

Application Number 18/0830/FUL

Proposal	Full planning permission to vary conditions 6 (materials), 8 (contaminated land), 9 (foul and surface water drainage), 23 (street lighting), 27 (biodiversity enhancements) and 28 (control of Japanese Knotweed) of planning permission 15/00030/OUT.
Site	Victoria Mill, Buckley Street, Droylsden
Applicant	De Trafford, Suite 26G, Building 26, Alderley Park, Alderley Edge SK10 4TG.
Recommendation	Approve, subject to conditions
Reason for report	A Speakers Panel decision is required because the application is a major application.

REPORT

1. APPLICATION DESCRIPTION

1.1 The applicant seeks full planning permission for the variation of a number of conditions attached to outline planning permission ref. 15/00030/OUT which approved the means of access, appearance layout and scale for the demolition of existing buildings on the site and the erection of 127 dwellings, a retail unit (use class A1/A2), a multi-functional community facility, and associated car parking and amenity space. The conditions to be varied are as follows:

1.2 Condition 6 – This requires the submission and approval of the external materials to be used in the construction of the scheme prior to commencement of any development.

Condition 8 – This requires the submission and approval of a site investigation into potential sources of contamination of the land and any necessary remediation to be completed prior to the commencement of any development.

Condition 9 – This requires the submission and approval of details of the means of draining foul and surface water from the scheme prior to the commencement of any development.

Condition 23 – This requires the submission and approval of details of an external lighting scheme to serve the scheme prior to the commencement of any development.

Condition 27 – This requires the submission and approval of details of biodiversity enhancements to be incorporated into the scheme prior to the commencement of any development.

Condition 28 – This requires the submission and approval of details of the measures to be put in place to control Japanese Knotweed prior to the commencement of any development.

2. SITE & SURROUNDINGS

2.1 The application site covers an area of approximately 1.2 hectares and is located within an established residential area falling within the Droylsden Town Centre boundary. The site is bound by Manchester Road to the north, Buckley Street to east and the rear gardens of properties fronting Mellor Street and Maddison Road to the West and East.

- 2.2 The site supports a number of industrial buildings and is dominated by the 3 storey Victoria Mill building which occupies a central position within the site. The mill is flanked by a series of single and two storey buildings to the north and east, the majority of which are unoccupied. To the rear of the site there is an area of hardstanding which also supports isolated outbuildings. There is a marginal change in levels across the site from the southern to northern boundary, this is read as being a flat site.
- 2.3 The primary access to the Mill and rear hardstanding area is taken directly from Manchester Road. The remaining industrial units are served with independent accesses from Buckley Street.
- 2.4 With the exception of a few isolated trees the site is mainly void of vegetation being almost completely laid to hard surfacing commensurate to the industrial use.
- 2.5 The site is within walking distance of a Tesco supermarket (0.1km away), Droylsden Town Centre (0.3km away) and schools (the nearest primary school being 0.65km away and Droylsden Academy being 0.7km away) and other services within the Droylsden area.
- 2.6 There is good access to public transport, the nearest bus stops are located right outside the site on Manchester Road with a Metrolink station located on Manchester Road approximately 0.2km away.

3. PLANNING HISTORY

- 3.1 16/01151/REM - Approval of Reserved Matters relating to landscaping (Condition 2) and hard and soft landscaping (Condition 3) for proposed residential development of 127 dwellings (outline planning permission 15/00030/OUT) - Approved 22.06.2018
- 3.2 15/00030/OUT – Demolition of existing buildings and erection of 127 dwellings, a retail unit (use class A1/A2), a multi-functional community facility, and associated car parking and amenity space - OUTLINE (Approval for Access, Appearance, Layout, Scale) – Approved 19.11.2015
- 3.3 15/00856/ENV – Request for screening opinion in accordance with Town and Country Planning (Environmental Impact Assessment) Regulations 2011 relating to a proposed mixed use development. - Assessment Not Required 24.09.2015
- 3.4 12/00564/NDM – Proposed demolition of various buildings on site – Approved 16.07.2012

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
- 4.2 **Tameside Unitary Development Plan (UDP) Allocation**
Not allocated, within the settlement of Droylsden

Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment.
1.4: Providing More Choice and Quality Homes.
1.5: Following the Principles of Sustainable Development
1.6: Securing Urban Regeneration
1.10: Protecting and Enhancing the Natural Environment
1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 **Part 2 Policies**

C1: Townscape and Urban Form
E3: Development Established Employment Areas
H2: Unallocated Sites (for housing)
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
MW11: Contaminated Land
MW12: Control of Pollution
MW14 Air Quality
N1b: National Nature Conservation Sites
N2: Locally Designated Nature Conservation Sites
N3: Nature Conservation Factors
N4 Trees and Woodland
N5: Trees Within Development Sites
N6: Protection and Enhancement of Waterside Areas
N7: Protected Species
OL7: Potential of Water Areas
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management.
T10: Parking
T11: Travel Plans.
U3: Water Services for Developments
U4 Flood Prevention
U5 Energy Efficiency

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

Section 2: Achieving Sustainable Development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 11: Making Effective use of Land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

4.5 **Planning Practice Guidance (PPG)**

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

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued 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.
- 5.2 Local residents and contributors on the Outline application were notified in writing on the 25th October 2018.
- 5.3 A press notice was published on the 11th October 2018.

- 5.4 2 site notices were erected on the 2nd May 2018 located on lampposts positioned on the sites Manchester Road and Buckley Street boundary.

6. RESPONSES FROM CONSULTEES

Borough Contaminated Land Officer – no objection to the proposed re-wording of condition 8 (contaminated land).

United Utilities – no objection to the proposed re-wording of condition 9 (foul and surface water drainage).

Greater Manchester Ecology Unit (GMEU) - no objection to the proposed re-wording of conditions 27 (biodiversity enhancements) and 28 (Japanese Knotweed), following review of the Knotweed Method Statement.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 1 letter of representation has been received from a neighbouring resident questioning when the demolition and regeneration of the aforementioned planning permission, will be started. The existing situation on Buckley Street is considered to be a highway safety hazard in terms of the number of large vehicles parking along the road, a situation that needs to be improved through the redevelopment of the site for residential purposes.

8. ANALYSIS

- 8.1 The sole issue to be assessed in the determination of this planning application is whether the proposed re-worded conditions would still meet the tests set out in paragraph 55 of the NPPF which state that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 8.2 The principle of development is not being revisited in this application, nor are the planning merits relating to the other conditions imposed on the outline planning permission or the subsequent reserved matters approval. If this variation of condition application is approved, it would in effect re-issue the original outline planning permission and as such all of the conditions on that original consent that remain relevant would be re-imposed. There was no Section 106 Agreement attached to the original outline planning permission, due to a viability case being accepted at that stage.

- 8.3 Condition 6 of the planning permission is proposed to be re-worded as follows:

No development, other than demolition site clearance and site compound set up, shall commence until samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be constructed with such approved materials.

- 8.4 Condition 8 of the planning permission is proposed to be re-worded as follows:

No development, other than demolition site clearance and site compound set up, shall commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.

A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical

site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

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 other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

8.5 Condition 9 of the planning permission is proposed to be re-worded as follows:

No development, other than demolition site clearance and site compound set up, shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this site must be drained on a separate systems combining just prior to connection to the public combined sewerage system. Surface water discharging to the sewerage system must be attenuated to a maximum discharge rate that mimics the existing site run off plus 50% betterment to combat the effects of climate change. The development shall be completed, maintained and managed in accordance with the approved details.

8.6 Condition 23 of the planning permission is proposed to be re-worded as follows:

No development, other than demolition site clearance and site compound set up, shall commence until details of a lighting scheme to provide street lighting to any shared private driveway or parking court have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed prior to the occupation of any part of the development.

8.7 Condition 27 of the planning permission is proposed to be re-worded as follows:

No development, other than demolition site clearance and site compound set up, shall commence until full details of opportunities for biodiversity enhancements to be incorporated into the new development shall be submitted to and approved in writing by the local planning authority. These should include: bat bricks and/or tubes, bat boxes, bird boxes, native tree and shrub planting. All approved measures shall then be fully implemented and maintained thereafter before each part of the development is occupied.

8.8 Condition 28 of the planning permission is proposed to be re-worded as follows:

The development shall be carried out in accordance with all of the measures outlines in the Method Statement relating to the excavation of Japanese Knotweed and the removal of contaminated soil produced by TCM (Method Statement no. MSRA-8364-29.09.2016) submitted with the planning application.

8.9 There are no objections from any of the statutory consultees to the proposed variations to the triggers of the relevant conditions. The principle of the demolition of the existing buildings on the site has already been accepted through the granting of the outline planning

permission. It is not proposed to vary condition 19 of the original consent, which requires an investigation to be undertaken into the archaeological significance of the site prior to the demolition of the existing buildings.

- 8.10 Officers consider that, given the lack objection from the relevant consultees, no harm would arise in relation to the matters addressed by the conditions that this application seeks to vary if the buildings were demolished, the site cleared and compounds erected prior to the submission of the details required to discharge each of these conditions. The proposed revised trigger points would remain precise and enforceable and would still allow the objectives of the relevant conditions as originally imposed to be met.
- 8.11 In relation to the representation made by a neighbouring resident, the planning system can only impose a time limit within which development has to commence. An application to discharge the relevant conditions and then commence within that time period specified is required for the application to remain extant but the Local Planning Authority does not have any further control on when or if a planning permission is implemented.

9. CONCLUSION

- 9.1 Following the above assessment, it is considered that the revised conditions would achieve the same objectives as the originally imposed conditions and would meet the tests set out in paragraph 55 of the NPPF. As reserved matters approval has already been granted, it is not necessary to re-impose conditions 2 or 3 of planning permission 15/00030/OUT and condition 1 is amended to reflect this situation.

10. RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development must be begun not later than the expiry of two years from 22 June 2018 i.e. the date that the final reserved matter was approved.
2. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the Local Planning Authority gives written consent to any variation.
3. The development shall be carried out in accordance with the following plans; A160 P; 001, 003, 010, 011, 012, 300A, 303A, 305A, 307A, 308A, 309-1A, 309-2A, 311A, 312A, 400A, 403A, 405A, 407A, 408A, 411A, 412A received on 16th January 2015, the additional and amended plan nos. SCP/14009/150 Rev B, A160 P; 200B, 302-1B, 302-2B, 306A, 402B, 406B, 409B received on 14th August 2015 and the amended plan nos. A160 P; 002D, 100E, 101C, 102C, 103C, 104C, 200C, 201C, 202C, 204C, 205B, 301-1C, 301-2C, 304C, 310B, 404C, 401-1C, 401-2C, 410B, 500D received on 26th October 2015.
4. No development, other than demolition site clearance and site compound set up, shall commence until samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be constructed with such approved materials.

5. Notwithstanding the approved plans, the new hard standings around the properties shall be constructed of porous or permeable materials, or provision shall be made for any surface water run-off to be directed on to a porous or permeable area such as a lawn or flower bed within the curtilage of the property or into a drainage system within the curtilage of the property.
6. No development, other than demolition site clearance and site compound set up, shall commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.

A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation. Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority. Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

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 other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

7. No development, other than demolition site clearance and site compound set up, shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this site must be drained on a separate systems combining just prior to connection to the public combined sewerage system. Surface water discharging to the sewerage system must be attenuated to a maximum discharge rate that mimics the existing site run off plus 50% betterment to combat the effects of climate change. The development shall be completed, maintained and managed in accordance with the approved details.
8. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
9. The retail unit hereby approved shall be used for operations falling within Use Classes A1, A2 (excluding betting shops of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
10. The community premises hereby approved shall be used for operations falling within Use Class D1 (excluding crèches and day nurseries) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

11. Within the retail unit or community premises, no hot food preparation equipment for shall be brought into use unless and until a scheme for the effective deodorising and degreasing and dispersal of emissions has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented to the satisfaction of the local planning authority and properly maintained and used thereafter.
12. The retail unit and community premises hereby permitted shall not be operated on Sundays and Bank Holidays and outside the hours of 08:00 to 23:00 Monday to Friday and 08:30 to 22:00 Saturday.
13. No loading/unloading for the retail unit shall take place outside the hours 07:30 to 18:00 Monday to Saturday and 10:00 to 17:00 Sunday and Bank Holidays.
14. Prior to its installation, full details of any fixed plant and machinery proposed for the proposed retail unit or community premises shall be submitted to and approved in writing with the Local Planning Authority. The fixed plant/machinery shall then be fitted in accordance with the approved details.
15. The development hereby approved shall be constructed in accordance with the noise mitigating measures identified in the Noise Impact Assessment report by Resource & Environmental Consultants Limited (REC). Rec report number 904451r1 issued on 28th November 2014. The assessment shall take account of all noise sources identified in the report along with any additional noise/s relating to the commercial part of the development i.e. Service yard, deliveries and any plant and equipment proposed. All mitigation measures identified shall then be implemented prior to that part or phase of the development being brought into use.
16. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.
17. No development shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological work. The archaeological work is to be undertaken in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 - 1) A phased programme and methodology of site investigation and recording to include:
 - desk-based documentary study
 - archaeological building assessment and survey
 - intra demolition watching brief
 - targeted evaluation trenching
 - where appropriate, open area excavation
 - 2) A programme for post-investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the archaeological and historical interest represented.

- 3) Provision for publication and dissemination of the analysis and report on the site investigation.
 - 4) Provision for archive deposition of the report, finds and records of the site investigation.
 - 5) Nomination of a competent person or persons/ organisation to undertake the works set out within the approved WSI.
18. Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna to be placed on Blocks B, C, G and J (Block J Plots 1, 2, 3, 8, 9, 10, 11 only) shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
 19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed /affixed on the exterior of to be placed on Blocks B, C, G and J (Block J Plots 1, 2, 3, 8, 9, 10, 11 only) hereby permitted.
 20. The development hereby approved shall not be occupied/brought in to use until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with the submitted plan no. SCP/14009/150 Rev B.
 21. No development, other than demolition site clearance and site compound set up, shall commence until details of a lighting scheme to provide street lighting to any shared private driveway or parking court have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed prior to the occupation of any part of the development.
 22. Prior to bringing that part of the development into use the car parking, servicing and turning facilities indicated on the approved plan for that part shall be provided. All vehicles expected to service the site must be able to enter and leave the site in forward gear at all times.
 23. The development shall not commence until details of a scheme for wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained in operation through the duration of the building works.
 24. A clear view shall be provided at the junction of site access with Manchester Road. Its area shall measure 45 metres along the centre of the access and 70 metres in each direction along the edge of the roadway in Manchester Road. It must be kept clear of anything higher than 0.6 metre above the edge of the adjoining roadway or access.
 25. No development, other than demolition site clearance and site compound set up, shall commence until full details of opportunities for biodiversity enhancements to be incorporated into the new development shall be submitted to and approved in writing by the local planning authority. These should include: bat bricks and/or tubes, bat boxes, bird boxes, native tree and shrub planting. All approved measures shall then be fully implemented and maintained thereafter before each part of the development is occupied.
 26. No development, other than demolition site clearance and site compound set up, until a method statement for the control of Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be

implemented in accordance with the approved details.

27. No tree felling or vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a competent person.
28. Prior to the first occupation of any residential property hereby approved, a residents travel pack designed to encourage the use of sustainable modes of transport shall be created, the contents of which shall be agreed in writing by the local planning authority. The travel pack shall then be provided to the first occupiers of each residential property within the development.