel station;
- The area is already busy and noisy during night time hours, and the proposed development would contribute to this issue;
- Construction of the development would cause traffic and access disruption;
- The area is currently landscaped and this would be lost as a result of the development;
- Other empty buildings in Stalybridge would be better suited to the proposed use;
- The development would not aid the town centre vibrancy of Stalybridge, nor assist the high street.

6.2 Councillor Dickinson has objected to the proposed development. The concerns raised within this letter of objection are summarised below:

- Although understanding that the development would save the Council money, the proposed facility should not be situated on a prime site, within the town centre. The town was awarded the Town Centre Challenge fund, with £2m being spent on Market Street. The development follows the development of the Old Police Station building recently. Planning proposals within a town centre should look at a town as a whole, not just a particular site which has become available;
- The town centre should be supported to encourage people to shop and live within the area. Although facilities providing care are required, sites just outside of the town centre within walking distance should be considered;
- Such developments would unlikely result in the town centre becoming more upmarket;
- The proposed development would overshadow the sunlight enjoyed by the adjacent Summers Quay development, and would alter the quality of life for those who reside in that development;
- If balconies are proposed on the building, would they be placed on the south facing side, to catch the sunlight which has been denied to the Summers Quay development.

## **7. RESPONSES FROM CONSULTEES**

7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a demolition and construction management plan; submission of a Green Travel Plan; and a scheme for secured cycle storage. A financial contribution to off-site highway works is also requested.

7.2 United Utilities (UU) – No objections, subject to a condition requiring the scheme be implemented in accordance with the submitted drainage scheme. Notes the presence of a water main and public sewer in the vicinity of the site, and recommends the applicant makes contact prior to works commencing.

7.3 Lead Local Flood Authority (LLFA) – 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. Considers the risk of the development to bats is negligible, with no further information required. The risk to nesting birds is low, and an informative is recommended. Notes the small loss of ecological value at the site, and recommends a financial contribution should be secured for off-site ecological compensation measures.
- 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. Offers advice regarding access points should be formally closed if necessary; cycle storage provision; Travel Plan and Traffic Regulation Orders.
- 7.8 Greater Manchester Police Designing out Crime Officer – No objections. The physical security measures and layout considerations included within the Crime Impact Statement should be implemented.
- 7.9 Waste Management – No objections following clarification that the use would be commercially operated. Notes a private waste contract would be required.
- 7.10 Canal and River Trust – No comment on the application.
- 7.11 Coal Authority – No objections, the site falls outside of the defined Development High Risk Area.

## **8. ANALYSIS**

- 8.1 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.
- 8.2 The condition and appearance of the site is considered to have deteriorated over time. The site remains in an untidy and derelict state since the previous application at this site. Given previous permissions had not been implemented and had lapsed, it remains that the site is undeveloped and reflects negatively on the local environment. It is considered that the site serves little positive benefit to the immediate area, exacerbated by the prominent location on a corner plot. The planning application presents an opportunity to address this in a positive manner, which adheres to the principles of sustainable development through the reuse of a previously developed site.
- 8.3 The application proposes a residential care facility (Use Class C2). This would involve residential accommodation for service users, alongside staff facilities for those staff employed to provide care to future service users. Whilst the site is situated within the Town Centre boundary, it falls outside of the Primary Shopping Area. As such, the potential retail function of the site is not subject to any protection, where the use would be appropriate within this area of the town centre. The proposed development would contribute to the vitality and viability of Stalybridge Town Centre by generating a source of footfall and encouraging the

occupation of what is otherwise a vacant site, which presently detracts from the Stalybridge Conservation Area, within a highly sustainable and prominent location.

- 8.4 Paragraph 6 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements are addressed, amongst other things. The proposed development would meet this requirement within the context of need in the Borough.
- 8.5 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 the proposed facility in this location is considered to be acceptable.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP and NPPF 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 As noted earlier, the condition and appearance of the site has deteriorated over time, and now remains in an untidy and derelict state. In its undeveloped state, the site reflects negatively on the local environment, and offers little positive benefit to the immediate area, in a prominent corner plot location.
- 9.3 It is considered that a number of the neighbouring buildings have common material finishes, often consisting of red brick or millstone grit and slate, with contrasting embellishments. To the north of the site, immediately opposite on the other side of Grosvenor Street, is a modern apartment development measuring five to seven storeys in height, Summers Quay. This building consists of facing brick with contrasting brick at lower levels, and grey cladding at higher levels of the building.
- 9.4 The proposed development would complement the siting of Summers Quay, providing a high quality gateway to Grosvenor Street from Trinity Street. At a maximum five storeys in height, the building would measure the same as Summer's Quay at the immediate entrance to Grosvenor Street, with a curved appearance in this location, in order to soften the edge of the building, although the building at its eastern most part would be set at four storeys in height, reducing the prominence of the structure, and adding interest.
- 9.5 The fenestration to the building, in the same manner as Summers Quay, would provide a strong vertical and horizontal alignment. The scale and proportions of the building would reflect the industrial heritage of the town, and would provide some context to the proportions and vertical emphasis of the mill buildings within the local area.
- 9.6 The material palette would consist of a primarily red brick finish, complementing the brickwork to the Grosvenor Street edge of the adjacent Summers Quay development. Soldier brick courses and plinth style details are present at each storey of the building. A secondary grey brick finish would reduce the massing of the structure, and would complement the grey clad finish to the upper floors of the adjacent Summers Quay development. The mix of materials would reference the colouring of local stone as mentioned earlier, and the grey brick at upper levels would serve to break down the overall massing of the building to reflect local slate and darker industrial tones.
- 9.7 To the northern elevation of the building, facing Grosvenor Street, the building would provide glazed openings and the main building entrance at street level, creating an active frontage. This would create a welcoming gateway to the retail quarter further westward along Grosvenor Street, ensuring an overlooked area and lighting levels emanating from the

building during hours of darkness, assisting with a good sense of safety and security to this area. The contrasting grey brick upper floors of the building would be visible due to height in an eastward direction along Grosvenor Street, and it is considered that the material choice at that level would complement the grey coloured roof line of the two storey buildings adjacent, reducing its prominence.

- 9.8 Each floor of the building would also include fenestration onto Kenworthy Street, situated to the rear of the site. This is particularly welcomed, considering the majority of the retail units fronting Grosvenor Street back onto Kenworthy Street, creating a primarily servicing strip along this highway. Although the building would include servicing access to the rear, it would include a ground floor window, and multiple windows at first floor level upwards, creating overlooking of this street and a further sense of security to the area.
- 9.9 In light of the above, the design and scale of the building is appropriate in this location, compliant with policies contained within the UDP and the NPPF.

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

- 10.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
- 10.3 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.4 Paragraph 200 states that any harm to, or total loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.5 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.6 The site lies within the Stalybridge Town Centre Conservation Area.
- 10.7 The Stalybridge Conservation Area Appraisal and Management Proposals Document provides an up to date assessment of the conservation area by analysing its built form, historical context and natural setting to define the special interest of the area. It also identifies key positive and negative impacts, erosion of character and potential threats and considers the appropriateness of the conservation area boundary. The document makes recommendations for future policy and action by the Council to preserve and/or enhance the area's special character.
- 10.8 No demolition is proposed as part of this application. However, the appearance of this underused site is having a negative impact upon the character of the Conservation Area. The redevelopment proposed would enhance the character and appearance of the conservation area, particularly enhancing the gateway location to the Grosvenor Street retail quarter, with a building consisting of modern architecture and high quality materials, subject to a planning

condition requesting further details of such. The proposed development would provide an active frontage to Grosvenor Street, enhancing the environment of those who utilise this highway and walking route.

- 10.9 Furthermore, it is considered that the proposed development would enhance the environment on Kenworthy Street to the rear, which is primarily utilised at the back of neighbouring Grosvenor Street properties for servicing access. The development as a whole would enhance the Conservation Area and its sense of security.
- 10.10 Due to the positioning of the site, and the screening afforded from the Summers Quay development, which has a height above this development, the views across to Armentieres Square and the canal would be largely unaffected. The Square, being an important open civic space, is already affected by contemporary design of modern developments (such as Summers Quay) which surround it, and the proposed development being of a similarly contemporary design would complement this redevelopment.
- 10.11 In light of the above, the proposed development would enhance an underused site in the conservation area, and would complement existing contemporary developments within close proximity, improving the environment for users of this area of the conservation area. The development is therefore not considered to be causing any harm to the designated heritage asset.
- 10.12 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, according with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, as well as the UDP and NPPF.

## **11. RESIDENTIAL AMENITY**

- 11.1 It is important that the proposed development protects the amenity of surrounding residential uses.
- 11.2 The main neighbouring developments affected by the proposal would be Summers Quay residential apartments to the north, and Grosvenor Gardens to the south.
- 11.3 Summers Quay is a five to seven storey building to the opposite side of Grosvenor Street, and at its closest point to the site in question measures five storeys in height. Regarding the future relationship between the proposed development and Summers Quay, both buildings include windows fronting Grosvenor Street which serve habitable rooms.
- 11.4 Policy RD5 of the Tameside Residential Design Supplementary Planning Document (SPD) states that a distance of at least 21.0m should be maintained between habitable room windows, on a relationship between one to two storey or two to two storey rooms. This policy applies to conventional layouts and between new and existing developments. Acknowledging that the building would measure more than two storeys in height, this policy also stipulates that an additional 3.0m should be incorporated for every additional storey, to a maximum of 36.0m.
- 11.5 The proposed building would be sited approximately 13.2m from Summers Quay to the north, at its closest point. Whilst the proposed building would include habitable room windows within this elevation serving bedrooms, kitchens and living areas as their main outlook, the windows situated to the southern-most point of Summers Quay are smaller secondary windows, serving primarily kitchen and living areas. Residents within those units affected benefit from larger habitable room windows serving the same rooms internally, to the east and west of the building. Therefore, although the separation distances outlined above would not be met, it is considered that the residents of Summers Quay would not be unduly affected by the

proposed development, given they benefit from larger outlooks to alternative elevations of the building which would remain unaffected. In terms of privacy, the secondary windows could, in theory, be screened by affected residents of Summers Quay, without reducing their main outlooks to those other areas. The significant distances (over 42.0m) between the main outlooks of apartments within Summers Quay facing southward into their shared courtyard area, and the proposed development, would not significantly affect privacy or amenity of this development.

- 11.6 It is accepted that the proposed development would overlook the parking and outdoor amenity space serving Summers Quay, within the courtyard area, however, although gated, this area is visible from the street scene. Furthermore, it is already overlooked by a number of the different residents within the development itself.
- 11.7 The separation distance, at 13.2m, as outlined above does not meet the above separation distances. In terms of the amenity of future occupiers, this area of the town centre is characterised by closely spaced development, as viewed along Grosvenor Street to the west. Notwithstanding, given the windows within the southern elevation of Summers Quay are smaller secondary windows serving habitable rooms, it is considered that the amenity of future occupiers would not be unduly affected.
- 11.8 Further, in the majority of cases, the living accommodation within the proposed development would be provided with alternative outlooks which would not directly face the southern elevation of Summers Quay. For example, the two bed apartment ('Apt Type 3') situated within the eastern-most portion of the building would be served by two windows to the kitchen/living space – one to the north and one to the east. Similarly, the central two bed apartment ('Apt Type 2') would include a kitchen/living space directly facing the southern elevation, but a bedroom which would have an oblique relationship facing towards the courtyard area. This relationship overall is thereby considered to be acceptable.
- 11.9 Each of the proposed apartments are provided with internal space which at least meet the Nationally Described Space Standards, therefore providing for a sufficient level of amenity for future occupiers.
- 11.10 To the south of the development, a residential apartment block, Grosvenor Gardens is situated beyond Kenworthy Street. Although habitable room windows are proposed to the south of the proposed development, the orientation of the two properties would result in no direct overlooking or direct facing between the two. The building would be situated between 7.7m and 9.3m from the boundary wall to the garden area serving Grosvenor Gardens. Although this relationship is considered to be relatively close, the boundary serving Grosvenor Gardens includes landscaping, reducing the prominence of the height of the proposed building within this area and also reducing the level of overlooking. Further, it is considered that some level of overlooking would already occur from the rear facing windows within the first floors of properties to the south of Grosvenor Street, albeit at an increased distance to the proposed. On balance, considering the screening which exists within this area, it is not considered that the relatively close relationship would be detrimental to the amenity of those utilising the garden area.
- 11.11 The submitted Solar Shading Study demonstrates that, by nature of the position of the development, Grosvenor Gardens to the rear would not be overshadowed by the proposed development. A minimal impact on overshadowing for existing residential properties at Summers Quay to the north is demonstrated, however as mentioned earlier those units to the south benefit from alternative outlook within the east and west of that building, thereby reducing any impact.
- 11.12 The applicant has submitted a Noise Impact Assessment in order to assess the amenity of future occupiers with regards to noise and disturbance from surrounding uses. This is particularly relevant within this busy town centre location, with some evening opening uses

within the vicinity, including the Tesco filling station to the east, and public houses to the west, for example. The Noise Impact Assessment makes recommendations, including installation of specific glazing and acoustic ventilation options to be installed, in order to reduce internal noise within the apartments to acceptable levels. The Council's Environmental Health Officers have reviewed this document, and recommend a condition to ensure the mitigation measures are installed. Such a condition is thereby recommended. They also recommend that any construction works be undertaken during daytime hours, and a condition stipulating this is also recommended.

- 11.13 In light of the above, the amenity of both future and existing occupiers is considered to be acceptable.
- 11.14 In light of the above, the development is 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 development would generate only a small amount of vehicle movements that are considered to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 12.2 The development proposes no dedicated car parking provision. The LHA initially raised concerns, noting that this falls below the recommendation to provide parking for such uses. However, the applicant presented additional information, noting that the site is located within a town centre location, and typically the proposed use does not attract the same levels of car ownership as a residential use. Furthermore, the applicant indicated that a maximum of two staff would ordinarily be based on-site at any one time, dependent on shift patterns and some crossover. In this instance, it is considered appropriate that no parking is provided. The town centre includes a variety of shops and services, accessible to both future residents and the staff to be based at the development. Notwithstanding, it is considered that any residents with cars, in addition to visitors and staff, would be required to utilise off-street parking elsewhere within the town centre, or on-street parking close to the development, much of which is subject to restrictions on stay. As a result, it is considered appropriate to reduce reliance upon the private car, and incentivise future users of the development to travel utilising public transport, or via walking and cycling. The LHA thereby recommended that a Green Travel Plan be submitted, in order to raise awareness of opportunities for reducing travel by car and including a range of measures and initiatives promoting a choice of transport mode. The plan should also include a clear monitoring regime with agreed targets. Such a condition is therefore recommended.
- 12.3 The submitted plans demonstrate that a room would be provided at ground floor for storage of cycles. The LHA considers that 12no. spaces should be provided for use by cycles. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 12.4 Further to the internal cycle storage provision to be created, the LHA have recommended that facilities for cyclists be improved close to the site, in order to encourage sustainable transport links. Within the vicinity of the site lies Mottram Road, and which is subject to a long term plan to upgrade infrastructure for cyclists, to improve links to and from Stalybridge town centre. The LHA requested a commuted sum of £15,000 in order to contribute to such works, which the applicant has agreed to. These measures would encourage future users of the site to access the site sustainably, rather than the development becoming reliant upon the private car.

- 12.5 It is reasonable to impose a condition requiring the submission and approval of a demolition and construction management plan relating to the construction phase of the development.
- 12.6 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a Green Travel Plan would encourage use of sustainable transport methods for future users of the development, with improvements for cyclists made within the vicinity, subject to the recommended conditions and commuted sum. The proposals would not result in a detrimental impact on highway safety.

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

- 13.1 The site is situated within Flood Zone 1.
- 13.2 The applicant has submitted a Drainage Strategy alongside the planning application. United Utilities have reviewed the supporting information and consider it to be acceptable, recommending that the development be undertaken in accordance with the same. A relevant condition is therefore recommended requiring the drainage scheme to be implemented as proposed. United Utilities also note that water mains and public sewers are situated in the vicinity of 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.
- 13.3 The Lead Local Flood Authority (LLFA) have reviewed the submitted information, and initially requested that further detail be provided, including additional attenuation measures for the proposed development. The LLFA have reviewed this information, and raise no objections providing a full drainage scheme is agreed and implemented. Therefore, a condition requiring a full sustainable drainage scheme to be submitted is recommended,
- 13.4 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.

### **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, based on the history of the site, contamination on the site could be associated with made ground from the possible demolition of historical residential dwellings built pre-1852. This could include heavy metals, Polycyclic Aromatic Hydrocarbons, sulphates, Asbestos Containing Materials and ground gas. In addition, there may also be localised spillages of fuel and/or volatile contamination from the adjacent petrol station. 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 although the site has a low ecological value at present, there would nonetheless be a loss of ecological value at the site as a result of the proposed development. As a result, they consider that off-site compensation should be provided.
- 15.2 A Biodiversity Metric has been provided in support of the application, in order to categorise the loss in question. This has calculated a loss of 0.09 biodiversity units. As the loss is very small scale, it is recommended that a financial contribution be provided as an alternative to on-site provision, in order that habitat creation and enhancement works could be carried out within the local area, on an alternative site, in order to offset the loss of biodiversity at this site. It is proposed that a financial contribution of £1,350 be provided, which has been agreed with the applicant, and this would fund tree and scrub planting in order to offset the current provision at this site.
- 15.3 The submitted ecology information confirms that the wall of the adjacent building has a negligible bat roosting potential. A tree on the site has also been assessed as having a low potential, however GMEU consider that this is unreasonable, and unlikely to be utilised by roosting bats. GMEU therefore considered that the risk to bats as a result of the development is low, and do not require further information or precautions. They do however advise that the risk to nesting birds is low, and recommend an informative advising the applicant of their responsibility should nesting birds be affected by the development.
- 15.4 The application is thereby considered acceptable in these regards.

## **16. DEVELOPER CONTRIBUTIONS**

- 16.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 16.2 As noted earlier, the proposed development would lead to a loss of ecological value at the site. Noting that the loss would be small in scale, it would not be appropriate or practical to replace the loss with enhancements on site, and therefore an off-site contribution of £1,350 is sought.
- 16.3 The applicant will be required to make a contribution to the provision of cycle infrastructure upgrades within the local area, in accordance with Policy T13 of the adopted UDP. A contribution of £15,000 is to be secured towards improvements to cycle infrastructure.
- 16.4 The developer contribution calculation takes into account the level of biodiversity loss on-site, and the level of works necessary to offset this loss elsewhere. Similarly, the upgrades to the cycle facilities would improve access to the proposed development, and would encourage sustainable transport links, reducing reliance upon the private car.
- 16.5 The development proposed is for a C2 (residential institution) use rather than a C3 (residential) use, and therefore there is no requirement in policy terms for provision of affordable housing, green space or education contributions. Should residential development

be proposed at the site in future, a planning application would be required to change the use of the proposed building.

- 16.6 The biodiversity and cycle contributions would meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the loss of biodiversity provision on site; and the limited cycle facilities available at present), directly related to the development (as the loss of biodiversity is occurring on the site; and as the close proximity ensures that future users are likely to use these facilities: and proportionate in that the sums are based on the size of the development.

## **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 that 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 Waste Management Strategy, which has been reviewed by the Council's Environmental Health and Waste Management officers. They note that, as a commercial premises falling under Use Class C2, the development would unlikely be served by the Council's waste management services and vehicles. A private waste contractor would therefore be employed by the applicant to establish future waste provision and collection. Assuming a private waste contractor is employed as would be required, it is considered that the proposed development would be adequately served for the purposes of waste collection, according with the requirements of the National Planning Policy for Waste (NPPW).

## **18. CONCLUSION**

- 18.1 The application proposes the erection of a five storey building which would be utilised for commercial purposes, operating as a facility where care is provided to residents. 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.
- 18.3 The design and scale of the development is considered to be acceptable, located opposite a modern apartment building, Summers Quay. The development would be designed in a similar manner, and it is considered that the development would be appropriate visually, enhancing this area of the town centre.
- 18.4 Following an assessment of the relationship between the development and surrounding heritage assets, namely the Stalybridge Town Centre Conservation Area, it is considered that no harm would be caused to the character of such as a result of the development. The proposals would improve the site, and would complement other modern developments within this area of the town centre.
- 18.5 The proposal is considered not to be detrimental to residential amenity, with the relationship between the building and those surrounding to be considered acceptable. In particular, the

relationship between the building and Summers Quay situated to the north of the site has been assessed in detail and is considered appropriate.

- 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 a unilateral undertaking under s106 of the Town and Country Planning Act 1990 and the following conditions:

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

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

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

- Location plan. Dwg no. 12188-AEW-XX-XX-DR-A-0500, rev. PO1;
- Proposed elevations. Dwg no. 12188-AEW-XX-XX-DR-A-0510, rev. PO1;
- Proposed ground floor plan. Dwg no. 12188-AEW-XX-XX-DR-A-0504, rev. PO1;
- Proposed first floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0505, rev. PO1;
- Proposed second floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0506, rev. PO1;
- Proposed third floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0507, rev. PO1;
- Proposed fourth floor roof – extent of blue roof. Dwg no. 12188-AEW-XX-04-DR-A-0514, rev. PO1;
- Proposed roof plan. Dwg no. 12188-AEW-XX-XX-DR-A-0509, rev. PO1;
- Proposed site plan. Dwg no. 12188-AEW-XX-XX-DR-A-0503, rev. PO1;
- Proposed site plan – ground floor. Dwg no. 12188-AEW-XX-XX-DR-A-0502, rev. PO1.

Reason: In the interests of the visual amenities of the locality and in accordance with polices 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 polices 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 E3P Phase 1 Geoenvironmental Site Assessment (ref: 15-417-R1-1), detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

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 the first occupation of the development hereby approved, the principles outlined in the submitted Foul and Surface Water Drainage Design (dwg ref: 4/8284-100, rev. 1, dated 17.12.2021, prepared by Clancy) shall be implemented in full.

For the avoidance of doubt, surface water shall drain at the restricted rate of 5l/s.

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.

- 8) 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;
  - Details of mitigation measures to ensure free flow of traffic on the surrounding streets during the construction phase.

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

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

- 9) Prior to the first occupation of the development hereby approved, details of secured cycle storage to be installed to serve the development 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 development 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.

- 10) Prior to the first occupation of the development hereby approved, the noise mitigation measures outlined in the submitted Noise Impact Assessment (undertaken by Hann Tucker Associates, ref: 29377/NIA1) 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.

- 11) Prior to the first occupation of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be designed to raise awareness of opportunities for reducing travel by car, and shall feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with set targets. The Green Travel Plan shall thereafter be implemented as per a timetable agreed within the approved details.

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 and T11 Travel Plans.

- 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 and 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

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.

- 13) All windows shall be constructed with a minimum 65mm deep external reveals (or recesses).

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.

- 14) Prior to the first occupation of the development hereby approved, 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 thereafter 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.