

**Application Number** 19/00334/FUL

**Proposal** Demolition of existing buildings and construction of a supported housing scheme (use class C2) and associated landscaping and access

**Site** Land at Rutland Street, Ashton-Under-Lyne

**Applicant** Richmond Fellowship

**Recommendation** Grant planning permission subject to conditions

**Reason for report** A Speakers Panel decision is required because the application constitutes major development.

## **1.0 UPDATE TO PREVIOUS REPORT**

1.1 Members will recall that this application was first presented to the Speakers Panel at the July 2019 meeting. At that meeting, Members resolved to defer the application in order to conduct a site visit. That site visit was held on 27 August 2019. The report remains unchanged from that presented at the July meeting, save for corrections to the ecology comments and the compliance condition in relation to the protection of Bats during the demolition phase (these corrections were referred to verbally at the July meeting) and the addition of a condition relating to the sedum roof to be installed over the single storey element of the proposed building.

## **2.0 APPLICATION DESCRIPTION**

2.1 The applicant seeks full planning permission for the demolition of the existing buildings on the site and the construction of a supported housing scheme (use class C2), with associated landscaping and access. The scheme would include 20 units of accommodation, in the form of 16 self-contained apartments and 4 bedsits and staff living accommodation.

2.2 The applicant has provided the following documents in support of the planning application:

- Crime Impact Statement
- Design and Access Statement
- Ground investigation report
- Planning Statement
- Transport Statement
- Noise and Vibration Assessment
- Hard and Soft Landscaping scheme
- Phase I Habitat Survey

## **3.0 SITE & SURROUNDINGS**

3.1 The application site is located on Rutland Street, situated on the south eastern edge of Ashton. There are a collection of industrial buildings on the site, which is located on the southern side of Rutland Street. One of the buildings fronting Rutland Street is located immediately on the back edge of the footway and is constructed of brick elevations, with a slate roof. That building was occupied by an electrical wholesale

business at the time that the application was submitted, although it has since been vacated.

- 3.2 Another building with brick elevations is adjoined to the rear corner of that building and extends to the eastern boundary of the site. Buildings fill the northern portion of the site and the majority have profile sheet roofs. Residential properties on Rutland Street and Corkland Close abut the eastern boundary of the site. Playing fields, which include a hard surfaced games area, are located to the west of the site and separate the western boundary of the land from the properties on Marshall Court. The railway line runs parallel with the southern boundary of the land.

#### **4.0 PLANNING HISTORY**

- 4.1 None relevant to the determination of this planning application.

#### **5.0 RELEVANT PLANNING POLICIES**

- 5.1 National Planning Policy Framework (NPPF)

- 5.2 Planning Practice Guidance (PPG)

#### **5.3 Tameside Unitary Development Plan (UDP) Allocation**

Not allocated, within the settlement of Ashton

#### **5.4 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; and,
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### **5.5 Part 2 Policies**

- E3: Established Employment Areas;
- H2: Unallocated sites;
- H4: Type, size and affordability of dwellings;
- H5: Open Space Provision;
- H7: Mixed Use and Density (Density being relevant to this proposal);
- H10: Detailed Design of Housing Developments;
- OL10: Landscape Quality and Character;
- T1: Highway Improvement and Traffic Management;
- T10: Parking;
- T11: Travel Plans;
- C1: Townscape and Urban Form;
- N7: Protected Species;
- MW11: Contaminated Land;
- MW12: Control of Pollution;
- U3: Water Services for Developments;
- U4 Flood Prevention; and,
- U5 Energy Efficiency.

#### **5.6 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 (“GMSF”) which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document;  
Trees and Landscaping on Development Sites SPD adopted in March 2007; and,  
Employment Land SPD.

## **5.7 National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development;  
Section 8 Promoting healthy and safe communities;  
Section 11: Making efficient use of land;  
Section 12: Achieving well designed places; and,  
Section 15: Conserving and enhancing the Natural Environment.

## **5.8 Planning Practice Guidance (PPG)**

5.9 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.

## **6.0 PUBLICITY CARRIED OUT**

6.1 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.

## **7.0 RESPONSES FROM CONSULTEES**

7.1 Local Highway Authority – no objections to the proposals, subject to conditions requiring the laying out of the car parking spaces as indicated on the approved plans prior to occupation of the development, details of an external lighting scheme and the submission and approval of a condition survey of the highway.

7.2 United Utilities – no objections to the proposals, subject to the imposition of conditions requiring the submission and approval of a sustainable drainage strategy to serve the development (including management arrangements) and specifying that foul and surface water should be drained from the site via separate mechanisms.

7.3 Greater Manchester Ecological Unit - No objections to the proposals, subject to conditions requiring adherence to the precautionary measures detailed in the Bat Survey submitted with the planning application relating to the demolition process and the provision of biodiversity enhancement measures within the development.

7.4 Borough Contaminated Land Officer - No objections to the proposals subject to the imposition of a condition requiring the submission and approval of an assessment

into sources of ground contamination on the site and details of any necessary remediation in this regard.

- 7.5 Borough Environment Health Officer - No objections to the proposals subject to conditions requiring details of the storage and collection of refuse associated with the development to be submitted and approved and limiting the hours of work during the construction phase of the development.
- 7.6 Borough Tree Officer – No objections to the proposals as most of the existing significant vegetation is to be retained and the proposed new tree planting and landscaping would be appropriate to the scheme. Exact details of proposed landscaping scheme and details of maintenance should be secured by condition.
- 7.7 Network Rail (Town Planning Technician) – no objections subject to a number of informatives being attached to any planning permission granted explaining the responsibilities of the landowner when developing within close proximity to the railway line.
- 7.8 Greater Manchester Police (Design Out Crime Officer) – no objections to the proposals subject to the imposition of a condition requiring the crime reduction measures listed in the Crime Impact Statement submitted with the planning application being incorporated into the development.
- 7.9 Coal Authority – No objections to the proposals, subject to the imposition of a condition requiring the undertaking of an intrusive site investigation into potential land stability issues associated with coal mining legacy and the carrying out of any necessary remediation prior to the commencement of development.
- 7.10 Greater Manchester Archaeology Advisory Service – no objections to the proposals and no conditions considered to be necessary.
- 7.11 Borough Council Economic Development section – the site is cut off from the major industrial area to the south by the railway lines and is in a poor state of repair. The street is considered to be on a quiet corridor, away from major transport routes. As such, protection of the site as employment land is considered not to be viable.

## **8.0 SUMMARY OF COUNCILLOR AND THIRD PARTY RESPONSES RECEIVED**

- 8.1 87 letters of representation objecting to the proposals (total number of comments received to both the original submission and the amended plans) have been received. The responses raise the following concerns (summarised):
- The proposal will result in a greater volume of traffic in the area, which will add to the existing problems of congestion and will be detrimental to highway safety. Rutland Street provides a connection between Granville Street and Corkland Street. Adding further demand for on street parking will result in a highway safety hazard.
  - Concerns regarding the impact of the development in terms of anti-social behaviour, which is already a concern in the locality.
  - There is a children's play area immediately adjacent to the site, raising the question as to whether this is the correct location for a facility housing people with mental health disorders.
  - The scale and massing of the development will result in overlooking into and overshadowing of neighbouring properties.

- The area is dominated by family housing and is therefore considered not to be an appropriate location for a facility accommodating vulnerable people.
- A 3 storey apartment development would not reflect the character of the surrounding area which is made up of predominantly 2 storey dwellings.
- The proposals will increase the fear of crime in the local area, to the detriment of the quality of life of existing residents, including children and older people.
- The proposal does not include sufficient parking provision – 8 spaces will not be adequate and this will increase pressure for on street parking, which will add to the existing problems in this regard on Rutland Street.
- A residential area is not considered to be an appropriate location for a secure facility.
- Introducing this type of facility in a residential area will cause property values to fall.
- There is a similar facility to the proposal on Currier Lane, within walking distance of this site and that development has resulted in increased anti-social behaviour problems in the locality – a situation that would be made worse by the addition of the proposed development.
- There are bird nests within the eaves of the existing buildings and evidence of bats on the site. Demolition of these structures may cause harm in relation to protected species therefore.
- The closure of access from Stamford Street to streets surrounding Rutland Street, including Corkland Street adjacent to the application site has created a quieter and safer environment in the locality. This would be undermined by the increased traffic that would result from the proposed development.
- The crime impact assessment submitted with the planning application focusses on the security of the proposed development as opposed to assessing the impact on the surrounding area.
- The vulnerable people supported by the Richmond Fellowship may have access to facilities in the locality that would be detrimental to their health e.g. off licenses, public houses and betting shops.
- The proposed 2.1m fencing that will be placed along the boundary of the site with the properties on Corkland Close will be positioned on top of the existing 1.4m wall separating the properties.
- This type of facility should be located close to a hospital site, not within a residential area.
- The submitted plans do not appear to take into account the fact that there is a brick retaining wall on the shared boundary between the properties on Corkland Close and the application site. This would need to be replaced to facilitate the provision of the 2.1 metre high fence that is shown on the proposed plans.
- The plans also fail to show that properties along Corkland Close, are set 1.4 meters below the site of the proposed development and therefore it is difficult to make an accurate assessment as to the impact of potential overlooking from the development into those neighbouring properties. The changes in level also present concerns in terms of flood risk/ surface water run-off.

Councillors Fairfoull, Sidebottom and Cartey have objected to the proposals as Ward Councillors, raising the following comments:

- Concerns regarding the location of the development adjacent to a public park area and the railway line.
- Concerns regarding the loss of an established employment site.
- There are more preferable sites for this development to be located within the Borough.

Network Rail on behalf of the Rails Industry's Suicide Prevention Programme has objected to the proposals on the basis that the scheme places a supported living accommodation unit that will support vulnerable people near the railway line and close to Stalybridge Station. This presents a risk to the rail network. A recent analysis of the incidents on our whole network since December 2017 demonstrated that 66% of individuals who have taken or attempted to take their life on had a mental health history. Due to the key facts and figures and the impact presented as a Rail Industry we feel that we have demonstrated the risk to the network and consequently object to this planning application.

Tameside and Glossop NHS Clinical Commissioning Group has written in support of the application, raising the following points:

- There is an NHS contract in place with the applicant to provide specialist supported rehabilitation for 32 people with long term, complex mental health needs in three buildings on sites within the Borough. Richmond Fellowship have been delivering the service since 2011, successfully retendering for the renewed contract from April 2018.
- The current contract requires the Richmond Fellowship to develop a new site to replace the existing Manchester Road facility, which currently comprises mainly shared accommodation and therefore does not provide the standard of accommodation we want to provide for our mental health services within Tameside and Glossop.

## **9.0 ANALYSIS**

9.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the design and scale of the development on the character of the site and the surrounding area;
- 3) The impact upon the residential amenity of neighbouring properties;
- 4) The impact on highway safety;
- 5) The impact on flood risk; and
- 6) Other matters.

## **10.0 PRINCIPLE OF DEVELOPMENT**

10.1 The site is not allocated as an established employment site on the UDP proposals map but the established planning use of the land is for employment purposes. Given that the proposed use would not fall into one of the traditional employment use classes (those being B1, B2 and B8), the proposal would result in the loss of an employment site and as a result, the provisions of policy E3 of the UDP do apply.

10.2 The policy states that the conversion of employment sites to residential or mixed use development will not be permitted unless it is considered that the need for housing and the regeneration benefits of such development outweigh the need to retain the site for employment purposes. The policy states that, in making this assessment, the following factors should be considered:

- (a) The quality and type of employment sites and premises available in the area;
- (b) Evidence of demand for employment sites and premises in the area;

- (c) The suitability of the site for further employment use in terms of size, physical characteristics, access, traffic impact, and sensitivity of surrounding land uses; and,
  - (d) The opportunity which may be presented for new forms of employment as part of a mixed use scheme.
- 10.3 In relation to criterion (a) and (b), there is an extensive area to the south of the railway line beyond the southern boundary of the site which is allocated as an Established Employment Area. The Employment Land Review of 2013 indicated that the supply of industrial use properties was greater than demand for such premises in the Borough. The surplus of employment land has been reduced since that time, through the inclusion of some allocated employment land within the Strategic Housing Land Availability Assessment (SHLAA) (i.e. there is an assumption that some of these sites would be redeveloped for residential use).
- 10.4 In relation to the demand for the redevelopment of the site for alternative employment uses, the applicant has provided details of the marketing exercise that has been undertaken in relation to the land. The information appended to the Planning Statement indicates that the site has been marketed for approximately 12 months, with an asking price of £350,000. The site has been advertised on the agent's website, other property websites, via a board on the site and through a targeted mailing campaign.
- 10.5 The summary letter from the agent indicates that the interest received during the marketing campaign was predominantly from developers seeking to redevelop the site for residential purposes. A few generic enquiries were made although none were pursued due to the significant capital outlay involved in redeveloping the site. The price at which the site was marketed is considered to be high, (equivalent to approximately £500,000 an acre) given the condition of the site. The PPG is clear that hope value should not be included when establishing a land value and it would appear in this case that this guidance has not been followed in this case.
- 10.6 However, the marketing campaign must be considered alongside the extent of allocated employment land within close proximity to and in a more accessible location than the application site. The assessment of the Economic Development section of the Council is that the constraints provided by the limited access arrangements and the severance provided by the railway line, which separates this land from the adjacent employment area, render this site unsuitable for protection as an employment site.
- 10.7 In addition to these constraints, the works required to redevelop the site for a modern employment use and the fact that the site is on a predominantly residential street are factors which are considered to render an employment use on the site unviable. It is considered reasonable to conclude that these constraints acted as a deterrent to potential investors, given that no offers even below the asking price were pursued.
- 10.8 Paragraph 121 of the NPPF states that 'Local planning authorities should also take a positive approach to applications for alternative uses of land which are currently developed but are not allocated for specific purposes in plans, where this would help to meet identified development needs. In particular, they should support proposals to (criteria relevant to this application):
- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and

viability of town centres and would be compatible with other policies in the framework.'

- 10.9 This proposal is for a care facility and not dwellings and so the proposal would not contribute to the deficit in the housing supply within the Borough. However, the Richmond Fellowship currently occupies 3 sites within the Borough and one of these sites (Manchester Road) is considered to no longer be fit for purpose. The scheme would provide a larger replacement than the existing development on Manchester Road (which contains 4 self-contained units and 11 bedrooms with shared communal facilities), indicating that there is demand for this type of accommodation.
- 10.10 Tameside and Glossop Clinical Commissioning Group have written in support of the application. The representation from the Group explains that there is an NHS contract in place with the applicant to provide specialist supported rehabilitation for 32 people with long term, complex mental health needs in three buildings. The Richmond Fellowship have been delivering the service since 2011, successfully retendering for the renewed contract from April 2018.
- 10.11 The representation from the Group states that Richmond Fellowship has been a leading provider of specialist mental health services in England since 1959. Nationally, Richmond Fellowship manages over 150 services and has been commissioned to provide supporting housing service in Tameside and Glossop since 2013. The current contract requires the Richmond Fellowship to develop a new site to replace the existing Manchester Road facility, which currently comprises mainly shared accommodation and therefore does not provide the standard of accommodation that the NHS requires for health services within Tameside and Glossop.
- 10.12 The fact that there is a contractual arrangement in place with the NHS indicates that there is clear demand for the services being provided by the applicant and there is a service based need to find an alternative site. The site is not specifically allocated as an employment site in the UDP and the development would be meeting an identified need through the redevelopment of a brownfield site. These factors are considered to be positive elements that are worthy of significant weight in the determination of this application. Whilst the marketing exercise is considered to have been limited by the price attributed to the land, the harm arising from this is considered to be weakened by the environmental constraints of the site from an employment land perspective, as highlighted by the Council's Economic Development team. This evidence suggests that the loss of the employment use would not undermine key economic sectors within the Borough, as required by paragraph 121 of the NPPF.
- 10.13 In weighing up the principle of development, it is considered that the benefits of providing a viable re-use of a now vacant brownfield site that is constrained in relation to re-use for employment outweigh the limited harm arising from the loss of the unallocated employment land, given the guidance within the NPPF quoted above.
- 10.14 The need for the development, as demonstrated by the comments provided by the Tameside and Glossop Clinical Commissioning Group is considered to outweigh the limited harm arising from the loss of the employment site, therefore complying with the caveat in UDP policy E3, representing a regeneration benefit. As such, the principle of development is considered to be acceptable, subject to all other material considerations being satisfied.

## **11.0 CHARACTER**

- 11.1 It is acknowledged that the building would be taller than the existing structures on the site and taller than the height of the adjacent 2 storey residential properties. However, the amended plans indicate that the eaves height of the proposed building would be below the ridge height of the existing pitched roof building located in the north eastern corner of the site. The first and second floor elements of the proposal would be set off the eastern boundary of the site by approximately 13 metres, by the width of the single storey entrance and storage area, which itself has been set a further metre from the site boundary in the amended scheme.
- 11.2 The separation distance between the taller element of the building (the ridge height of which has been reduced by approximately 0.5 metres in the revised scheme) and the properties adjacent to the eastern boundary of the site, in addition to the fact that there is an area of public open space to the west, ensure that the site sits within its own context within the streetscene, visually distinct from neighbouring development. Given this combination of factors, it is considered that the height of the development would not be detrimental to the character of Rutland Street.
- 11.3 The front building line of the proposed development would be set behind the front building line of the existing dwellings to the east of the site, further emphasising the distinction between the site and those neighbouring properties and reducing the prominence of the 3 storey element on the streetscene. The ridge height of the two 'wings' of the building would be taller than the existing structures on the site. However, the bulk of the design would be reduced to an acceptable degree by the fact that a shorter flat roofed central section would link the two elements and that the roofs would hip away from the eastern and western boundaries of the site.
- 11.4 The elevational treatment of the building would be relatively simple, with a regular pattern to the window openings, which would give the development a vertical emphasis. Whilst gable frontages are not a common feature on the existing streetscene, the simple design and regular form would ensure that the design approach would not be detrimental to the character of the surrounding area.
- 11.5 Following the above assessment, it is considered that the proposals would not result in an adverse impact on the character of the area, subject to conditions requiring the submission of details of the construction materials and the hard and soft landscaping scheme to serve the development. Such conditions are attached to the recommendation.

## **12.0 RESIDENTIAL AMENITY**

- 12.1 The scheme has been amended to pull the building further off the eastern boundary of the site, increasing the separation distance retained between the eastern elevation of the development and the rear elevations of the neighbouring properties at 26 and 28 Corkland Close to 24 metres. The section of the eastern elevation adjacent to the boundaries with those neighbouring properties has been amended so that north and south facing windows would serve those rooms to provide outlook (via a projecting element extending from the main eastern elevation of the building), allowing the secondary windows facing the neighbouring properties to be obscurely glazed. Windows facing northwards and southwards in this location would not prejudice the future development of any neighbouring site.
- 12.2 On the basis that these windows are fixed shut (which can be reasonably be secured by condition), there would be no opportunities for direct overlooking from those

rooms within the development into those neighbouring properties. The remainder of the eastern elevation to the south of this point would not contain any openings and the nearest windows to the north of this point would be over the single storey element, which would have a sufficiently oblique relationship with no. 26 or 28 Corkland Close, to the extent that would prevent unreasonable overlooking into those neighbouring properties.

- 12.3 These amendments ensure that the scheme would comply with the requirements of the Residential Design Guide (RDG), which requires a separation distance of 24 metres to be retained between a 3 storey building and a neighbouring 2 storey building, where habitable rooms face each other. An additional 2 metres are to be added in this case to reflect the drop in levels between the application site and Corkland Close.
- 12.4 As the proposed windows that would have that relationship with those neighbouring properties would be obscurely glazed and fixed shut, the required separation distance reduces to 19 in total. The amended scheme exceeds this separation distance by 5 metres. Following amendments to the original submission, the proposals would not result in adverse overlooking into or overshadowing of those neighbouring properties therefore.
- 12.5 The western gable of the property at 39 Rutland Street, adjacent to the north eastern corner of the site, contains a door with glazing panel in the side elevation of the rear extension to that property. That door serves a room which contains windows on the south facing rear elevation of the extension. As such, the window within the door on the side elevation is a secondary window and any overlooking into that opening would not adversely affect the residential amenity of that dwelling, as the primary windows on the southern elevation are set at 90 degrees from the eastern elevation of the proposed building. The separation distance to be retained (approximately 15 metres) between the eastern elevation of the proposed building and the common boundary would prevent unreasonable overshadowing of that neighbouring dwelling.
- 12.6 The separation distance between the rear elevations of the properties on Marshall Court to the west of the site and the western boundary of the land would be in excess of 30 metres. The separation distances to be retained to each of those dwellings would prevent unreasonable overlooking into or overshadowing of those properties.
- 12.7 The recessed position of the front elevation of the building would ensure that a separation distance in excess of 22 metres would be retained to the corresponding elevations of the properties on the northern side of Rutland Street. This separation distance would ensure that there would be no unreasonable overlooking into or overshadowing of those properties.
- 12.8 A substantial separation distance would be retained between the southern elevation of the building and the properties on the opposite side of the railway line to the south of the site, ensuring that the proposed scheme would not result in an adverse impact on the residential amenity of any of those properties.
- 12.9 In relation to the impact of the proposed boundary treatment, it is acknowledged that a significant proportion of the 2.1 metre high fence would be visible above the height of the boundary treatments within the gardens of the neighbouring properties on Corklands Close. However, given the length of the gardens of those properties (each being in excess of 10 metres) and the fact that a 2 metre fence could be installed on this boundary without requiring planning permission, it is considered that this element

of the proposals would not result in an overbearing impact or overshadowing that would harm the residential amenity of those neighbouring properties.

- 12.10 Following the above assessment, it is considered that the amended scheme would preserve the residential amenity of neighbouring properties and the future occupants of the proposed development.

### **13.0 HIGHWAY SAFETY**

- 13.1 The scheme includes provision for 8 car parking spaces. Policy T10 of the UDP indicates that 1 car parking space should be provided per 4 bedrooms within a care/nursing home. Given that the proposal includes accommodation for care staff to stay on the premises, it is considered that the provision of 7 standard and 1 disabled parking spaces would achieve the requirement of the UDP in relation to car parking requirements. Provision is also made for cycle storage within the single storey element of the building, adjacent to the entrance, which would provide an alternative mode of transport to the private car for employees making trips to and from the site.
- 13.2 The Local Highway Authority has raised no objections to the proposed access arrangements or the impact of the trips generated by the development, as set out in the Transport Statement submitted with the planning application. Whilst the concerns raised by local residents regarding congestion in the locality are noted, the impact of trips generated by the proposed development and associated demand for parking must be considered within the context of the extant use of the site.
- 13.3 Whilst only part of the former industrial site has been occupied until recently, in excess of 1300 square metres of floor space has an extant B2 (general industrial use) on the site. Using the Council's Developer Contributions calculator, this size of industrial space is anticipated to generate approximately 180 daily trips. The Transport statement submitted with the application indicates that the largest building attracted between 20 and 30 trips a day and so the reality on this site may have been less than the calculator. Given that an MOT testing facility has also operated on the site in the past, it is reasonable to assume at least 50 daily trips to and from this site when in commercial use. In comparison, given the nature of the occupation of the proposed development, it is considered that the maximum daily trip rate would be significantly less (anticipated to be 32 two - way trips in the Transport Statement). HGV movements would also be far less frequent in relation to the proposed use in comparison to the extant situation.
- 13.4 The Local Highway Authority has recommended conditions be attached requiring the laying out of the car parking spaces as indicated on the approved plans prior to occupation of the development, details of an external lighting scheme to serve the development and the submission and approval of a condition survey of the highway. The conditions relating to car parking layout and external lighting are considered reasonable to ensure that the development preserves highway safety and the amenity of the surrounding area. A condition survey of the highway is considered not to be necessary as any impact in this regard during the construction phase of the development can be addressed under powers available to the Council as Local Highway Authority. Details of a construction environment management plan, to mitigate any adverse impact on the amenity of neighbouring residents, can also be secured by condition.
- 13.5 On the basis of the above assessment, it is considered that the proposals would not result in a severe impact on highway safety. In accordance with the guidance

contained within paragraph 109 of the NPPF, planning permission should therefore not be refused on highway safety grounds.

## **14.0 FLOOD RISK**

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have raised no objections to the proposals, subject to a condition requiring the submission and approval of a sustainable drainage strategy. This requirement, along with the details of on-going management and maintenance can be secured by condition.

## **15.0 OTHER MATTERS**

- 15.1 A condition requiring an investigation into sources of contamination on the site is recommended by the Borough Contaminated Land Officer. Such a condition is considered to be reasonable given the industrial nature of the previous uses of the site. This condition can be adapted to include a similar investigation into coal mining legacy, as requested by the Coal Authority.
- 15.2 In relation to ecology, the Greater Manchester Ecology Unit has raised no objections to the proposals, subject to the imposition of conditions requiring adherence to the precautionary measures listed in the Bat Survey in relation to potential bat activity on the site during the demolition phase of the development and the provision of biodiversity enhancement measures within the scheme. These conditions are considered to be reasonable and can be attached to the decision notice. It is also considered reasonable to condition the submission of details of the species to be incorporated within the sedum roof to be installed over the single storey flat roofed element of the scheme and details of the ongoing management and maintenance of this roof to ensure that it represents a biodiversity enhancement
- 15.3 The Borough Tree Officer has raised no objections to the proposals on the basis that most of the existing significant vegetation on the site is to be retained and the proposed new tree planting indicatively shown on the proposed plans would be appropriate to the site. The specific details of proposed landscaping scheme in terms of species, location and number of specimens to be planted, along with details of maintenance can be secured by condition.
- 15.4 In relation to designing out crime, a Crime Impact Assessment (CIA) has been submitted with the planning application. The CIA highlights a number of positive elements in relation to the design approach, including the redevelopment of a vacant site, the fact that the use would include on site management on a full time basis and that the design would allow natural surveillance of the front entrance to the site from Rutland Street. Recommendations have been made in relation to improvements that could be made, including the treatment of the northern boundary of the site, the introduction of external lighting and physical measures to be installed within the building/ as part of the fabric. Greater Manchester Police have reviewed the CIA and have raised no objections to the proposals, subject to the imposition of a condition requiring compliance with the measures detailed in Section 4 of the report. Such a condition is considered to be reasonable and is attached to the recommendation.
- 15.5 In relation to bin storage, an area is indicatively shown adjacent to the northern boundary of the site for the storage of all refuse. It is considered reasonable to attach a condition requiring details of the exact size and details of the means of enclosure of

this external storage area, as recommended by the EHO. Such a condition is attached to the recommendation, as is a condition limiting the hours of work during the construction phase of the development.

- 15.6 Network Rail on behalf of the Rails Industry's Suicide Prevention Programme has objected to the proposals on the basis that the scheme places a supported living accommodation unit which will support vulnerable people, near the railway line and close to Stalybridge Station. Their concern relates to the fact that the proposed facility could be used to accommodate people with mental health issues and that a relatively high proportion of those committing suicide on the railway network since 2017 have had a history of such issues.
- 15.7 Whilst those concerns are noted, the proposal is to provide a managed facility, which would include the installation of a 2.4 metre high fence on the southern boundary of the site, adjacent to the railway line. The nature of the proposed use and the physical stature of the proposed boundary treatments are considered sufficient to reduce the likelihood of vulnerable individuals being able to access the railway line. On that basis, officers are of the view that the risk to the safety of the railway network is not sufficient to demonstrate harm that would warrant refusal of the application.
- 15.8 In relation to the comments made by objectors not already covered in this report, it is important to acknowledge that the material planning considerations are limited to the impact of the proposed use and the physical building only. A use falling within class C2 of the Use Classes Order relates to a facility where full time care is provided on site, with the specific needs of the individuals in receipt of care not being specified in the Order. A C2 use could therefore be an elderly persons nursing home or people with a range of medical needs which require them to reside in a care home.
- 15.9 As such, whilst it is the case that the applicant is a supplier of care for people with mental health conditions, the nature of those conditions is not material to the assessment of the planning application. The fact that the facility would be staffed at all times and would include communal living areas as well as self-contained units clearly distinguishes the development from C3 dwellings. The layout has been endorsed as appropriate by the NHS, who would be in charge of managing the contract awarded to the facility. The material planning considerations relate solely to the environmental impacts of the development, which have been assessed in this report.
- 15.10 The comments from the local Ward Councillors regarding the suitability of the location are noted. This application has to be determined on its individual merits. There is no planning based reason to require the applicant to undertake a sequential test into potential alternative sites for the development, as the site is not located in the Green Belt or in an area at a higher risk of flooding. The surrounding area is characterised by residential development and the proposal is for a residential institution.
- 15.11 This is considered not to be an incompatible use in planning terms in this location therefore. Whilst the accommodation would not take the form of open market dwellings, the impact on the amenity of neighbouring properties through noise and disturbance would not be dissimilar to such a use and traffic generation is likely to have less impact than a C3 use. Officers therefore consider that the application can be determined in its current form without requiring the applicant to undertake a sequential test.

## **16.0 CONCLUSION**

- 16.1 The development is considered to be acceptable in principle. The proposal would result in the redevelopment of a former employment site for a use falling outside of the B use classes (traditional employment uses). Whilst the site has been marketed for approximately 12 months, the price at which it was marketed appears to have included an element of 'hope' value, which is contrary to the PPG. As such, the weight to be given to the lack of demand recorded during this exercise for retaining the site in employment use in conducting the planning balance is reduced.
- 16.2 Nevertheless, the constrained nature of the site in terms of redevelopment for employment use is recognised, particularly in relation to the close proximity of neighbouring residential properties and any uses involving HGV movements from a highway safety and amenity perspective. In addition, the Economic Development team's response to the application has highlighted the weakness provided by the site's severance from the major industrial area to the south by the railway line.
- 16.3 The harm arising from the loss of the employment site must also be weighed against the benefit of providing a development which the NHS has indicated is required in order to replace an existing facility in the Borough and provide the required standard of accommodation for vulnerable people. Whilst not a traditional employment use, it is also the case that the proposal would include some element of employment and would not constitute open market residential development. On the basis of these factors, the harm arising from the loss of the employment site is considered to be worthy of less weight than the benefits arising from the proposals.
- 16.4 The proposed development would not result in an adverse impact on the character of the surrounding area for the reasons detailed in section 11 of this report. Following amendments to the scheme, the separation distances to the dwellings to the east of the site is considered to preserve the residential amenity of those properties, with no other dwellings adversely affected by the scheme.
- 16.5 In relation to highway safety, there are no objections to the proposals from the Local Highway Authority. The level of parking provision is considered to be adequate for the proposed use and whilst the concerns of local residents regarding congestion are noted, the trip generation resulting from the extant industrial development would be significantly greater than the proposed use. This assessment is corroborated by the lack of objection from the Local Highway Authority.
- 16.6 There are no objections from any of the statutory consultees, other than from Network Rail on behalf of the Rails Industry's Suicide Prevention Programme. For the reasons given in paragraph 15.7 of this report, it is considered that this objection could not be substantiated at appeal as a reason for refusing planning permission.
- 16.7 Following the above assessment, the proposals are considered to comply with the national and local planning policies quoted previously in this report.

## **RECOMMENDATION**

Grant planning permission, subject the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby approved shall be carried out in accordance with the following approved plans/details:

Amended proposed site plan (Ref. 1063 A 001 Rev. B)

Amended proposed ground and first floor plans (Ref. 1063 A 002 Rev. B)

Amended proposed second floor and roof plans (Ref. 1063 A 003 Rev. B)

Amended proposed elevations plan (Ref. 1063 A 004 Rev. B)

Amended proposed boundary treatments plan (Ref. 1063 A 006 Rev. B)

Refuse store plan and elevations (Ref. 1063 A 108)

3. 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 and/or affected by coal mining legacy issues 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 coal mining legacy effects/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, land stability and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation.

- iii) Any additional or unforeseen contamination and/or coal mining legacy issues 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.

4. Notwithstanding any description of materials listed in the application or detailed on the approved plans, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (Ref. 1063 A 001 Rev. B), prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.

5. The boundary treatments to be installed as part of the development hereby approved shall be installed in accordance with the details shown on plan ref. approved plans 1063 A 006 Rev. B prior to the first occupation of any part of the development and shall be retained as such thereafter.
6. 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.

7. The refuse storage arrangement to serve the development hereby approved shall be installed in accordance with the details shown on approved plan ref. 1063 A 108 (refuse store plan and elevations), in the location identified on plan ref. 1063 A 001 Rev. B (proposed site plan) prior to the first occupation of the development and shall be retained as such thereafter.
8. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:
  - A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting
  - A plan showing the location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

9. The approved scheme of landscaping scheme shall be implemented before the first 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 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.
10. 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. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details

of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.

11. Prior to the first occupation of any part of the development hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.
12. Prior to the first occupation of any part of the development hereby approved, the crime reduction measures detailed in Section 4 of the Crime Impact Assessment submitted with the planning application shall be implemented and evidence that Secured by Design accreditation has been achieved shall be submitted to and approved in writing by the Local planning Authority. The development shall be retained as such thereafter.
13. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
14. No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved has been 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 enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
15. No development above ground level shall commence until details of renewable energy generation measures to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specifications of the measures to be installed and information demonstrating the extent of the energy requirements of the development that will be provided by renewable sources. The renewable energy generation measures shall be installed in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.
16. The development shall be carried out in accordance with the precautionary measures detailed in Section 4.5 of the Preliminary bat Survey report produced by Brimstone Ecology (version 3 dated 17 March 2019) submitted with the planning application.
17. 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.

18. Prior to the first occupation of any part of the development, the windows marked 'opaque' on the following approved plans shall be fitted with obscured glazing (meeting Pilkington Standard level 3 in obscurity) and shall be fixed shut:

Amended proposed ground and first floor plans (Ref. 1063 A 002 Rev. B)  
Amended proposed second floor and roof plans (Ref. 1063 A 003 Rev. B)

The development shall be retained as such thereafter.

19. The secured cycle parking facilities indicated on plan ref. 1063 A 002 Rev. B (Amended proposed ground and first floor plans) shall be implemented in accordance with the approved details prior to the first occupation of any part of the development hereby approved and shall be retained free from obstruction for their intended purposes thereafter.

20. No development above ground level shall commence until details of the sedum roof to be installed on the single storey element of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

- Scaled plans (including sections) showing the extent of the areas to be covered by the sedum roofs
- The species mix to be incorporated into the sedum roof
- Details of a scheme for on-going management and maintenance of the sedum roofs.

The sedum roof shall be installed in accordance with the approved details prior to the first occupation of any of the apartments and shall be retained in accordance with the approved management arrangements.