

Application Number:	22/00692/FUL
Proposal:	Change of use of former nightclub (Sui Generis use) to 17no. flats (use class C3); with roof infill section and section of roof to be replaced with lower pitch, and new windows, doors and roof lights.
Site:	228 Stamford Street Central, Ashton-under-Lyne
Applicant:	Bricks and Soul Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	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 two storey building, which was last used as the Universal nightclub. It has been closed for over 14 years, and has remained vacant since. The building has in recent years been repainted and repaired externally, with new window and door security added.
- 1.2 The site is situated within Ashton Town Centre. The buildings surrounding the site are in a mix of uses and are of a varied appearance. To the east fronting Stamford Street Central are remaining terraced properties, in commercial use. To the west is a grade II listed building, no. 230 Stamford Street, which is currently utilised as a church. To the north (rear) of the building is a separate highway, Wood Street, with a funeral directors situated to the opposite side; and opposite the building to the front is another former nightclub.
- 1.3 The site lies within the Ashton Town Centre Conservation Area.

2. PROPOSAL

- 2.1 This full application seeks planning permission for the change of use of the building to 17no. flats.
- 2.2 An extension to the roof would be positioned between the front and rear pitches, creating an infill section. This would be finished in a zinc material.
- 2.3 New windows, doors and rooflights are also proposed, with a considerable increase in new window openings to the side elevation facing west.
- 2.4 Accommodation would be included within the ground, first and second floor of the building. Also at ground floor a bin store and bike store would be provided.

3. PLANNING HISTORY

- 3.1 07/01681/FUL – Proposed ground floor office/retail and residential development comprising 8no. 2 bed apartments – Approved February 2008

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
- T8: Walking
- T10: Parking
- C1: Townscape and Urban Form
- C2: 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 a scheme for secured cycle storage; and a travel plan. A financial contribution for off-site highway works is also requested.
- 7.2 United Utilities – No comments on this application.
- 7.3 Lead Local Flood Authority – No objections, subject to a condition requiring a surface water drainage scheme.
- 7.4 Greater Manchester Ecology Unit – No objections.
- 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.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a site investigation strategy to be undertaken if necessary, followed by a remediation strategy; and that recommended remedial measures be implemented prior to use.
- 7.7 Transport for Greater Manchester – No objections. Recommends sufficient Traffic Regulation Orders are in place within the vicinity.
- 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 – Provides guidance regarding bin store capacity and future requirements.
- 7.10 Education - Would like to see a contribution towards education infrastructure.
- 7.11 Coal Authority – No objections, the development type falls on the Authority exceptions list.

8. ANALYSIS

- 8.1 In terms of the principle of housing development, members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 17 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 8.2 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.

- 8.3 The site lies wholly within the Ashton 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.
- 8.4 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.
- 8.5 It is evident that the building has been vacant for at least 14 years. It remains that the site is undeveloped and reflects negatively on the local environment.
- 8.6 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 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 Ashton Town Centre, and 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.
- 8.7 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.
- 8.8 The site is located within a highly accessible area within a town centre, connected to public transport, local services and employment uses within Ashton. 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 consists of an existing two storey, former nightclub building, with a dual pitched roof. The building includes some attractive features, particularly to its front elevation. To the left of the frontage, an attractive window light sits above one of the entrances. Alongside the two ground floor windows to the front, each include a stone cill with a detailed crest above. The entrance to the right of the frontage includes an attractive stone surrounding the door, with detailing to the sides and above. All of these features are to be retained as part of the proposed scheme, which is welcomed given they enhance the character of the building and retain its historic appearance.
- 9.3 At the upper floor of the building frontage, each of the windows are currently sealed. The right hand side window includes an attractive surround and header with detailing. Whilst these features are to be retained and the window reinstated, new windows would be positioned to the centre and the opposite side of the frontage. These would be double paned and aligned above the ground floor windows and door. They would appear appropriate on the building

frontage, with a header and footer included, in order to replicate the style and character of other features on the frontage.

- 9.4 To the rear of the building, fronting Wood Street, existing sealed windows would largely be revealed and utilised, with two and ground floor converted to access doors. The windows would continue to include their existing attractive headers and footers, and the building would largely retain its original character and appearance from this location.
- 9.5 A roof infill extension is proposed to the central section of the building, which would consist of a zinc finish. This is a moderate addition to the building, and due to the dual pitch nature would only be visible from the side elevation, along Stamford Street Central. Although modern in appearance due to its design and finish, this is considered to be an acceptable addition to the building, not widely visible from the front and rear elevations. It would not disrupt the main features of this attractive building. Alongside this, additional windows are proposed to each floor of the side elevation facing toward the courtyard area. These are designed to include similar features such as headers and footers, as the main windows serving the building, and are considered to be acceptable visually.
- 9.6 Aside from materials utilised for the roof extension, any repairs and alterations carried out to the building should be undertaken in matching materials. A relevant condition is thereby recommended. A separate condition is recommended requiring details of any window and door materials to be submitted for approval.
- 9.7 In light of the above, the alterations to the building are considered appropriate in this location.

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 Immediately bordering the site to the west is no. 230 Stamford Street, which is a Grade II listed building, and currently used as a church. The site lies within the Ashton Town Centre Conservation Area.
- 10.4 Various external alterations are proposed to the building, including new and additional windows and doors; and a modern roof infill extension consisting of a zinc finish. These are relatively modern alterations to the building, however due to discussions with the applicant and the sympathetic nature of the changes, it is considered that the main features of the building would remain. The additional windows to the side elevation and the roof infill extension are the main features which would be viewed within the same context as no. 230 Stamford Street; however as discussed they are considered to be moderate additions which would not unduly affect the character and setting of the listed asset. The listed asset would

remain in situ, and its grounds would not be affected by the proposal, aside from the courtyard which separates the two buildings, which would be overlooked by new windows serving the proposed apartments. This would not affect enjoyment of the asset.

- 10.5 In light of the above, it is considered that no harm would be caused to the setting of no. 230 Stamford Street.
- 10.6 It is noted that the existing building has been vacant for at least fourteen years. The proposed development would deliver a scheme which retains the original features of the host building, whilst making some moderate external alterations. These are considered appropriate, themselves allowing the building to be utilised for a new use and to be repurposed. It is not considered that the development would have a negative impact upon the character and appearance of the Conservation Area, and through its repurposing of the building would enhance the Conservation Area.
- 10.7 In light of the above, no harm is attributed to the identified listed building or Conservation Area.

11. RESIDENTIAL AMENITY

- 11.1 No neighbouring residential properties would be affected by the proposed development.
- 11.2 Windows which would serve habitable rooms would be positioned within the front, rear and western side elevation of the building. Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14.0m apart on street frontages.
- 11.3 Windows serving habitable rooms positioned to the ground and first floor of the building, concerning flats 6, 11 and 12, would face towards an existing funeral directors to the opposite side of Wood Street, achieving a distance of just below 6.0m separation between the two. This would fall below the 14.0m as identified above. Notwithstanding this relationship, it is considered that the windows within the funeral directors facing the building would not serve habitable rooms, and therefore a lesser separation distance could be acceptable. Those rooms would unlikely be occupied during evening and night time hours, as would be primarily expected from the proposed apartments, and amenity and privacy concerns would therefore be less. The buildings along Wood Street are relatively closely spaced, as is the character of this particular area of the town centre. It is also considered the case that town centre locations may not achieve the same level of separation and amenity expectations of other areas.
- 11.4 Other windows serving habitable rooms, concerning flats 3, 4, 5, 9, 10 and 15, would face towards the side elevation of the neighbouring church building, across a courtyard separating the two. Although not a street frontage, the windows within the side elevation of the church would also serve non-habitable rooms, and therefore a distance of 14.0m (rather than 21.0m as would be required between habitable rooms in such circumstances) is considered to appropriate to assess the suitability of the amenity of these flats. A distance of just over 14.0m would be achieved between the two buildings, which is considered to represent a good level of amenity for future occupiers of those flats. The courtyard would remain within the control of the applicant, and would unlikely be developed in future due to the setting of the church.
- 11.5 The windows within the front elevation, concerning flats 1 and 7, would face towards the former Hudson Bay nightclub building (currently vacant), at a distance of approximately 13.5m. This is considered an acceptable relationship, only slightly below the standard discussed above. The remaining windows within the front elevation would face over a cleared plot of land to the opposite side of Stamford Street Central.
- 11.6 On balance, although the relationship between flats 6, 11 and 12 and the neighbouring funeral directors building would achieve a separation distance below the standard outlined in

Paragraph 10.3, it is considered acceptable in this scenario. It is noted that the building is situated within a town centre location, where considerably lower separation distances than those within the SPD are commonplace, and this scheme would bring a vacant building back into a viable use, according with the aims of the NPPF wishing to achieve greater use of town centre living.

- 11.7 With regard to the amenity of future occupiers, it is noted that each of the apartments would achieve at least 37sqm internally, and most would exceed this, which is the minimum size expected to achieve a reasonable standard of amenity, as outlined within the Government Technical housing standards document (nationally described space standard). On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 11.8 The site lies within a busy town centre location, with commercial uses situated within close proximity, including the church to the west, funeral directors to the north, and hairdressers adjoining the site to the east. Highways lie either side of the building. Associated background noise from those uses and highways are likely, and 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.
- 11.9 The Council's Environmental Health officers have also recommended a condition restricting the hours of conversion of the proposed development to daytime hours only. As set out above, the site is in a busy mixed use location. For this reason, it is considered that such a condition is necessary to protect the amenities of residential properties.
- 11.10 In light of the above, the development is considered to be acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, 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 are satisfied that due to the town centre location of the site, with a variety of shops and services available within walking distance, in addition to public transport provision, no parking provision would be required. Notwithstanding, it is considered that any residents with cars 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 length of 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 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 30no. 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 and pedestrians be improved close to the site, in order to encourage sustainable transport links. Within the vicinity of the site lies the junction of Stamford Street and Mill Lane, and alongside the adjacent footway, requires upgrade for cyclists and pedestrians. The LHA requested a commuted sum of £13,600 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 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a Travel Plan would encourage use of sustainable transport methods for future users of the development, with improvements for pedestrians and 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 lies within Flood Zone 1, at the least risk of flooding. The site is a previously developed site, formerly a nightclub.
- 13.2 The Lead Local Flood Authority has reviewed the application, and raise no objections, subject to a drainage scheme being agreed and implemented as per the agreed details. Therefore, a condition requiring a drainage scheme to be submitted is recommended.
- 13.3 United Utilities have reviewed the submission, and have offered no comment. Therefore, no objections have been received from this drainage body.
- 13.4 Subject to imposition of a condition as set out above, it is considered that the proposals have demonstrated they can be drained appropriately, subject to an acceptable scheme being agreed.
- 13.5 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 within the Coal Authority's defined Development High Risk Area. However, a Coal Mining Risk Assessment is not required for changes of use of buildings. In this case, the Coal Authority was consulted because the development does include an increase in floor space and a small extension to the roof area, however the Coal Authority noted that they would have no comments, and therefore raise no objections.
- 14.2 The Environmental Protection Unit (EPU) have reviewed the submitted information. They note that although no significant sources of contamination have been identified within the immediate vicinity of the site, based on the apparent age of the building there is the potential for asbestos containing materials to be present in its construction. They also note that as is the case for the majority of sites within the borough, there is also the potential for made ground to be present, which can be associated with a range of contaminants. The EPU raise no objections to the application, and recommend that a condition is attached to any approval which would require a programme of investigation to be carried out in order to assess the future contamination risks at the site, followed by a remediation strategy as necessary, in order to address those risks. The condition would ensure any recommended remedial works and measures be implemented prior to first use.

- 14.3 The condition recommended by the EPU is 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, as it is noted the building has not been in active use for some time, and may be utilised by protected species such as bats. GMEU have reviewed the submitted documents and the condition of the building, and raise no concerns or objections on these grounds.
- 15.2 The application is thereby considered acceptable in these regards.

16. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS

- 16.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 16.2 The 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.
- 16.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include 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.
- 16.4 Paragraph 63 of the NPPF lists exceptions to affordable housing requirements. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The proposals seek to introduce an additional 330sqm above an existing floor space of 740sqm which reflects as a 45% increase on the cumulative floor area. If vacant building credit were not applied, in policy terms 2.55 affordable housing units would be required to be provided. However, if vacant building credit is applied, the affordable housing provision reduces to 0.79 units. Considering the affordable housing requirement is less than one unit, no contribution is sought/required on the development for such purposes.
- 16.5 The applicant will be required to make a contribution to the provision of cycle and pedestrian infrastructure upgrades within the local area, in accordance with Policy T13 of the adopted UDP. A contribution of £13,600 is to be secured towards improvements to walking and cycling infrastructure.
- 16.6 The upgrades to the walking and cycling facilities would improve access to the proposed development, and would encourage sustainable transport links, reducing reliance upon the private car.
- 16.7 Regarding green space, although none is proposed to be delivered on-site, within walking distance of the site to the south is the Huddersfield Narrow Canal, and from here a large open space, Bank Top Field, can be accessed. The Memorial Gardens is also situated within

walking distance to the east. Noting that 17no. apartments are proposed, the application falls below the threshold for education contributions (25). Contributions towards such are therefore not sought.

- 16.8 The pedestrian/cycle upgrade contributions would meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given that sustainable transport methods are to be promoted), directly related to the development (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 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 submitted plans demonstrate that a bin store would be provided as part of the proposals. The Council's Waste Management officers have provided guidance regarding the requirements of the bin store, in terms of number of bins and apparatus which would need to be accommodated for the size of the development. The applicant has however indicated that they may utilise either the Council's waste services, or may employ a private waste contractor as they prefer. A condition is recommended requiring further details of the bin store to be provided pre-occupation of the development, 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 change of use of a former nightclub 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, tram and train, 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 appropriate for this location. The applicant has responded positively to early suggestions of design improvement, and it is considered that the development would be appropriate visually, with only moderate alterations to the building.
- 18.4 Following an assessment of the relationship between the development and surrounding heritage assets, including listed buildings and the Ashton 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, bringing a vacant building back into use 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 distance and intervening uses between residential uses. In

particular, the relationship between the proposed flats and the development to the north 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 the prior signing of a Section 106 Legal Agreement and 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 plans. Dwg no. GL353Q/00;
- Proposed plans. Dwg no. GL353Q/61;
- Proposed GF plan. Dwg no. GL353Q/62;
- Proposed FF plan. Dwg no. GL353Q/63;
- Proposed 2F plan. Dwg no. GL353Q/64;
- Proposed courtyard plans. Dwg no. GL353Q/65;
- Proposed elevations. Dwg no. GL353Q/71;
- Proposed front/north elevation. Dwg no. GL353Q/72;
- Proposed side/west elevation. Dwg no. GL353Q/73;
- Proposed rear/north elevation. Dwg no. GL353Q/74;
- Proposed side/east elevation. Dwg no. GL353Q/75.

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 conversion works shall take place until samples and/or full specification of materials to be used externally on the building 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) Prior to any above ground works commencing on the site, plans at a scale of 1:20 of the window openings to be installed on the elevations of the building hereby approved

shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a section plan showing the thickness of the frames and the depth of the recess of the frames from the outer face of the host elevation. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with Policy C1 of the adopted Tameside Unitary Development Plan.

- 5) Prior to the commencement of development, the CLS2B Contaminated Land Screening Form shall be submitted to, and approved in writing by the Local Planning Authority (LPA). Where necessary, a programme of investigation (including soil analysis and/or ground gas monitoring) shall be undertaken at the site in order to enable an assessment of the risks posed by contamination to be carried out. The proposed scheme of investigation shall be agreed with the LPA prior to being undertaken.

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to and approved in writing by the LPA. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been appropriately implemented. The approved remediation scheme(s) shall be fully implemented and a verification / completion report demonstrating this and that the site is suitable for its proposed use shall be submitted to and approved in writing by the LPA.

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

For the avoidance of doubt, the discharge of this planning condition will be provided 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. Occupation of the development shall not take place 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) Prior to the commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall demonstrate that foul and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The scheme shall also include details of ongoing maintenance and management arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

- 7) 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.

- 8) 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.

- 9) Prior to the first occupation of the apartments hereby approved, the noise mitigation measures outlined in the submitted Noise Protection Scheme (undertaken by YAcoustics, ref: YA409.P1) 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.

- 10) 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.

- 11) Prior to the first occupation of the development hereby approved, a 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 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.