

<b>Application Number</b>	17/00012/OUT
<b>Proposal</b>	Outline application (all matters reserved) for residential development comprising of up to 14no. residential flats.
<b>Site</b>	Amenity Area adjacent to 25 Grosvenor Street, Stalybridge.
<b>Applicant</b>	Mr T Mirza
<b>Recommendation</b>	Approve planning permission
<b>Reason for report</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution the application constitutes a major development

## REPORT

### 1. SITE AND SURROUNDINGS

- 1.1 The application relates to an area of derelict open space located adjacent to 25 Grosvenor Street close to the junction of Grosvenor Street and Trinity Street within the Stalybridge Town Centre Boundary. The site consists of 0.0327ha of previously developed space that is currently derelict, fenced off and unused.
- 1.2 The sites boundaries are defined by Grosvenor Street to the north, a petrol filling station (west), the rear of residential properties on Kenworthy Street to the south and the blank side gable of commercial properties on Grosvenor Street to the east.

### 2. THE PROPOSAL

- 2.1 The application has been submitted for outline planning consent with all matters reserved for a residential development of up to 14 residential apartments.
- 2.2 The plans which accompany the application indicate an up to four storey development, to reflect the style and character of the adjoining site of the Summer Quay (newly completed) development site to the north. No provision is made for car parking and pedestrian access is (nominally) shown via Grosvenor Street.

### 3 RELEVANT PLANNING HISTORY

- 3.1 None relevant

### 4 RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation: Unallocated within the Town Centre Boundary.
- 4.2 **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
  - 1.11 Conserving Built Heritage and Retaining Local Identity

## 1.12: Ensuring an Accessible, Safe and Healthy Environment

### 4.3 **Part 2 Policies**

H2: Unallocated Sites;  
H7: Mixed Use and Density;  
H10: Detailed Design of Housing Developments;  
T1: Highway Improvement and Traffic Management;  
S4: Retail Dominance and Shopping Frontages;  
OL4: Protected Green Space;  
C1: Townscape and Urban Form;  
C2 Conservation Areas;  
C4 Control of Development in or adjoining Conservation Areas;  
T1: Highway Improvement and Traffic Management;  
T10: Parking; and,  
MW11: Contaminated Land.

### 4.4 **National Planning Policy Framework (NPPF) (revised 2018)**

Section 2 Achieving sustainable development;  
Section 5 Delivering a sufficient supply of homes;  
Section 8 Promoting healthy and safe communities; and,  
Section 12 Achieving well-designed places.

### 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.

### 4.6 **Other Policies**

Residential Design Supplementary Planning Document;  
Technical Housing Standards - Nationally Described Space Standard; and,  
Stalybridge Town Centre Conservation Area Appraisal and Management Proposals March 2013.

## **5 PUBLICITY CARRIED OUT**

5.1 The application has been advertised by means of neighbour notification letters dispatched to 34 properties on 18.05.2017 and re-consulted on the 21 December 2018 following the receipt of revised plans and documents.

5.2 A press notice was published on 25.05.2017 and a site notice was displayed on site on 25.05.2017.

## **6 RESPONSES FROM CONSULTEES**

6.1 Head of Environmental Services – Highways: No objections subject to conditions.

6.2 Head of Environmental Services – Environmental Health: No objections subject to conditions.

6.3 United Utilities: Raise no objections subject to recommended conditions that the property is served with separate foul and surface water drainage systems

6.4 Coal Authority: The proposal does not fall with the defined Development High Risk Area. (If this proposal is granted planning permission The Coal Authority's Standing Advice should

be included as an informative note).

- 6.5 Greater Manchester Ecology Unit: The site is of low ecological value. Potential ecological issues can be mitigated by condition and informative regarding Wildlife and Countryside Act, bird nesting, and contributing to and enhancing the natural environment.

## **7 SUMMARY OF THIRD PARTY REPRESENTATIONS**

- 7.1 One letter received following the initial consultation period and another letter from the same address received following the re-consultation raising the following (summarised) matters:

- Total lack of any car parking provision;
- There are limited public parking spaces available nearby;
- Parking in this area is already a major problem which will shortly be exacerbated by the apartments under construction on the opposite side of the street;
- The proposed development of a five storey building with a large service building on the roof is completely out of character for the area;
- The proposed development will completely overlook the retirement homes and garden and will create a major privacy issue;
- The resident's don't object to a residential development here but ask that it be in proportion and in keeping with the surrounding area; and,
- The planning application contains a lot of factual errors.

- 7.2 Comments received following re-consultation:

- The building of a four storey apartment plus an additional floor for the service facilities block on the roof is only 10 meters away from our building and garden;
- Overshadowing and loss of privacy;
- We have no objection to a development which was not so tall, given its very small land footprint the proposed planning is out of proportion; and,
- There is totally insufficient car parking space for the number of units proposed.

## **8 ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material planning considerations indicate otherwise. Material planning considerations include the NPPF.

- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

- 8.3 The National Planning Policy Framework 2018 (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.

8.4 The site is unallocated by the Proposals Map associated with the Unitary Development Plan for Tameside (2004).

8.5 The application must be assessed against the following

1. Principle of development;
2. Impact on the Conservation Area;
3. Character and Design;
4. Residential amenity; and,
5. Parking and highway safety.

## **9. PRINCIPLE**

9.1 The NPPF (2018) has a presumption in favour of sustainable development and confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 The condition and appearance of the site is considered to have deteriorated over the course of the application process. It is an untidy and derelict site which is currently serving no positive benefit to the immediate area exacerbated by its prominent location on a corner plot. The application presents an opportunity to address this in a positive manner which adheres to the principles of sustainable development through the reuse of a brownfield site.

9.3 Whilst the site is located within the Town Centre boundary it does not fall within the Primary Shopping Area. As such, the potential retail function of the site is not subject to any protection. It remains that the proposed use would contribute to the vitality and viability of Stalybridge Town Centre by generating a source of footfall and encouraging the occupation of what is otherwise a vacant site which presently detracts from the Stalybridge Conservation Area within a highly sustainable and prominent location. The proposals are therefore considered to be consistent with the relevant UDP and NPPF policies in all regards. As such, the principle of the proposals is considered to be acceptable.

## **10. IMPACT ON THE CONSERVATION AREA**

10.1 In determining planning applications, the NPPF requires applicants to describe the significance of any affected heritage assets and include any contribution made by their setting. The applicant has submitted a Planning Statement which, alongside other supporting documents, seeks to demonstrate the proposed design and contemporary detail is an appropriate solution to the redevelopment of this site.

10.2 Paragraph 185 of the NPPF advises that local planning authorities take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the wider social, economic and environmental benefits that conservation of the historic environment can bring; and, opportunities to draw on the contribution made by the historic environment to the character of a place.

10.3 The NPPF also provides guidance to planning authorities in determining planning applications and includes criteria in order to make a proper assessment. This includes the desirability of new development making a positive contribution to local character and distinctiveness.

- 10.4 The submitted Design and Access and Planning Statements make reference to the character of the area and surrounding land uses. These documents describe in detail the local character of the site and its surroundings and justify the approach taken to its redevelopment.
- 10.5 The Stalybridge Conservation Area Appraisal and Management Proposals Document provides an up to date assessment of the Conservation Area by analysing its built form, historical context and natural setting to define the special interest of the area. It also identifies key positive and negative impacts, erosion of character and potential threats and considers the appropriateness of the Conservation Area boundary. The document makes recommendations for future policy and action by the Council to preserve and/or enhance the area's special character. The appearance of this derelict site clearly harms the character of the Conservation Area and its development with an appropriate and high quality scheme is supported.
- 10.6 A key view in terms of overall townscape is towards Armentieres Square and the canal. The square is an important open civic space providing pedestrian links within the town centre. The recently constructed Summers Quay development provides a contemporary counterpoint to the surrounding historic buildings and also within the town centre and to the east of the site is a modern food store. The approval for the conversion of the former Police station on Corporation Street to apartments is for a contemporary designed building of modern materials and finish. This general modernisation of the town centre is reflected in these recent developments and the contemporary design proposed for this development will further reflect this.

## **11. CHARACTER AND DESIGN**

- 11.1 It is recognised that in its present format the site offers little to the character and quality of the local environment. UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making.
- 11.2 Whilst not within the Conservation area the site adjoins the Stalybridge Conservation area boundary across Grosvenor Street and, as such, the development of the site must integrate within its character.
- 11.3 Prior to the submission of the final indicative designs of this scheme, officers have liaised with the applicant in order to design a scheme that is financially viable for the applicant, but importantly delivers a development that complement and integrate with the character of the Conservation Area.
- 11.4 All of the reserved matters (i.e. Layout, Appearance, Scale, Landscaping and Access) are 'reserved' for subsequent assessment. The size of the site, its proximity to the Conservation area and the constraints of the surrounding area will influence the eventual design.
- 11.5 The submitted elevations, whilst only indicative, give a clear indication as to what can be achieved at the site. Insofar as design matters are concerned the application demonstrates that a suitable relationship to the street scene can be achieved with active frontage to the pavement.
- 11.6 Going forward to the reserved matters scheme it would be important to maintain a modern designed building which integrates well into the street scene can add contrast and character to the adjoining Conservation Area. In terms of design reference points then the streetscape within the vicinity is a mix of traditional large scale 2/3 storey commercial properties and the prominent, modern designed Summers Quay development immediately opposite, which is up to 7 stories high.

- 11.7 The materials, detailing and fenestration will be carefully considered in detail through the submission of the Reserved Matters application. However, at this stage, officers consider that the indicative layout gives confidence that the development would achieve a design which would integrate sympathetically with the area.

## **12. RESIDENTIAL AMENITY**

- 12.1 Whilst the design of the site is only indicative, it is important that the site will not have a negative impact upon residential amenity for surrounding residential properties. The applicant has submitted drawings that indicate both the privacy distances and sun path analysis for the existing residential properties in the vicinity.
- 12.2 An objection has been received raising concerns about the impact of the proposed scheme on the existing residential properties and garden areas to the south of the site. The privacy distances between the proposed building and the existing buildings in both Summers Quay to the north and Grosvenor Gardens to the south of the site can be met by the current indicative designs and are in accordance with SPD policy RD5.
- 12.3 The existing residential properties at Grosvenor Garden on High Street are to the south of the application site so by nature of the position will not be overshadowed by the proposed development. The sun path analysis also shows a minimal impact on overshadowing for existing residential properties in Summers Quay to the north when considered against the indicative site layout and position of the proposed building.
- 12.4 The final layout at reserved matters stage would need a detailed considered approach to ensure that the minimal impact on neighbouring amenity is maintained and that the occupants of the dwellings would be served with a good level of amenity with regard to dwelling sizes.
- 12.5 Policy H10 requires that suitable landscaping is achieved on development and the layout dictates that this would be limited. However, the site must be viewed in the context of the urban nature of the surrounding environment which as a town centre supports higher density development. Policy RD11 of the Council's adopted SPD 'Residential Design Guide' requires that all houses should have private amenity space of a size and function suitable for its intended occupants. In the applicant's circumstances weight is attached to the constraints of the site, the re-use of a brownfield site in a sustainable location, and the positive contribution the development would make to the town centres housing stock. It is considered that these benefits weigh strongly in support of the development given the economic, social and environmental benefits it would bring. Importantly, whilst the shortcomings associated with private outdoor amenity standards are acknowledged, these benefits are considered to outweigh this.

## **13. ACCESS AND HIGHWAY SAFETY**

- 13.1 The proposal reserves details of access to be submitted at reserved matters stage. However, it is considered unlikely, due to the size and location of the property, that car parking would be provided within the site.
- 13.2 It must be recognised that whilst up to 14 residential units would potentially generate a need for vehicular spaces the position of the development within the town centre (i.e. a highly sustainable location) should be recognised. However, it would be expected that cycle storage be incorporated into such a development.
- 13.3 The town centre location dictates that the site is highly accessible and meets the test of a sustainable location recognising that it is well served with access to public transport,

services and relevant amenities. The site is within easy walking distance of the bus station and railway station and has ready access to local facilities and services provided by the town centre.

- 13.4 On that basis and with the support of the Head of Environmental Services - Highways the development is not considered to pose any risks to highway safety and the proposals would accord with UDP policy T1. It is not considered that the development would represent a 'severe' risk to highway safety which is the key test referred to in paragraph 109 of the NPPF.
- 13.5 The indicative plans suggest that bins will be stored within an enclosure exact details of which can be secured at reserved matters stage.

#### **14. OTHER MATTERS**

- 14.1 The application has been under consideration by the Council for some time prior to presentation of the scheme to the Speakers Panel. Over the course of the application the scheme has been amended by the reduction in 4 units and in height by circa two stories resulting in the indicative drawings suggesting a more appropriate mass, bulk and scale of the proposed building.
- 14.2 The supporting document has been corrected and updated by newly appointed planning consultants to reflect the current submission and the changes and has had regard to the siting and position of the building and its location in close proximity to the Conservation Area.
- 14.3 With regard to drainage no details have been submitted with the application. Conditions are suggested by United Utilities and the details of landscaping and hard surfacing will be detailed at reserved matters stage.
- 14.4 In terms of the potential for contaminated land, the Council's Contamination officers have raised no objections on these matters subject to conditions. Disturbance arising from construction practices could be controlled by way of a relevant condition, in all other respects residential use would be compatible with the locality.
- 14.5 The proposal would be subject to a Section 106 Planning Agreement for commuted sums to mitigate against any impact on offsite highways works, open space provision and affordable housing.
- 14.6 The applicant will be required to make a contribution towards improvements towards open space and highways improvements within the local area, in accordance with policy H5 of the adopted UDP. For open space a contribution of £798.42 per dwelling is to be secured towards playground improvements in Cheethams Park. For highways improvements a contribution of between £347.98 and £835.16 per unit towards electrical vehicle charging points within car parks in Stalybridge. Both contributions will be secured through the Section 106 Agreement.
- 14.7 The requirement for an affordable housing contribution of 15% of units within the development site is also applicable on this site. For 14 units this equates to 2 units and will be secured through a Section 106 Agreement.

## **15. CONCLUSION**

- 15.1 The site is located within a highly sustainable location as demonstrated by its central location with immediate access to services. The development of the derelict site for residential purposes would be readily compatible with the residential nature of surrounding uses and would contribute to the Borough's housing in a period of under supply.
- 15.2 It is considered that the layouts, scale, appearance and massing can be sufficiently and looked at through the details of the Reserved Matters to ensure that a high quality design can be achieved that would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF and compliance of the UDP.
- 15.3 Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent a highly efficient re-use of a brownfield site that would meet sustainability requirements, and contribute positively to the Borough's housing supply.

## **16. RECOMMENDATION**

Grant subject to the applicant entering into a Section 106 agreement requiring contributions towards Open Space and Highway Works, and requirement for on site affordable housing for specific purposes referred to 14.6 and 14.7, and the following conditions:

1. Application(s) for approval of reserved matters must be made within two years of the date of this permission and the development must be started not later than the expiration of three years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any development is commenced approval shall first be obtained from the Local Planning Authority with respect to the reserved matters, namely the access, layout, scale, appearance, and landscaping of the development. The landscaping proposals shall be carried out before the buildings are occupied or at such time as the approved proposals may provide, and shall be subsequently maintained to the satisfaction of the Local Planning Authority.
3. Details of the existing and proposed ground levels for the whole site and the proposed finished floor levels shall be submitted with the Reserved Matters application. The development shall be carried out in accordance with the approved details
4. No development, other than site clearance and site compound set up, shall commence until such time as the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
  - i) 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.



ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation.

iii) 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.

iv) 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.

5. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and,
- Details of on-site storage facilities.

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

6. 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.
7. No works to trees or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless birds are found to be absent, by a suitably qualified person and details submitted to the local planning authority and agreed in writing.
8. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, A110 rev 02, A107, A109 rev 02 and A105.
9. Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna for the proposed development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
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 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

11. None of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.
12. Before development commences, a noise impact assessment shall be undertaken, and submitted to the Local Planning Authority for approval, to determine what the impact of noise from the Tesco Petrol Station, other commercial businesses and entertainment venues will have on the occupants of the completed development. The methodology shall have been approved in writing with the Local Planning Authority prior to the start of the assessment. Specific design details of any required mitigating measures identified as being necessary shall be approved in writing by the Local Planning Authority prior to their implementation. The approved mitigation measures shall be implemented prior to the first occupation of the dwellings and shall be retained thereafter. Written proof shall be sent to the Local Planning Authority confirming that all approved mitigation measures have been implemented.
13. Foul and surface water shall be drained on separate systems.
14. Prior to the commencement of any 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 surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.
15. Prior to commencement of development a landscape management plan shall be submitted to and approved in writing by the LPA. The plan should include elements to mitigate for loss of trees and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.