

**Application Number** 20/00174/FUL

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| <b>Proposal</b>          | Full planning permission to vary condition 2 (approved plans) and remove condition 5 (balcony details) of planning permission 18/01102/FUL |
| <b>Site</b>              | Site of former Moss Tavern Public House, Ashton Road, Droylsden  |
| <b>Applicant</b>         | Mr T. Upall  |
| <b>Recommendation</b>    | Grant planning permission subject to conditions  |
| <b>Reason for Report</b> | A Speakers Panel decision is required because the application constitutes major development.   |

## **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks full planning permission to vary condition 2 (approved plans) and remove condition 5 (balcony details) of planning permission 18/01102/FUL, which approved the redevelopment of the site to provide a 3 storey development comprising 23 residential units with associated car and cycle parking facilities.
- 1.2 The amendments sought in this application relate only to the removal of the recessed balconies that were to be provided for each of the units in the originally approved scheme. The number of units would remain the same and the height of the development would be 3 storeys with a flat roof design, as per the original approval.
- 1.3 Condition 5 of the original approval required details of the screens to be provided to the balconies on the rear elevation of the building to be submitted and approved, to ensure that the residential amenity of neighbouring properties would be adequately preserved. This condition would become obsolete should the variation to the approved plans condition be accepted.

## **2.0 SITE & SURROUNDINGS**

- 2.1 The application site is the site of the former Moss Tavern, which has recently been demolished. The site fronts on to Ashton Road in Droylsden. The previous building occupied the south eastern corner of the overall site, with the western portion of the land covered by hardstanding (location of the former car park), the eastern part of the site being an enclosed grassed area. Three storey residential development is located adjacent to the western boundary of the site (accessed via Redesmere Close) and there are two terraces of residential development to the north of the site (on Tatton Mere Drive), the southern gables of which face the northern boundary of the application site. Those terraces are two storeys in height.

## **3.0 PLANNING HISTORY**

- 3.1 18/01102/FUL - Full planning application for the redevelopment of the site of the former Moss Tavern Public house through the erection of a 3 storey development comprising 23 residential units with car and cycle parking provision and associated facilities - approved.
- 3.2 17/00216/FUL - Demolition of the existing public house and the redevelopment of the site to provide a 3 storey mixed use development, including 17 residential units and 1 ground floor retail unit, with associated car and cycle parking facilities – approved.

- 3.3 14/00861/FUL - Demolition of existing public house and erection of a four storey apartment building containing 33 no. two bed and 1no. one bed apartments and associated works – application refused and subsequent appeal dismissed.
- 3.4 82/00655/FUL – extensions to form games room, toilets and construction of new access to the highway.
- 3.5 There are other historic planning applications relating to the site but these were associated purely with the former public house use and therefore do not affect the proposal being considered in this application.

#### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**

Not allocated, within the settlement of Droylsden

##### **Part 1 Policies**

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

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

C1: Townscape and Urban Form  
H1: Housing Land Provision.  
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  
N3: Nature Conservation Factors  
N4: Trees and Woodland  
N5: Trees Within Development Sites  
N7: Protected Species  
OL10: Landscape Quality and Character  
T1: Highway Improvement and Traffic Management.  
T10: Parking  
U3: Water Services for Developments  
U4: Flood Prevention.  
U5: Energy Efficiency

#### **4.4 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; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### **4.5 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 efficient use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the Natural Environment

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

4.7 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.

#### **5.0 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.

#### **6.0 RESPONSES FROM CONSULTEES**

6.1 Borough Environmental Health Officer (EHO) - no objections to the proposals.

#### **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 No representations have been received.

#### **8.0 ANALYSIS**

8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application.' The original planning permission will continue to exist.

8.3 The principle of development was established through the granting of planning permission ref. 18/01102/FUL. This application seeks to make minor amendments to the extant permission.

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

- The impact of the revisions to the previously approved scheme on the character of the surrounding area; and
- The impact of the revisions to the previously approved scheme on the residential amenity of neighbouring properties

## **9.0 CHARACTER**

9.1 The proposed amendment would not alter the scale or siting of the building within the plot. The recessed balconies did add an element of interest to the long space at the front and rear elevations of the building in the approved scheme. In the proposed revisions, the variation to the brickwork around the larger window openings on both the front and rear elevations would help to break up the mass of the building.

9.2 It is also considered necessary to require the frames within the opening to be recessed by a minimum of 150mm, which, in addition to the variation in the pattern of the brickwork, would help to reduce the bulk of the development, the front elevation of which would be relatively close to the back edge of the footway on Droylsden Road.

9.3 The parking and access arrangements to serve the development would remain unaltered from the extant permission, as would the points of entry into the building. The porch hood features around the pedestrian accesses on the front and rear elevations would be retained, which would further help to break up the mass of the development.

9.4 Following the above assessment, it is considered that the proposed amendments to the extant scheme would not result in an adverse impact on the character of the site or the surrounding area.

## **10.0 RESIDENTIAL AMENITY**

10.1 The fact that the building would remain sited in the same location on the land as the extant scheme ensures that the separation distances to be retained to all neighbouring properties would remain as per the extant scheme. The infilling of the balconies on the rear elevation is therefore considered not to result in a material change to the impact of potential overlooking from the development into the amenity space associated with the neighbouring properties to the north of the site from the extant scheme. The amendments would not result in additional overshadowing of any of the neighbouring properties.

## **11.0 OTHER MATTERS**

11.1 The proposals would retain the same level of car and cycling parking provision and access point from Droylsden Road as approved under the extant scheme. No material change would result in relation to highway safety therefore.

11.2 The bin storage arrangements and impact on trees would also remain unchanged from the extant scheme. Appropriate conditions were attached to the extant planning permission and can be re-imposed should this variation of condition be approved.

- 11.3 Condition 1 of the recommendation reflects the fact that the 3 year commencement period of the original consent cannot be extended. Condition 2 has been amended to include the revised proposed plans and condition 5 of the original consent has been deleted. All of the other conditions attached to the original permission remain relevant and necessary and are therefore proposed to be re-imposed.
- 11.4 The Section 106 Agreement attached to the extant planning permission did not contain reference to any approvals granted under Section 73 of the Town and Country Planning Act. The recommendation relating to this application therefore includes a requirement to amend the Section 106 accordingly prior to the issuing of any planning permission.

## **12.0 CONCLUSION**

- 12.1 The minor nature of the modifications to the elevations of the development are considered not to result in a detrimental impact on the character of the area or the residential amenity of neighbouring properties.
- 12.2 The proposals are therefore considered to comply with the relevant national and local planning policies quoted above.

## **RECOMMENDATION**

Grant planning permission, subject the prior completion of a deed of variation to the Section 106 Agreement attached to the extant planning permission and the following conditions:

1. The development must be begun not later than the expiration of three years of 08.10.2019 (i.e. the date on which planning permission ref. 18/01102/FUL was approved).
2. The development hereby approved shall be carried out in accordance with the following approved plans:
  - Amended proposed elevations plan (Plan ref. 927 A 104 Rev. D)
  - Amended proposed street scene plan (Plan ref. 927 A 105 Rev. C)
  - Proposed boundary treatment plans and details (Plan ref. 927 A 107 Rev. B)
  - Proposed ground and first floor plans (Plan ref. 927 A 102 Rev. C)
  - Proposed second floor and roof plans (Plan ref. 927 A 103 Rev. B)
  - Proposed site layout plan (Plan ref. 927 A 101 Rev. E)
  - Proposed elevation detail plan (Plan ref. 927 A DR 108)
3. Notwithstanding any description of materials in the application form or 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.
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. Prior to the first occupation of the dwellings, details of all hard and soft landscaping to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include scaled plans showing the location of tree planting and a schedule of plants and trees including dimensions, maturity on planting and proposed numbers/densities. The scheme shall indicate the location of 1 x London Plane to be planted on the Ashton Road frontage and 2 x Cypress Oak trees to be planted adjacent to the access road and at the rear of the site. These species shall be heavy stock as defined by BS 3936-1 on first planting. The hard landscaping details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details.
6. The approved soft 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.
7. Prior to the first occupation of any part of the development hereby approved, a noise impact assessment and details of the measures to be incorporated within the building to mitigate the impact of noise generated by traffic on Ashton Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of the mitigation measures to be installed, indicating that noise levels within the building would not exceed existing background noise levels (both measurements to be given in dBA). The approved mitigation measures shall be installed prior to the first occupation of any part of the development and shall be retained as such thereafter.
8. 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;
  - Details of on-site storage facilities;

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

9. Notwithstanding the details shown on the approved plans, prior to the commencement of development above ground level, details of the refuse storage and collection arrangements to serve the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the communal storage and the design of the means of enclosure. Details of the capacity if the storage shall also be provided. The bin storage arrangements shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved and shall be retained as such thereafter.
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. No development above ground level shall commence until details of the specific crime prevention measures to be included in an application for Secured by Design Status and evidence that this status has been granted have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures 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 of the dwellings 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 of the dwellings and shall be retained as such thereafter.
13. No development above ground level shall commence until details of an electric vehicle charging strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the number of charging points to be installed, their location within the development and details of the management and maintenance of these facilities. The electric vehicle charging infrastructure shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.
14. 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.
15. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.

16. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (Plan ref. 927 A 101 Rev. E) prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
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. Notwithstanding the details shown on the approved plans, the outer edge of the frames to be installed within the openings on the elevations of the development hereby approved shall be recessed 150mm behind the outer face of the elevation of the building, prior to the first occupation of any of the dwellings. The development shall be retained as such thereafter.