

<b>Application Number:</b>	22/00472/OUT
<b>Proposal:</b>	Outline planning application for three-storey building comprising 18no. apartments, with parking, access and associated works (access, appearance, scale and layout applied for).
<b>Site:</b>	Emerald and Pearl Street, Denton, Tameside, M34 3GZ
<b>Applicant:</b>	Real Estate Aventure Ltd
<b>Recommendation:</b>	Refuse planning permission.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The site relates to an existing group of buildings, part single and part two storey, operating in employment uses, situated adjacent to Pearl Street and Emerald Street in Denton.
- 1.2 The site is not allocated for any particular purpose. It lies outside of Denton town centre but is within walking distance of it.
- 1.3 The immediate area, including the site and the buildings to its south and west, is characterised by employment uses, including car repair garage and car repair shop, and a ventilation engineering company, which are all in general industrial use. To the immediate north are other single storey employment buildings. To the east is a medical centre and car park serving that facility. Residential uses are situated away from the immediate site, further to the west along Pearl Street and to its south. Commercial uses fronting Manchester Road are situated to the north of the site, and some of these include residential uses above.

## **2. PROPOSAL**

- 2.1 The application proposes the demolition of existing buildings on the site, and the erection of a three storey building, to contain 18no. apartments, alongside parking, access and associated works. The application is an outline application, with access, appearance, scale and layout applied for.
- 2.2 12no of the apartments would have one bedroom, and 6no would include two bedrooms.
- 2.3 The building would include generally uniform window styles to each of its elevations. To the entrance at the front elevation, a vertical row of windows would feature above the main doors. The elevations are to be finished in brick, with a recessed brick course to the corner of the elevations. A contrasting brick plinth course is then proposed to the base of the building. Some of the windows to two elevations would feature Juliet balconies.
- 2.4 Externally, some amenity space is proposed around the building, and parking for 12 cars is proposed to the front. The access is to be off Pearl Street. A refuse store is proposed adjacent to Emerald Street at the side of the building.

### **3. PLANNING HISTORY**

- 3.1 05/00462/OUT – Residential development comprising 10no. apartments in two blocks (outline) – Refused June 2005 for the following reasons:
1. The prevention of crime has not been adequately addressed in the proposed layout. The development therefore fails to comply with Policy H10 (e) of the Tameside UDP.
  2. The siting of the proposed dwellings adjacent to existing commercial/industrial uses would detract from the enjoyment reasonably expected from future occupiers by virtue of overshadowing, overlooking and the creation of a poor outlook and would therefore conflict with policy H10 of the Tameside UDP.
  3. The proposed development would by virtue of its siting conflict with the privacy distances standards given in Development Policy Guidance Note 2 'Residential Development'.
- 3.2 05/01325/OUT – Residential development comprising 2no. terraced houses and 6no. 2 bedroom apartments (outline) – Refused November 2005 for the following reasons:
1. The siting of the proposed dwellings adjacent to existing commercial/industrial uses would detract from the enjoyment reasonably expected for future occupiers by virtue of the creation of a poor outlook and would therefore conflict with Policy H10 of Tameside's Unitary Development Plan.
  2. The proposed development would, by virtue of its siting, conflict with the privacy distances guidelines in Tameside's 'Residential Development Guidelines' SPD.
- 3.3 15/00406/OUT - Sheltered housing development comprising 3 storey building containing 18 apartments. (Outline Application with ALL matters except Landscaping submitted for approval) – Refused December 2015 for the following reasons:
1. The applicant has failed to submit sufficient information to satisfactorily demonstrate that a non-employment use is suitable on a site last used for employment purposes. As such the proposal is contrary to both Policy E3 of the UDP and the Council's adopted Employment Land SPD.
  2. The proposed development by reason of its scale, height, massing, design and relationship to site boundaries results in a building which is unduly intrusive in the street scene and out of keeping with the character of the area. As such the proposal is contrary to Policies C1 and H10 of the UDP and the Council's adopted SPD Residential Design and section 7 of the NPPF.
  3. The proposed development by reason of its size, scale, mass and sub-standard separation distance to existing residential properties on Pearl Street would have a visually overbearing impact and result in serious overlooking over a short distance to the detriment of the reasonable amenity and privacy of occupiers thereof. As such the proposal is contrary to Policy H10 of the UDP, the Council's adopted SPD Residential Design and guidance contained at paragraph 17 of the NPPF.

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or

out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

#### Tameside Unitary Development Plan (2004)

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

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.9: Maintaining Local Access to Employment and Services;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

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

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- H1: Housing Land Provision
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

#### **Places for Everyone**

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.8 Paragraph 48 of the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.9 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.10 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.11 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.12 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone

### **Other Considerations**

- 4.13 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.14 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press

## **6. SUMMARY OF THIRD PARTY RESPONSES**

6.1 In response to the neighbour notification letters, there have been 15 letters of objection received. The concerns raised within the letters of objection are summarised below:

- The proposed building is too high, and would restrict sunlight to neighbouring properties;
- The proposed development would overlook neighbouring properties, causing amenity and privacy concerns;
- The proposed building is out of keeping with surrounding properties;
- The proposed development would cause unacceptable parking issues, particularly on Pearl Street and adjacent to the proposed access;
- The proposal should involve the upgrade of Emerald Street to an adoptable standard. Access to Pearl Street is unacceptable;
- Hazardous materials have previously been burned on the site;
- The building has been poorly maintained in the past;
- The adjacent business generates noise, using machinery and manufacturing processes. The proposed development would unduly impact upon those businesses;
- The applicant has not demonstrated that they own Emerald Street;
- The development would cause additional pollution;
- Access onto Pearl Street from the development site has been created in the past without approval;

6.2 An objection letter has also been received from Mr Andrew Gwynne MP, jointly with Councillors Brenda Warrington, Michael Smith and George Jones, raising the following concerns:

- The proposed off-street parking provision of 12 spaces would be insufficient, and the site would be accessed via Pearl Street;
- Those cars unable to find a space would overflow into Pearl Street, with an area taken up to create the access;
- Pearl Street is already narrow and there are difficulties with deliveries. There is insufficient space for those vehicles to turn;
- It is recommended that no access be taken from Pearl Street, and that Emerald Street be upgraded in order to provide access;
- It is noted that Denton train station is served by only two trains a week, and close accessibility to public transport does not necessarily negate the requirement to a private car;
- Serious concerns regarding the site owner's assurances regarding waste disposal. There is a large amount of asbestos roofing on the site, and up until the end of July 2021 when the Council's Environmental Services served a notice, the owner held daily/nightly bonfires, burning the asbestos roofing and other building waste. The fire services also had to attend the site in July 2021.

## **7. RESPONSES FROM CONSULTEES**

7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a construction environment management plan; a scheme for cycle parking provision; a highway condition survey; a scheme for off-site highway works; a scheme for the future management and maintenance of Emerald Street; and implementation of the car parking and access facilities.

7.2 United Utilities – No objections, subject to a condition requiring a surface water drainage scheme. Advises that public sewer crosses the site.

7.3 Lead Local Flood Authority (LLFA) – No objections, subject to a condition requiring a surface water drainage scheme.

- 7.4 Greater Manchester Ecology Unit (GMEU) – Objects to the application. Recommends that a full bat survey be submitted prior to determining the application for approval.
- 7.5 Environmental Health – No objections, subject to conditions requiring acoustic mitigation measures outlined within the submitted noise impact assessment to be implemented; and restrictions on construction working hours. The proposed waste and recycling facilities may not be sufficient for the future development, and details of bin storage arrangements should be provided.
- 7.6 Coal Authority – No requirement to consult, standing advice applies.
- 7.7 Contaminated Land – No objections, subject to conditions requiring a remediation strategy to be undertaken in order to address any unacceptable risks posed by contamination; followed by a verification report to demonstrate all remedial works and measures have been carried out, alongside long term monitoring and maintenance.
- 7.8 Transport for Greater Manchester (TfGM) – Offers advice regarding access arrangements; Traffic Regulation Orders; active travel recommendations; and consideration of cycle provision and travel plans.
- 7.9 Greater Manchester Police Designing Out Crime Officer – No objections. The physical security measures included within the Crime Impact Statement should be implemented.
- 7.10 Waste Management – Advises that proposed bin storage provision is not suitable at present.

## **8. ANALYSIS**

- 8.1 In terms of the principle of housing development, members will be aware that the Council cannot demonstrate a deliverable five-year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries weight in the decision making process. The opportunity to develop the site for 18no. apartments would make a positive contribution to housing land supply, and this should be apportioned due weight in the decision-making process.
- 8.2 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Policy H2 (Unallocated Sites) states that unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use, where this is not specifically allocated for this purpose in the plan. Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. It is noted that the site is in an accessible location, given the sites location within walking distance of Denton town centre, and links to services which would meet the sustainable policy objectives.
- 8.3 This site is not allocated as an ‘established employment area’ on the UDP proposals map, but forms part of a small cluster of established employment premises which front Pearl Street and Emerald Street. Policy E3 of the UDP states that proposals for residential or mixed use development in ‘established employment areas’ or at individual or small groups of existing employment premises not shown on the proposals map, will not be permitted unless, after assessment of the following factors, it is considered that the Borough’s housing requirements and the regeneration benefits of the development outweigh the potential of the site in its present form for future employment use:
- a) the quantity and type of employment sites and premises available in the area, and
  - b) evidence of demand for employment sites and premises in the area, and

- 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.

- 8.4 The adopted Employment Land SPD provides guidance on the suitability of alternative uses within employment areas and on employment sites within the borough. Paragraph 6.43 of the document states that the total loss of an employment site can only be justified where it can be robustly demonstrated that the provision of an employment element cannot be made viable. Evidence must be provided to show that all possibilities to provide an employment element have been exhausted and demonstrated to be unviable. Paragraph 6 in general states that there is a need to safeguard and improve both existing employment sites, and the employment land supply within the borough. Detailed guidance then follows on for proposals involving the loss of employment sites. The guidance is clear that the burden of proof rests on applicants to state why a site is no longer required or suitable for continued employment use. It also states that approval of alternative development will normally only be considered where an applicant is able to clearly demonstrate there is no demand for the site, it is unviable to retain the site and that the character of the area and other policies and proposals in the development plan suggest that the site should be released. Redevelopment for other uses can be allowed on poor quality sites that have become unsuitable or unviable for employment use, in order to realise their potential regeneration benefits.
- 8.5 The applicant has stated in their supporting information that the site had previously been in commercial use for a variety of small enterprises, however considers that the buildings have now fallen into a state of disrepair. The applicant also notes that the site has some commercial buildings adjacent to it, outside of the site's curtilage (primarily to the west and south).
- 8.6 Due to the site not being an allocated 'established employment area', the most recent Employment Land Study does not categorise it by its level of quality for employment purposes. The applicant has stated in the supporting information that demand for employment use in this location has 'consistently and continually evaporated' over recent years. It is however the view of officers that employment land supply in this particular area of the borough has decreased over time, as neighbouring sites have either been developed, or have been lost to non-employment uses. The applicant has not provided an assessment of alternative sites within the area, nor the availability of such.
- 8.7 No information has been provided regarding demand for employment uses within the area, and no information regarding marketing of the site, and of past efforts to gain occupation of the buildings. Without marketing information or evidence of similar, it is considered that no justification has been made to demonstrate a lack of demand for such uses within the area.
- 8.8 As per guidance within the SPD, it is appreciated that in certain cases, the applicant may be able to demonstrate that there is no demand for a site or that the site's buildings are unsuitable for continued employment use due to factors such as their physical configuration, or current state of repair. In these cases, consideration must be given to other options that would enable the site to remain in employment use, and before considering release, the Council will need to be satisfied that either refurbishment of the buildings for employment use, or redevelopment of the site for employment use are not viable. No such justification, including a development appraisal or residual valuation for each option, has been submitted in support of the application.
- 8.9 In land use terms, the site is not suited to a residential use. Although a mixed use area, the buildings immediately bordering the site to the west and south remain in employment use, and to the east a car park is situated serving the adjacent medical centre. Those units immediately to the west and south are small employment premises, appearing to include a car repair garage, and a car body shop repair centre, and include a ventilation engineering

premises. It is therefore assumed that they are in general industrial use. Broadly, this small area in this particular location is heavily characterised by those similar employment uses, with them accessed off Emerald Street within a gated area (signed as 'Emerald Street Industrial Estate'), and fronting the northern side of Pearl Street. Residential uses are situated primarily to the south of Pearl Street and further to its west (at its junction with Emerald Street), and also beyond the northern boundary of the site, fronting Manchester Road, however there are single storey intervening industrial buildings between the site and those properties fronting Manchester Road.

- 8.10 A further concern of the Council is that the proposed development may stifle or restrict future operation and potential development of the existing employment uses within this area, in particular those situated directly adjoining the site. This point is covered in further detail within the Residential Amenity section, below.
- 8.11 Although, as outlined above, the Council cannot currently demonstrate a five year supply of deliverable housing land and this weighs in favour of the development given the proposed provision of housing, this does not outweigh the identified harm by inappropriateness of this location for housing development.
- 8.12 For the reasons set out above, it is considered that residential development in this location is not acceptable in principle terms, and the application fails to justify an acceptable loss of employment land.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 9.2 The site currently consists of a single storey industrial building, and is bordered immediately to its west and south by neighbouring adjoining industrial buildings of the same and two storey scale. Further to the west, and to the south of the site, two storey terraced dwellings front Pearl Street. Immediately to the north are other single storey industrial buildings, and further to the north of them are the rear of large two storey terraced properties which front Manchester Road, and which generally consist of commercial premises with residential properties above. To the east of the site is a part two storey, part single storey medical centre and car park, and further to the west of the site fronting Ruby Street are two storey terraced dwellings. Further from the site within the vicinity are other two storey properties, and this scale of development is what heavily characterises the surrounding area.
- 9.3 The development proposed is a large three storey apartment block, with a varying pitched roof slope.
- 9.4 The development would be widely visible from surrounding public vantage points, particularly along Emerald Street, Pearl Street, and to the east from within the medical centre car park. Views of the building would also be visible from Ruby Street, along Emerald and Pearl Street. It is considered that the large mass of the three storey building and its general scale would be out of keeping with the established character of the immediate area. As mentioned above, the character of the area is primarily of two storey properties, and single storey industrial units adjacent to the site. The scale of the building, particularly in this plot which is closely defined on each side by neighbouring developments, would appear at odds with the defined character of the area and its established grain.



- 9.5 The significant scale of the building would also be particularly prominent from Ann Street, which is situated beyond the medical centre and car park situated to the east of the site. With the medical centre being a part two storey, part single storey building, the proposed building would be widely visible when viewed across the car park area and the single storey roofline, and it is considered that the height and scale of the development would be significantly out of keeping with both the medical centre and surrounding development within the vicinity.
- 9.6 It is also considered that the footprint of the building would largely fill the northern section of the plot, with its wide frontage running east to west across the central section of the site, leaving only a small space either side, and extending out towards its north western corner. The neighbouring buildings which adjoin the plot directly to the west and south would partially screen the front and side of the building, but by nature of its height, scale and generic mass, it is considered that the building would appear 'squeezed' into the plot, representing an alien and incongruous feature within the vicinity which would overwhelm and overdevelop the development site, particularly when viewed from its front and side elevations from Pearl Street and Emerald/Ruby Street.
- 9.7 Aside from the above fundamental concerns of the scheme, concerning its scale, massing, height and siting, the design of the building in respect of its fenestration and external features is generally acceptable. Uniform window openings would feature to the front elevation, with a double door entrance feature below vertical window openings to the centre of the building. Other elevations would have similar window proportions to those which are uniform in style, but Juliet balconies would also feature. These features combined would add interest to the building, and break up the mass of each elevation. Each of the windows would include sill detailing, adding to the interest of the elevations.
- 9.8 In light of the above, officers hold significant concerns regarding the proposal, by virtue of its siting, scale, height and massing. It is considered that the development would be an incongruous and alien feature within an area heavily established by single and two storey properties, which would be widely visible from public vantage points, and would represent an overdevelopment of the plot, squeezed into position at the detriment of the visual amenities of the area.
- 9.9 Officers informed the applicant that the proposed development was considered unacceptable, for the reasons as set out within this report, prior to making a recommendation on the scheme. In response, the applicant provided three draft iterations of an amended proposed site plan, in a draft drawing form, which demonstrated that the building could be rotated slightly, and that additional balcony and external amenity space could be provided. It was not considered however that this would address the officer concerns regarding the scale, height and massing of the proposed development as set out above. The applicant was advised that such a scheme would likely remain unacceptable, and they did not proceed to submit a full set of amended plans. Therefore the application has been assessed primarily on the information submitted.

## **10. RESIDENTIAL AMENITY**

- 10.1 Policy H10 of the UDP states that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, will be required to be of high quality and cause no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Paragraph 187 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they

were established. Where the operation of an existing business could have significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 10.3 As discussed earlier, the site is bordered immediately to the west and south by buildings fronting Pearl Street and the access from Emerald Street, which in this location is characterised by employment and commercial uses. These include a car repair garage and a car repair shop, and a ventilation engineering business (Combi-Vent Eng Ltd) which are general industrial uses, involving industrial processes and fitment of parts, etc. To the north are situated further single storey commercial units. Although generally a mixed use area, this particular point of Pearl Street and Emerald Street is characterised by similar industrial and commercial uses, with residential properties situated primarily to the south of Pearl Street and further to its west (at its junction with Emerald Street), and also beyond the northern boundary of the site, fronting Manchester Road, however there are single storey intervening industrial buildings between the site and those properties fronting Manchester Road.
- 10.4 Siting residential uses within this employment area would result in a poor standard of living for future occupiers, which is likely to be detrimental to their amenity. Although the Council's Environmental Health officers have noted that mitigation measures could be implemented, in order to better soundproof the proposed apartments, the site is situated directly adjoining general industrial businesses. These operations combined would likely cause a poor level of amenity for occupiers of the apartments, with external noise and disturbance being apparent within such close proximity.
- 10.5 Furthermore, the prevailing character of the operations adjacent to the site would create a generally unpleasant and alien living condition for future occupiers, in a confined area of Pearl Street and Emerald Street characterised by industry, being of a general rather than light industrial nature. Whilst mixed uses may be appropriate in other locations, this site is surrounded by employment uses, industrial in nature, and is not suited to residential accommodation.
- 10.6 It is considered that the proposed development should not unduly restrict the operations of existing businesses within the vicinity, in accordance with the requirements of the NPPF as explained above, whilst protecting the amenity of future occupiers of the proposed apartments. As above, the applicant has submitted a noise impact assessment, in order to demonstrate that mitigation measures could be put in place to achieve better soundproofing of the apartments. However, it is noted that the site lies within an established industrial area. It is crucial that, in order to maintain the usefulness of this employment area, that businesses are encouraged to operate and potentially expand – subject to planning permission – without potential unreasonable restrictions, which could arise for example through statutory noise complaints or otherwise. The representation received from the adjacent business has noted their concerns regarding noise associated with their business and potential future complaints. The addition of the building as residential accommodation may potentially impede full use of the employment uses in the future as a result.
- 10.7 With regard to the amenity of future occupiers, it is noted that each of the one bedroom apartments would exceed 37 square metres (sqm) internally, and each of the two bedroom apartments would exceed 61sqm, which are the minimum sizes expected to achieve a reasonable standard of amenity, as outlined within the Government Technical Housing Standards document (nationally described space standard). On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 10.8 Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 21 metres apart, and where habitable room windows face a blank wall, at least 14 metres apart (reduced to 10 metres facing a single storey wall). This distance is increased by an additional three metres for every additional storey (for buildings of three storeys or greater). Proposed apartments which would have habitable rooms within the

western elevation of the building would face toward a two storey building bordering the site boundary, achieving a separation distance of 4.3m, for those units to be situated in the ground and first floor of the building. The majority of those situated within the southern elevation would face a single storey building bordering the site boundary, achieving a distance of 4.0m, affecting the ground floor units and likely those to the first floor. These separation distances are considerably below the distances recommended above, and would provide a very poor level of outlook and sunlight for future occupiers, detrimental to their amenities.

- 10.9 Those units to be situated within the northern section of the building, and including an outlook to the northern elevation, would be situated just 1.3m from the northern boundary of the site, directly overlooking the boundary wall separating the rear yard areas of the properties fronting Manchester Road. This separation distance would again provide a very poor level of outlook for future occupiers, directly facing a blank wall, detrimental to their amenities. Those units to be situated at first and second floor levels would directly overlook the rear yard areas of those properties fronting Manchester Road, which would be unacceptable with regards to privacy impacts (for those yards used for amenity areas for first floor flats above the units fronting Manchester Road), and would unduly stifle any future development within those yard areas due to the considerably close distances involved. Similarly, only approximately 16.5m would separate the windows serving the rear of first floor residential units fronting Manchester Road and the proposed development. The units situated within the furthest eastern section of the building, would be situated just 2.4m from the eastern boundary, overlooking the car park of the adjacent medical centre on Ann Street. These separation distances are unacceptably low, stifling any future development, including potential development or expansion of the medical facilities to the east, given the proposed development is reliant upon the adjacent private land in order to achieve their outlook.
- 10.10 The main residential properties which would be affected by the proposed development are those situated at first floor levels within the properties fronting Manchester Road, to the north of the site. As noted above, approximately 16.5m distance would be achieved between the northern elevation of the building, which is to contain habitable room windows at three storeys, and the rear of those neighbouring properties. This distance is not considered to be acceptable, especially considering the three storey nature of the building, and in addition the first and second floor windows proposed to the north of the building would overlook the rear yard areas of those properties, which may be utilised as outdoor amenity space.
- 10.11 In light of the above, it is considered that both the amenities of future occupiers, and those of neighbouring occupiers, would not be acceptable as a result of the development proposal. In addition, the development would rely on neighbouring private land to achieve outlook to the north and east, which would likely unacceptably stifle future development, possibly including the medical facilities to the east. The close proximity of existing businesses adjoining the site would cause undue amenity concerns through external noise and disturbance from those adjoining employment uses. The close proximity to those businesses may restrict their ability to operate or expand in the future, potentially impeding full use of the employment allocation in future.
- 10.12 Officers informed the applicant that the proposed development was considered unacceptable, for the reasons as set out within this report, prior to making a recommendation on the scheme. In response, the applicant provided three draft iterations of an amended proposed site plan, in a draft drawing form, which demonstrated that the building could be rotated slightly, in order that habitable room windows would not directly face towards windows within neighbouring properties. It was not considered however that this would address the officer concerns regarding lack of outlook and sunlight to the habitable room spaces as set out above, or comply with the recommended spacing standards. In addition, with regards to the location of the site, the concerns remain regarding the close proximity to existing industrial businesses and the impacts of this would remain. The applicant was advised that such a scheme would likely remain unacceptable, and they did not proceed to submit a full set of

amended plans, therefore the application has been assessed primarily on the information submitted.

## **11. HIGHWAY SAFETY & ACCESSIBILITY**

- 11.1 The proposed development would generate only a small amount of vehicle movements, and these are expected to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 11.2 The development proposes 12no. off street car parking spaces. UDP policy requires that 1 parking space per 2 apartments be provided, and therefore the provision would be in excess of this requirement. Furthermore, it is noted that the site is within walking distance of Denton town centre, and therefore is a sustainable location for transport purposes. In addition, the LHA recommend that the development should provide cycle parking provision, which would provide a further sustainable transport method discouraging use of the private car. These measures would be controlled via a condition should the application be approved.
- 11.3 Although the Local Highway Authority is satisfied that the access and egress from Pearl Street can be achieved, they require further information to demonstrate that Emerald Street would be accessible to refuse vehicles. Therefore, they consider that Emerald Street should be brought up to an adoptable standard in order to accommodate those vehicles. A condition could be recommended should the application be approved, in order that the applicant provide details of highway works, and how the highway should be managed or maintained in future once upgraded. Similarly, a condition requiring a condition survey, to ensure the highways are not damaged during the construction process, could be imposed as recommended by the LHA. They also recommend that works to line and pave Pearl Street and Ruby Street where access is gained be undertaken, in order to ensure adequate access to create the access and for pedestrians, and these works could be controlled through the same condition recommended above for highway works.
- 11.4 Should the application be approved, it would be reasonable to impose a condition requiring the submission and approval of a management plan relating to the construction phase of the development.
- 11.5 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, the safety of the access arrangements or car parking capacity, subject to the recommended conditions. The proposals would not result in a detrimental impact on highway safety.

## **12. DRAINAGE AND FLOOD RISK**

- 12.1 The site is located within Flood Zone 1, which is categorised as being at the lowest risk of flooding.
- 12.2 The Lead Local Flood Authority (LLFA) has reviewed the submitted information, and raise no objections to the application, subject to a drainage scheme to be agreed and implemented as per the agreed details. United Utilities make a similar request, and therefore a condition requiring a full sustainable drainage scheme to be submitted could be imposed should the application be approved.
- 12.3 United Utilities also note that a public sewer crosses the site, which they would not permit building over, and also require an access strip for its maintenance or replacement. It is recommended therefore that, should planning permission be granted, the applicant makes early contact with United Utilities in order to ascertain the location of the sewer, and it is noted

that any diversion would be at a cost to the applicant. It is recommended that an informative be attached to any decision notice to inform them of this if the application were approved.

- 12.4 Subject to imposition of the condition as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.
- 12.5 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

### **13. GROUND CONDITIONS**

- 13.1 The site does not fall within the Coal Authority's defined Development High Risk Area. The Coal Authority therefore note that no further information is required, and their standing advice would be relayed to the applicant if the application were approved.
- 13.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The EPU is broadly in agreement with the findings of that report, however they consider that further ground gas migration from the former landfill site situated on Ruby Street would need to be considered. This additional information is required because gas migration in confined sand layers within the natural geology has been found to have occurred in the past. Therefore, if the development includes deeper foundations, or if this sand layer shallows out near the site, then a complete contaminant linkage related to ground gas migration may exist. Conditions are therefore recommended by the EPU to require a remediation strategy to be undertaken, followed by a verification/completion report outlining any remedial works and that they have been undertaken in accordance with the recommendations of that strategy. The condition would ensure any recommended remedial works and measures be implemented prior to first use.
- 13.3 The condition recommended by the EPU is considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and could be imposed should the application be approved.

### **14. ECOLOGY**

- 14.1 Greater Manchester Ecology Unit (GMEU) has reviewed the application, including the submitted inspection and assessment document relating to bats and breeding birds, which has been undertaken by an ecological consultant. The survey found no evidence of bats at the time of the survey, but considered the building to have moderate bat roosting potential. As such, and in line with national guidelines, the assessment recommended that two dusk/dawn surveys be undertaken on the building.
- 14.2 GMEU note that Government Circular 06/2005 provides advice on biodiversity and geological conservation, and specifically statutory obligations and their impact within the planning system. It is established within that guidance, and indeed case law has reinforced this view, that surveys for protected species should not be undertaken post decision; rather they should be carried out prior to the determination of the application.
- 14.3 GMEU advised that such a survey should be undertaken by a licensed bat specialist, and at an appropriate time of year. If bats are found, then appropriate mitigation measures would need to be proposed, in order to demonstrate that the favourable conservation status of bats would be maintained at the site.

14.4 No further information has been provided by the applicant, and therefore the application is not acceptable in this regard, not demonstrating that adequate protection has been afforded to protected species.

## **15. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS**

15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

15.2 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and education contributions as per the requirements of policies H4, H5 and H6 of the UDP.

15.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units. The Housing Needs Assessment identifies an expectation of provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.

15.4 The applicant has confirmed that they would be agreeable to 15% of the proposed units being provided as on-site affordable housing, therefore meeting the requirement of Policy H4 and paragraph 65 of the NPPF. This provision could be secured through a condition or a Section 106 Obligation should the application be approved.

15.5 Regarding green space, small areas of amenity space are proposed to be provided on-site externally, and within walking distance of the site to the east is situated Victoria Park, accessed off Victoria Street and Acre Street, which provides public open recreational space. Noting that 18no. apartments are proposed, the application falls below the threshold for education contributions (25). Contributions towards such are therefore not sought.

## **16. OTHER MATTERS**

16.1 The application is accompanied by a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded the contents of the statement are sufficient. The Designing Out Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The applicant could be advised of this matter by an informative if the application is approved.

16.2 The application has been reviewed by the Council's Waste Management officers. They note that the proposed waste storage area is not sufficient to accommodate the number of bins proposed for the development. It is therefore recommended that, if the application were approved, a condition be imposed requiring the applicant to submit full details of their bin store and recycling facilities, prior to the use commencing. This would ensure that adequate waste storage provision could be provided. The proposals would thereby meet the requirements of the National Planning Policy for Waste (NPPW).

## **17. CONCLUSION**

- 17.1 The application proposes the demolition of existing buildings on the site, and the erection of a three-storey building which would contain 18no. apartments. The site is situated within a mixed use area, and forms part of a grouping of industrial buildings, which are a mix of single and two storey buildings, utilised for employment purposes. The application fails to justify why loss of the employment use would be acceptable in this case, and is therefore contrary to Policy E3 of the UDP.
- 17.2 The site is situated in an area immediately characterised by employment uses, including general industrial which immediately border the site. Residential uses are situated primarily further to the west along Pearl Street and to the south, and to the north along Manchester Road, away from the site. The proposed residential use is not considered suitable in this location. The proposal would result in a poor standard of living for future occupiers, detrimental to their amenity. The prevailing character of the employment operations directly bordering the site would create an unpleasant living condition for future occupiers, with some of the industrial operations being general, and therefore likely to be noisy, in nature.
- 17.3 The proposed use may affect immediate neighbouring businesses ability to operate and potentially expand, without potential unreasonable restrictions, due to the close proximity of residential properties proposed through this application, which would likely lead to noise disturbance and complaints. This may impede full use of the employment use of adjacent businesses in the future.
- 17.4 The building would be three storey in height, in an area characterised by single and two storey buildings. The height, scale and overall massing of the building would therefore appear out of character with the immediate surroundings, and would form an incongruous and alien feature within the street scene. The overall size of the development would represent an overdevelopment of the plot.
- 17.5 The proposed development, whilst providing adequate space internally for future occupants, would fail to provide a sufficient level of outlook and daylight to many of the internal spaces by reason of the close proximity of habitable room windows to neighbouring buildings. In addition, reliance upon outlook over private adjacent land to the north and east for other windows would likely stifle future development within those adjacent sites, and is not considered acceptable.
- 17.6 The application fails to provide adequate protection to protected species, with a full bat survey required to be undertaken and submitted, and any mitigation measures outlined.
- 17.7 The development would provide off-site parking provision, and is to be situated in a sustainable location, with cycle parking also provided. Off-site improvements to highway facilities would improve access and reduce reliance upon the private car. Conditions could be imposed to satisfy these matters should the application be approved.
- 17.8 Although, as acknowledged earlier, the proposed development would contribute to the borough's five year housing land supply, weighing in favour of the application, it is not considered that this would outweigh the harm identified.
- 17.9 For the reasons set out above, the proposal fails to comply with development plan policies C1, E3, H10 and N7, the Residential Standards SPD, the Employment Land SPD, and the National Planning Policy Framework.

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1. The application fails to justify the loss of established employment premises. The requirement to safeguard and improve existing employment premises and the employment land supply within the borough is not satisfactorily justified within the submission, and insufficient evidence to demonstrate there is no demand for the premises or that it is unviable to retain the premises for employment purposes has been provided. The proposals are therefore contrary to Policy E3 of the Tameside Unitary Development Plan and the Employment Land Supplementary Planning Document.
2. The application site is situated in an area immediately characterised and bordered by employment and industrial uses, including general industrial operations which directly border the site. The proposed residential use in this location would result in a poor standard of living for future occupiers, detrimental to their amenity, with prevailing character of employment operations close by creating an unpleasant and alien living situation for future occupiers. The ability of neighbouring businesses to operate and expand without potential unreasonable restrictions in the future, as a result of noise disturbance and complaints, may impede full use of the established industrial premises in the future. The proposals are therefore contrary to Policy H10 of the Tameside Unitary Development Plan and the National Planning Policy Framework.
3. The prevailing nature of the surrounding area is characterised by buildings of single and two storey in height. By virtue of its height, and thereby associated scale and mass, the proposed building would appear out of character within this mixed use setting. The proposed development would be widely visible from public vantage points, and in this location would appear alien and incongruous, dominating the plot and therefore representing an overdevelopment of the site, at the detriment of the visual amenities of the area. The proposals are therefore contrary to Policy C1 and H10 of the Tameside Unitary Development Plan and the National Planning Policy Framework.
4. The proposed development would provide insufficient levels of outlook and daylight for apartments within the building, with separation distances from habitable room windows to measuring as low as 1.3m to a blank boundary wall, and 4.0m to the blank walls of neighbouring buildings. Separation distances to neighbouring properties to the north would also be insufficient. Other windows within the development would be reliant upon views over adjacent private land in order to achieve a sufficient outlook, affecting neighbouring amenity space and stifling future development at those neighbouring sites. The proposals represent a very poor standard of amenity for future occupiers, and would detrimentally affect the amenity of neighbouring properties. The proposals are therefore contrary to Policy H10 of the Tameside Unitary Development Plan, the Residential Design Supplementary Planning Document and the National Planning Policy Framework.
5. Insufficient information has been submitted by the applicant to demonstrate that the proposal would not unduly affect protected species including bats. This information is required to be presented upfront in order to ensure that protection of the species plus adequate mitigation measures could be ensured. The proposals are therefore contrary to Policy N7 of the Tameside Unitary Development Plan and the National Planning Policy Framework.