

<b>Application Number:</b>	22/01046/FUL
<b>Proposal:</b>	Change of use from retail/warehouse to five retail units at ground floor, and 33 apartments at ground and upper floors, alongside third and fourth floor rear extensions, and external alterations.
<b>Site:</b>	Ashton Discount Warehouse, 147-155 Stamford Street Central, Ashton-under-Lyne, OL6 6XW
<b>Applicant:</b>	Mr Blum
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The application relates to an existing building, which is three storeys in height fronting Stamford Street Central, with a large two storey outrigger to the rear (itself fronting Fleet Street to the rear). The building was last used as a home furnishing retail store, with ancillary facilities such as storage and staff facilities. The business closed in August 2022, and the building has not been used since.
- 1.2 The building includes some attractive features to its front elevation. A modern glazed shop front with large fascia sign is in place at ground floor. Some traditional features at this level remain, including a wooden door and tiled pilasters separating the modern glazing. At the two upper floors of the frontage, the building is attractive with traditional window openings and original features such as stone cills and supports, and brick detailed headers. The windows are recessed and are in a uniform style, some with an arched header and some with a straight header, retaining consistency across the frontage.
- 1.3 The site is situated within Ashton Town Centre. It also 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 five retail units at ground floor, and 33no. apartments at both ground and upper floor levels. A third and fourth floor extension is proposed to the rear of the building, atop the existing two storey outrigger. External alterations are proposed to the front of the building.
- 2.2 In terms of the external alterations, a new shop front is proposed to the ground floor, which would incorporate the five individual retail units, as opposed to one large unit as is existing.
- 2.3 The proposed extension would be built atop the existing two storey outrigger, and would measure an additional height of 8.8m, resulting in an extension to a total height of 15.6m. This would be 1.5m higher than the main section of the building, but it would be to the back of the building rather than to the roof, being set back from the ridge line by 4.8m with a slight overhang forwards. It would have a flat roof, with a mansard roof design. The extension would

include additional windows and doors, particularly to the rear elevation facing Fleet Street. These would include oriel windows with side facing views east and west along Fleet Street.

- 2.4 Internally within the extension would be situated a courtyard area, which would be landscaped and open air, and would be accessible to future residents usable as an outdoor space.
- 2.5 In terms of the proposed apartments, 29 would be one bedroomed, and four would be two bedroomed. Each would be self-contained. Some would include outlooks to the front or rear of the building, and some would face internally toward the proposed courtyard area.

### **3. PLANNING HISTORY**

- 3.1 05/01747/FUL (151-155 Stamford Street Central) – First floor extension to form a link between the original and extended building – Approved with conditions January 2006.

### **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;
- 1.9: Maintaining Local Access to Employment and Services;
- 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**

- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- C11: Shop Fronts
- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- N3: Nature Conservation Factors
- N7: Protected Species
- OL10: Landscape Quality and Character
- MW11: Contaminated Land
- MW12: Control of Pollution
- S4: Retail Dominance and Shopping Frontages
- S9: Detailed Design of Retail and Leisure Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- 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 publicity carried out, there were 10 letters of objection. The concerns raised within the letters of objection are summarised below:

- The development proposes an insufficient amount of parking;
- The proposed development is too large and would be out of character;
- It would cause overshadowing and a loss of light to neighbouring properties;
- Noise and hours of operation would unduly affect neighbouring properties;
- The residential accommodation is substandard;
- The development would set an unwanted precedent;
- The amount of waste created from such a large development is a concern;
- The applicant has not been forthcoming and positive with neighbouring properties regarding the proposals;
- The number of proposed residential units is excessive;
- The loss of retail is regrettable;
- The development would attract anti-social behaviour;
- The development would include no amenity benefits for future occupiers.

- 6.2 Two letters of support have been submitted. The main points raised within those letters is summarised below:

- The development would assist the surrounding retail offer, bringing more customers into Ashton;
- The retention of retail at ground floor is supported;
- The proposal improves the building aesthetically.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a scheme for secured cycle storage; a travel plan; a construction environmental management plan; and a surface water drainage scheme.
- 7.2 Transport for Greater Manchester - No objections. Refers to the LHA whether there is a requirement for a Travel Plan. Provides guidance regarding cycle storage provision.
- 7.3 Designing Out Crime Officer – Notes that the submitted Crime Impact Statement was not undertaken by a suitably qualified security consultant, and therefore recommends that a suitable version is provided for further assessment.

- 7.4 United Utilities – No comments to make.
- 7.5 Lead Local Flood Authority – Recommends a condition requiring a surface water drainage scheme to be submitted.
- 7.6 Greater Manchester Ecology Unit – No objections. Recommends an informative advising applicant of their responsibility regarding protected species. Recommends conditions requiring that demolition and clearance works are not undertaken during the bird nesting season unless surveys confirm that bird nests are not present, and advises that biodiversity enhancement measures should be considered.
- 7.7 Environmental Health – No objections, subject to conditions requiring restrictions on construction working hours; bin storage provisions; acoustic mitigation measures outlined within the submitted Noise Assessment to be implemented; and submission of further details for a soundproofing scheme due to noise from adjacent substations.
- 7.8 Contaminated Land – No objections, subject to a condition requiring a completion report including details of a contamination watching brief, and details of any long term monitoring and maintenance required. Also requires that if any contamination is encountered then a remediation strategy including details of remedial works shall be submitted.
- 7.9 Coal Authority – No objections. Notes that the site lies within the defined Development High Risk Area, but the nature of the development is exempt from providing a Coal Mining Risk Assessment.
- 7.10 Transport for Greater Manchester – No objections. Refers to the LHA whether there is a requirement for a Travel Plan. Provides guidance regarding cycle storage provision.
- 7.11 Waste Management – Provides guidance regarding bin store capacity and future requirements.
- 7.12 Education services – Seeks financial contribution towards primary and secondary school places.

## **8. ANALYSIS**

- 8.1 Policy S4 of the Unitary Development Plan (UDP) states that outside the primary shopping areas (of the town centres), 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 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 33 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 8.3 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 walking distance of Ashton town centre, with links to services which would meet the sustainable policy objectives.

- 8.4 It is evident that the building has been vacant since August 2022. It remains that the site is undeveloped and unoccupied.
- 8.5 There is no doubt that the site constitutes previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. The 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. Although the site is situated outside of the primary shopping area of Ashton Town Centre, the continuing retail use at ground floor would retain an active frontage to this area of Stamford Street Central, and would continue to support the viability and vitality of the town centre retail offer.
- 8.6 Being situated within the town centre, it is considered that the proposed residential accommodation would be sustainable within this location, within walking distance of the wider range of shops, services and public transport services offered. It is therefore considered an appropriate re-use of previously developed land.
- 8.7 The site is located within a highly accessible area within the town centre, connected to public transport which runs close to the site, and local services and employment uses within Ashton. In light of the above, the principle of residential and retail 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 building consists of an existing three storey commercial building, fronting Stamford Street Central. To the frontage, there is a modern glazed shop front with large fascia sign in place. Some traditional features at ground floor remain, including a wooden door and tiled pilasters separating the modern glazing. At the two upper floors of the frontage, the building is attractive with traditional window openings and original features such as stone cills and supports, and brick detailed headers. The windows are recessed and are in a uniform style, some with an arched header and some with a straight header, retaining consistency across the frontage.
- 9.3 The majority of alterations to the building would be made at the ground floor to the frontage. The existing modern glazed frontage would be replaced with a similar style frontage, but each including a separate entrance door, to accommodate the five individual units given the building is proposed to be subdivided internally. The existing tiled pilasters would remain which would ensure the most attractive elements of the frontage are retained.
- 9.4 The majority of alterations to the building would be made at the ground floor, to the frontage. The existing shop front design, not considered practical for the future use of the building, would be replaced with new but smaller fenestration, including repositioned windows and doors. Traditional features, however would be retained in part, with vertical pilasters

remaining in between the new fenestration. Traditional features above the existing fascia board would be retained upwards, with protruding stone supports remaining in place, meaning the proportions of the frontage at first and second floor levels remain largely as original. The new windows and doors would be of an appropriate design, with stone headers and cills, and of a proportion which reflects the remainder of the building. Replacement of windows at upper floor levels and removal of security grills would improve the appearance of the building further. It is important that works are undertaken in sympathetic materials, similar in style and appearance to the existing, and a condition is recommended ensuring details are submitted for approval prior to their use.

- 9.5 A three storey extension is proposed to the rear of the building, facing Fleet Street. This section of the building is to be constructed atop an existing two storey outrigger to the rear of the building. The extension as proposed will be large and bulky, especially when viewed from the side elevations, however the existing two storey outrigger already runs to the back of the street. It is considered that the bulk of this is already significant to those using Fleet Street. In particular, the bulk of the extension would be most considerable when viewed from its gable elevations, to the east and west of Fleet Street. However, various extensions and additions are in place to the rear of buildings facing Stamford Street Central, and that the proposed large extension would not appear out of place along Fleet Street. Although the extension would be higher than the existing building, the set back would ensure it is not widely visible or prominent from the front of the building on Stamford Street Central.
- 9.6 In light of the above, the alterations to the building are considered appropriate in this location.

## **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 The site lies within the Ashton Town Centre Conservation Area.
- 10.4 As noted earlier, the alterations to the front of the building would consist primarily of replacement of an existing modern shopfront with one of a similar style, split to allow future use of the ground floor by five individual retail units. It is not considered that this would unduly affect the character of the Conservation Area, as an already existing modern shopfront would be replaced with a similar modern intervention.
- 10.5 The proposed extension works to the rear of the building would not unduly affect the character of the Conservation Area. Although large and bulky, the rear of properties fronting Stamford Street Central include a variety of extensions and interventions, and it is not considered that a particular character is in place along Fleet Street.
- 10.6 In light of the above, no harm is attributed to the identified Conservation Area.

## **11. RESIDENTIAL AMENITY**

- 11.1 Windows which would serve habitable rooms would be positioned within both the front and rear elevations of the building. Habitable room windows would also be positioned internally within a proposed courtyard area, and would face this rather than externally to the front and rear. Policy RD5 of the Residential Design SPD states that facing habitable room windows

should be positioned at least 14m apart on street frontages. For buildings of three or more storeys, this should be increased by an additional three metres extra (17m total) for each additional storey. The proposed extension to the rear would result in the building measuring a maximum of five storeys in height.

- 11.2 It is unclear if each of the properties directly facing the front of the building on Stamford Street Central (nos. 146-154) are used for residential purposes at upper floor levels. Habitable room windows would be positioned to the front elevation of the host building to the upper floors, which would face towards those opposite. Notwithstanding, a distance of 13.9m exists between the two, which is considered an acceptable relationship within this town centre location, in order to achieve adequate amenity and privacy for future occupiers.
- 11.3 To the rear of the building and proposed extension, residential properties exist to the opposite side of Fleet Street within a three storey building which itself fronts Church Street. This appears to include habitable room windows within the second and third floors to the rear overlooking Fleet Street, and which would directly face the proposed extension. Although the proposed extension would be an additional three storeys higher than is existing, the existing two storey outrigger in place to the host property already forms a blank wall facing the residential units opposite, and creates a low separation distance of 5m. Although higher than the existing, the distance between the two and lack of outlook beyond the 5m distance for those properties along Church Street, this would not change. It is not therefore considered that the amenity of those within the Church Street properties would be unduly affected by this development.
- 11.4 Proposed apartment nos. 10, 11, 12 (first floor) 20, 21, 22 (second floor), 25, 26, 27 (third floor) and 30, 31 and 32 (fourth floor) would all include outlooks from habitable rooms to the rear towards Fleet Street. However, in order to protect the amenities of those properties to the opposite side of Fleet Street, and the future occupiers of the apartments listed above, the scheme includes oriel (bay) windows, with only a side facing outlook. Although the rooms would not be provided with a direct facing outlook to the rear, these windows would face east and west along Fleet Street, thereby providing future occupiers with natural light and outlook, without compromising the privacy of these units which would otherwise be affected if they faced the apartments on Church Street. Although the outlooks from the oriel windows would face towards those serving other similar windows within the host building, the design of the windows would not result in a direct privacy or overlooking issue occurring due to their dual outlook, and would also ensure future occupiers benefit from a choice of outlook within those internal spaces. Bedrooms serving apartments 10, 20, 25 and 30 would include a window to the rear, but it would be positioned to the corner of the building and would therefore not directly face towards windows within the Church Street building. This relationship would be acceptable.
- 11.5 Windows are proposed to the rear elevation of the building at ground floor, serving apartment nos. 1, 2 and 3. These would not directly face windows within neighbouring properties, as none serve the Church Street apartments at ground floor level within the building opposite (and this is in effect a blank wall). But again the separation distance between the two would be 5.0m. Although windows immediately overlooking a highway at ground floor level are not considered ideal in terms of legibility and amenity in usual circumstances, it is acknowledged that Fleet Street is used at lower levels by pedestrians and vehicles as it acts primarily as a service access for neighbouring buildings. It is therefore not considered that the amenity and privacy of future occupiers of the ground floor units would be unduly affected by those passing on the highway.
- 11.6 Proposed apartments not listed above would be served with habitable room windows which would face an internal courtyard area, which would be landscaped at first floor level and could be used by future occupiers as a shared amenity space. The internal-facing windows would either face the side or rear section of the proposed extension to the building. The side facing apartments would benefit from a separation distance of 15.3m between habitable room



windows within the proposed complex, and the rear facing windows (within the rear of the main section of the building) would be positioned 11.8m from an elevation containing no habitable room windows. These distances are considered to be acceptable for amenity purposes, and would overlook an internal shared space which would unlikely be used by persons other than those residing within the development.

- 11.7 The buildings situated adjacent to the host property, fronting Stamford Street Central, do not contain residential uses. It is therefore considered that the projection of the proposed large rear extension would not unduly impact upon neighbouring uses through overshadowing or otherwise.
- 11.8 The creation of an internal courtyard area, which would be positioned at first floor level and landscaped, would provide a private amenity space for future occupiers of the development, It would be situated centrally within the building and extension, with no roof covering this area, ensuring it is available to the open air and elements. A condition is recommended which would require this facility to be completed prior to first occupation of any of the proposed residential units, as it would provide a valuable amenity space outside of the individual flats.
- 11.9 On balance, although the outlook for apartment nos. 10, 11, 12 (first floor) 20, 21, 22 (second floor), 25, 26, 27 (third floor) and 30, 31 and 32 would include oriel windows, which do not provide a typical outlook to the rear, and apartment nos. 1, 2 and 3 would include outlooks at street level, they are considered acceptable in this scenario. It is noted that the building is situated within an urban location, where considerably lower separation distances than usual are commonplace. 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.
- 11.10 With regard to the amenity of future occupiers, it is noted that each of the one bed apartments would achieve at least 37 square metres (sqm) 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), for single bedrooms normally occupied by one person. Those apartments which have two bedrooms would exceed 61sqm internally, which is the minimum expected for that standard of accommodation. On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 11.11 The site lies within a busy urban location, with commercial uses situated within close proximity, including those within the ground floor of the host building. Highways also lie to both sides of the building, with Stamford Street Central operating as a busy thoroughfare. Associated background noise from those uses and highways are likely, and the applicant submitted a noise impact assessment with 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 recommend that the mitigation measures be implemented prior to occupation of the accommodation, and a relevant condition is thereby recommended. However, the Environmental Health officers furthermore consider that the submitted noise impact assessment does not adequately deal with noise from the adjacent substations, which it is noted can emit low frequency sounds, which can penetrate standard insulated walls and ceilings. It is likely that additional soundproofing would be required to the adjacent flats to the substations in order to mitigate against such low frequency sounds to ensure no undue impacts upon amenity, and a further condition is therefore recommended which requires additional soundproofing measures to be submitted.
- 11.12 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.

- 11.13 In light of the above, the development is 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 development proposes no dedicated car parking provision. The site is situated in a highly sustainable location, within the town centre of Ashton and therefore within walking distance of shops, services and public transport provision operating close to the site. The Local Highways Authority (LHA) noted that cycle parking provision would be required within the development, and that a travel plan is recommended to encourage future occupiers to use more sustainable transport modes than the private car.
- 12.2 The travel plan to be submitted would seek 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 cycle storage would be provided at ground floor level. The LHA considers that 33no. 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 The LHA further recommend that a construction environment management plan be provided, to ensure that the construction of the development would have no undue impacts upon highway safety. This is considered reasonable and a relevant condition is recommended.
- 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 cycle parking also provided. The site lies close to the town centre, within walking distance. Subject to the recommended conditions, the proposals would not result in a detrimental impact upon 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, previously operating as a retail premises with ancillary storage and facilities.
- 13.2 The Lead Local Flood Authority (LLFA) has reviewed the submitted information, and considers that information should be submitted with regards to drainage including surface water management. United Utilities have not offered any comment on the scheme.
- 13.3 In light of the comments from the LLFA, it is appropriate to recommend a condition which requires a sustainable drainage scheme to be proposed and implemented. This would be submitted to the drainage body for their comment before it is implemented, and would ensure that the development is adequately drained and flood risk reduced.
- 13.4 Subject to imposition of the condition as set out above, the proposals would be adequately drained, subject to an acceptable scheme being agreed. The proposals would therefore not result in a detrimental impact upon flood risk or drainage capacity, in line with the provisions of national and local planning policy.

## **14. GROUND CONDITIONS**

- 14.1 The Coal Authority has noted that the site lies within the defined Development High Risk Area, however the nature of the development (change of use of building) exempts the application from providing further information, such as a Coal Mining Risk Assessment. No objections are therefore submitted in this regard.
- 14.2 The Environmental Protection Unit (EPU) have reviewed the submitted information. They note that following investigation into the historical use of the site and surrounding area, no sources of contamination have been identified which present a significant possibility of harm. However, they note that the submitted contamination information recommends that a watching brief be maintained throughout the development works, and any signs of contamination found be fully investigated, with appropriate remedial action taken as necessary. Therefore, a condition is recommended which requires details of the watching brief to be submitted, alongside any details of long term monitoring and maintenance if required. If contamination not already encountered is discovered, the condition also requires that further information to resolve this is also submitted.
- 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 Ecological information, including a preliminary roost assessment, was submitted alongside the application. This has been reviewed by Greater Manchester Ecology Unit (GMEU), who note that protected species (such as bats) can turn up in unexpected places, and any developer would be required to abide by legislation which safeguards biodiversity. An informative is thereby recommended which advises the applicant they must seek ecological advice should they find or suspect that the proposals would impact upon any protected species.
- 15.2 GMEU has noted that no works to demolish the building or remove features which support habitats should take place during the bird nesting season, unless adequate surveys to ensure no nesting birds are present has been undertaken. A relevant condition is thereby recommended.
- 15.3 GMEU have also advised that opportunities for biodiversity enhancement should be undertaken where possible. It is noted that an internal courtyard is proposed, and this may present opportunities to provide some small scale biodiversity enhancement. A relevant condition for such enhancement details is therefore recommended.
- 15.4 Subject to the recommended informatives and conditions, the application is considered acceptable, minimising risks to protected species. The application is thereby considered acceptable in these regards and complies with the provisions of national and local policy.

## **16. VIABILITY, 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 proposal is for a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and education contributions as per the requirements of policies H4, H5 and H6 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 Policy H5 of the UDP identifies provision of open space and facilities, where there is a deficiency of children's play areas, informal local recreational open spaces or sports pitches in an area. Where it is not practical or desirable to accommodate some or all of the required open space and facilities as part of the development itself, the Council will seek an equivalent payment for the remainder or all of the provision.
- 16.5 With regard to open space facilities, there is an internal courtyard proposed to the first floor of the development, which would be landscaped and would be available to future occupants. This area would be open air, and it would ensure that an area of outdoor amenity space is available for occupants to enjoy outside of their individual apartments. It is considered that no further contribution to open space, off-site, is therefore warranted. Noting that the apartments would be primarily one bedroomed (aside from four which would be two bed), the development is not deemed to be suited to family accommodation. Contributions towards education facilities would therefore not be warranted.
- 16.6 The applicant has made a viability case to demonstrate that the proposed development would be unviable with the above required planning obligations, namely an on-site affordable housing contribution of 15%. An independent consultant was appointed to assess the viability evidence submitted by the applicant. The consultant assessed the applicant's evidence in accordance with the Planning Practice Guidance (PPG) on viability. For decision taking, the guidance essentially seeks to assess viability in a hypothetical world, rather than on individual circumstances, to provide a level playing field amongst developers. In this particular case, the independent consultant has assessed two possible scenarios – either the proposed apartments are sold on an individual basis, or as a retail investment sale to a single investor. In either scenario, the independent consultant notes that the development would be regarded as unviable, or at best only marginally viable, before any planning policies are factored in. In other words, the level of return for the developer from this scheme is below the minimum rate that the guidelines suggest are required to deliver a viable scheme, even before contributions are factored in. Technically, the proposal is therefore unviable as the developer return is below what would normally be tolerated.
- 16.7 The independent consultant notes that the viability guidance makes clear that there is no compulsion on the Council to reduce its planning policy requirement if an overbid has been made for a particular site or building involved. The Council's role is not to mitigate any reduced profit/loss incurred by a developer if an overpayment or similar has been made for a site. Whilst an overpayment for a site may put financial pressure on an applicant in terms of delivering a scheme, it is not the role of the Council to reduce planning policy requirements to mitigate a developer overpaying for a site.
- 16.8 Mindful of the above factors, the proposed development is unviable, and imposing the full contributions may increase the risk that the scheme will not be delivered. The context of the current housing supply position in the Borough, alongside the vacant nature of the site, are factors which weigh in favour of moving forwards with redevelopment of the site and putting the building to a viable future use. Paragraph 57 of the NPPF states the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

Having regard to all the circumstances in the case set out above, on balance it is considered that the viability case made by the applicant is sufficient.

- 16.9 In light of the above, the zero planning contribution is acceptable, in order to ensure the viability and delivery of the scheme. No Section 106 Obligation is therefore recommended in this case.
- 16.10 The fundamentals of the viability case are accepted and accord with the guidance set out in the PPG. The application therefore accords with Policies H4 and H5 of the UDP, and the NPPF.

## **17. OTHER MATTERS**

- 17.1 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. Waste officers consider that the provision would need to be larger than that shown on the plans, or the types of bins provided would need to be altered. A condition is recommended therefore 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).
- 17.2 The Greater Manchester Police Designing Out Crime Officer has reviewed the submitted Crime Impact Statement, but noted that there is no evidence to suggest it has been carried out by a suitably qualified security consultant, as would be required. A condition is thereby recommended to require submission of a document carried out by a suitably qualified professional, to ensure the development is constructed in order to minimise crime and the fear of crime.

## **18. CONCLUSION**

- 18.1 The application proposes the change of use and extension of a former retail building, which would be utilised for both retail and residential uses. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 18.2 The site is situated within Ashton town centre, and therefore within walking distance of shops and services. Public transport links including bus, tram and train services run from the town centre, within close proximity to the site, providing sustainable connections to surrounding areas, reducing reliance upon the private car. Re-use of a brownfield site such as this accords with local and national policy, introducing a diversity of uses within these areas. The retention of retail uses at ground floor maintains the vitality and viability of Ashton, and the proposed residential use accords with the Government's strategy of increasing town centre living.
- 18.3 The design and scale of the development is appropriate for this location. The external alterations are considered to be visually acceptable, with relatively moderate alterations to the building and retention of original features where possible. The extension to the rear elevation is considered to be acceptable in this location.
- 18.4 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 to the rear and those within a neighbouring development have been assessed carefully and are considered to be appropriate.

- 18.5 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 18.6 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.
- 18.7 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

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

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

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

- Site location plan,
- Proposed site plan/roof plan (Dwg no. 22.2851.SC1.17A).
- Scheme 1 – fourth floor plan & section x-x (Dwg no. 22.2851.SC1.12J).
- Scheme 1 – Ground & first floor plans (Dwg no. 22.2851.SC1.10L).
- Scheme 1 – second & third floor plans (Dwg no. 22.2851.SC1.11K).
- Scheme 1 – existing & proposed site sections (Dwg no. 22.2851.SC1.15A).
- Proposed elevations 1 (Dwg no. 22.2851.SC1.13C).
- Proposed elevations 2 (Dwg no. 22.2851.SC1.14D).
- Proposed elevations 3 (Dwg no. 22.2851.SC1.18).

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

- 3) Notwithstanding any description of materials in the application form and shown within the Design & Access Statement no above ground 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 policies OL10: Landscape Quality and Character and C1: Townscape and Urban Form

- 4) No development, other than site clearance, demolition and site compound set up, shall commence until a completion report, including full details of the contamination watching brief, has been submitted to and approved in writing by the Local Planning Authority. If required, the report shall include full details of the arrangements for any long term monitoring and maintenance in the verification plan. The scheme shall be implemented and verified as approved.

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

For the avoidance of doubt, the discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the Local Planning Authority.

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 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.

- 6) 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.

- 7) 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 arising. 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.

- 8) Prior to the first occupation of the apartments hereby approved, the noise mitigation measures outlined in the submitted Acoustic Survey and Assessment (undertaken by Martin Environmental Solutions Ltd, dated August 2022, ref: 2335-1) 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.

- 9) Prior to the first occupation of the apartments hereby approved, a scheme for soundproofing of the party walls and ceiling to apartment nos. 3 and 12, in order to deal with noise from the adjacent substations, shall be submitted to and approved in writing by the Local Planning Authority. The approved soundproofing scheme shall thereafter be implemented prior to the first occupation of apartment nos. 3 and 12 and 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 reviewed and updated on an annual basis in accordance with details that shall be outlined in the submitted plan; and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a travel plan coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan. 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.

- 12) No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Hours of work of construction and deliveries;
- Phasing of the development;
- Location of the site compound/offices (which shall be located to minimise disturbance to the amenity of existing residents outside of the site);
- Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding,



where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works;

- Measures to control the emission of dust and dirt during construction;
- Measures to control noise levels during construction; and
- Details of any public relation measures e.g. Considerate Constructors Scheme.

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

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

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

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

- 14) Prior to any above ground works commencing on the site, details of biodiversity enhancement measures to be installed as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved details shall be installed prior to the first occupation or use of the development, and shall be retained as such thereafter.

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

- 15) No development shall commence until a Crime Impact Statement has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the statement shall be undertaken by a Suitably Qualified Security Consultant (SQSC) or similar. The recommendations of the approved statement shall be undertaken prior to first occupation of the approved development, and shall be retained as such thereafter.

Reason: In order to ensure the design of the development minimises crime and the fear of crime.