

Application Number:	23/01065/OUT
Proposal:	Outline planning approval for the development of 4 semi-detached houses (all matters reserved).
Site:	Vacant land off Berkeley Crescent, Hyde
Applicant:	Mr Daniel Armitage
Recommendation:	Refusal.
Reason for Report:	A Speakers Panel decision is required because the application has been 'called in' by Councillor Chadwick, and because a number of residents have requested to speak in objection to the application before it is determined.
Background Papers:	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 application concerns a modest area of open space/land located on the southern side of Berkeley Crescent in Hyde. The site currently comprises overgrown shrub/vegetation, low value conifers, Sycamore trees and larger mature trees to the rear of the site and within adjoining land. None of the trees on site are protected. A low-level timber rail encloses the site adjacent to the highway.
- 1.2 Residential properties border the site to the side and rear on Berkeley Crescent, Berkeley Close and Grosvenor Road. The surrounding area is predominantly residential in nature.
- 1.3 The site decreases in gradient to the west, having regard to the gradient of Berkeley Crescent.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the erection of 2no. pairs of two storey semi-detached properties, each with 3no. bedrooms, with all matters reserved (access, appearance, landscaping, layout and scale). The dwellings would front, and take access from, Berkeley Crescent, opposite nos. 22-34 Berkeley Crescent.
- 2.2 Each dwelling would benefit from 2no. off-street car parking spaces to the front of the plot, with a garden area to the rear.
- 2.3 Each dwelling would have an internal floor space of approximately 84sqm. All habitable living spaces would have access to natural light/ventilation. Internal living arrangements comprise an open plan living and dining room, separate kitchen and WC at ground floor and 3no. bedrooms and family bathroom at first floor.

3. PLANNING HISTORY

- 3.1 04/01302/FUL: Erection of 4 no. dwellings. The application was recommended for approval by the allocated Planning Officer, though was refused at Speakers Panel October 2004.

- 3.2 Reason for refusal:
The proposal would result in the loss of a recognised amenity area which contributes to the character of the area and provides a valued sense of openness in the street scene. It therefore conflicts with Policy OL24 of the Tameside Unitary Development and Policy OL5 of the Replacement Unitary Development Plan.

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.
- 4.4 The following chapters within the National Planning policy Framework are considered relevant:
- Section 2: Achieving Sustainable Development;
 - Section 5: Delivering a sufficient supply of homes;
 - Section 8: Promoting healthy and safe communities;
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land;
 - Section 12: Achieving well-designed places;
 - Section 14: Meeting the challenge of climate change, flooding and coastal change
 - Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance

- 4.5 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.

Development Plan

- 4.6 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)

- 4.7 The site is unallocated according to the UDP proposals map.

4.8 **Part 1 Policies**

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.10: Protecting and Enhancing the Natural Environment
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.9 **Part 2 Policies**

- Policy C1: Townscape and Urban Form
- Policy H2: Unallocated sites
- Policy H4: Type, size and affordability of dwellings
- Policy H7: Mixed Use and Density.
- Policy H10: Detailed Design of Housing Developments
- Policy MW11: Contaminated Land
- Policy T1: Highway Improvement and Traffic Management.
- Policy T7: Cycling
- Policy T10: Parking
- Policy N4: Trees and woodland
- Policy N5: Trees within Development Sites;
- Policy U3: Water Services for Developments
- Policy U4: Flood Prevention
- Policy OL4: Protected Green Space.

Supplementary Planning Documents

4.10 The following are relevant:

- Residential Design Supplementary Planning Document (SPD); and,
- Trees and Landscaping on Development Sites Supplementary Planning Document (SPD).

4.11 **Other Relevant Guidance**

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)
- Department for Communities and Local Government: Technical housing standards – nationally described space standard
- Tameside Open Space review (2017/18).

Places for Everyone

4.12 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 are 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.

4.13 Paragraph 48 of the NPPF 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).

4.14 Places for Everyone has been published, submitted and the examination is on-going. The inspectors have most recently issued examination document IN39, which is the latest in a series of post hearing notes. IN39 states that the inspectors are satisfied at this stage of the examination that all of the proposed main modifications are necessary to make the plan sound and/or legally compliant, and would be effective in that regard. The inspectors also concluded that the GMCA should publish the modification documents for public consultation

and that this process should reflect the nature and duration of the consultation held under regulation 19. The inspectors were also clear that the scope of the consultation should only be about the proposed modifications, changes to the policies map, and updated sustainability appraisal and habitat regulations assessment report.

- 4.15 Consultation on the modifications took place between 11 October and 6 December 2023 and the responses to this have been published. The GMCA has now submitted the required documents summarising the consultation responses, the GMCA response to these, and a schedule of further proposed modifications to the inspectors.
- 4.16 As the inspectors set out in IN39 these will all be considered before their report is finalised.
- 4.17 The plan is a material consideration and growing weight has been given to the policies within it. This is primarily due to the instructive nature of the modifications required to make the plan sound and therefore consistent with national planning policy as the examination has progressed and the reducing number and nature of outstanding objections received through consultation.
- 4.18 Places for Everyone cannot be given full weight in planning decisions, as it does not yet form part of the adopted plan for Tameside. However, given the stage reached, it is reasonable to give the plan very substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to the consultation on the main modifications now received and summarised.
- 4.19 To clarify, IN39 gives a clear indication that the inspectors considered that all the proposed modifications to date are necessary to make the plan sound. Very 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

- 4.20 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.
- 4.21 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 Neighbour notification letters were issued and a notice was displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.
- 5.2 The representations are summarised below in section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Thirty-three objections have been received. The following material comments have been raised below (summarised):

- Loss of sun/day lighting/overshadowing;
- Traffic/parking matters, due to narrow road and inaccessibility;
- Conflict with land use policy;
- Drainage issues;
- Development too big;
- Noise/hours of operation;
- Sets a precedent;
- Out of character;
- Conflict with land use policy;
- No material change to the rejected planning application in 2005;
- The lack of affordable housing is a concern;
- Loss of general amenity for neighbouring residents;
- Negative impact upon visual amenity;
- Loss of open/green space;
- Loss of habitats and mature trees;
- The site should not be identified as waste land;
- Local infrastructure is already stretched;
- Loss of privacy;
- Desire for the application to be heard by Speakers Panel;
- Land is over a hidden culvert that provides drainage;
- The site was enjoyed by residents and provided a safe place for children to play;
- Demand for housing.

6.2 Other issues have been raised which are not relevant to the decision (not constituting a material planning consideration):

- Safety hazard;
- Development would create obstacles for emergency vehicles;
- No provision of parking for construction vehicles;
- Vacant land attracts fly tipping/vermin;
- Would create unnecessary conflict with neighbours;
- Access to the substation on Berkeley Crescent is already an issue, the proposed development would worsen this;
- The applicant has planning permission on a site to the rear of Berkeley Crescent, granted in 2008;
- Area should be converted to green space;
- Unclear how many bedrooms the properties would have;
- Loss of view;
- Right of access to the development site previously been restricted. Prior to this, residents maintained the open space;
- Just a money making project;
- Excessive mud would be caused as a result of the development;
- Village green status of the site was withdrawn;
- Right to access the land shown on property deeds.

6.3 Councillor Chadwick has objected to the proposal on the following grounds:

- Site does not appear to be big enough for the proposed houses;
- Development will negatively impact the residents of Berkeley Crescent;
- Berkeley Crescent is heavily congested; the additional housing would impact this further;
- The road is narrow causing difficulties for residents to access their property by car.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highways Authority (LHA) – No objections, subject to conditions requiring cycle storage details and the car parking spaces/arrangements.
- 7.2 Environmental Health - No objections, subject to a condition restricting the hours of construction works.
- 7.3 Contaminated Land - No objections, subject to pre-commencement and pre-occupation contaminated land conditions.
- 7.4 Greater Manchester Ecology Unit (GMEU) - No objections, subject to conditions relating to biodiversity enhancement measures and the removal of shrubs/trees during bird nesting season.
- 7.5 Arboricultural Officer - Low value conifers and Sycamore trees would be not be a constraint to the development and the larger mature trees to the rear of the site would be retained. An Arboricultural Method Statement has been requested, though would be dealt with at the reserved matters stage.
- 7.6 United Utilities - Note a public sewer crosses the site, whereby United Utilities will not permit building over it. An access strip is required for maintenance or replacement, which must not be compromised in any way.
- 7.7 Coal Authority - No objections, no coal mining risk assessment is required.

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
 - 1. The principle of residential development in this location;
 - 2. The impact of the proposed development on the character of the site and surrounding area;
 - 3. The impact on the residential amenity of neighbouring residents and amenity of the future occupiers;
 - 4. The impact on highway safety, and;
 - 5. Any other material planning considerations.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Policy OL4 states the Council will not permit built development on any land shown as protected green space, though does stipulate a number of qualifying criteria that may permit the release of protected green space for development purposes. Exceptions are where one of the following criteria is satisfied:
 - a) the proposed development is ancillary to the principal use of a playing field or green space for recreation or amenity and does not adversely affect this use, or
 - b) redevelopment of part of a playing field or green space provides the only means of upgrading the site to the required standard, and the remaining playing field or green space will continue to meet the needs of the surrounding area for sport, recreation or amenity, or
 - c) a playing field or green space which will be lost as a result of the proposed development would be replaced by a playing field or green space of an equivalent or better quality and quantity, in a suitable location and subject to equivalent or better management arrangements, prior to commencement of development, or
 - d) it can be demonstrated, by means of a suitable supply and demand study taking account of possible future as well as current requirements, that the retention of a site or facilities

for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation.

- 9.2 A search of historic records identifies the site as undeveloped open land/fields in the mid to late 1800's. The site remained undeveloped in the early 1900's and mid 1900's and remains undeveloped to the current day. The application site is unallocated, as per the UDP proposals map. However, in light of policy OL4 (protected green space), it is noted that some areas of land within the Borough are too small to be shown as protected green space on the proposals map.
- 9.3 Taking into account the landscape value and character of the application site, it appears the site provides a relief from continuous development, creating a sense of openness within an otherwise dense grain, which performs a variety of functions to the benefit of the local community. Berkeley Crescent and surrounding streets are characterised by fairly high density housing, and parking takes places on the street. Although somewhat overgrown, the site contributes positively to the amenity of the area by providing greenery and a break in the otherwise built up area.
- 9.4 It is clear that the site is valued by the local community, as demonstrated through the representations received in relation to the application. When viewed from the street, the proposed development would result in the loss of the currently open aspect, and associated amenity value, of the site, resulting in harm to the character and environmental quality of the area.
- 9.5 It is acknowledged that the development site is privately owned, whereby access has been restricted, though the subtext of policy OL4 states open space, whether or not there is public access to it, is important for its contribution to the quality of urban life. Paragraph 102 of the NPPF also acknowledges the importance of the contribution that open space makes to overall health and well-being.
- 9.6 In regard to exception a) of policy OL4, the proposed development is not deemed ancillary to the use of the open space, and given the whole space would be developed, it would entirely affect its social and environmental use.
- 9.7 In response to exception b), the entire site would be developed and thereby would remove all provision of open space for recreation/amenity purposes. Redeveloping the site for residential purposes is not the only means of upgrading the open space. The site would provide further benefits to the local community if it were cleared of all vegetation and made good, for example. In this case, built form is not the only resolution.
- 9.8 A compensatory area of green space in a suitable location would not be provided in lieu of the existing open green space, and so the proposal does not comply with exception c).
- 9.9 In regard to exception d), the application does not present any evidence to suggest that the retention of the site for amenity purposes is not necessary, and that the site has no special significance to the interests of recreation. Whilst the most recent Tameside Open Space Review (2018) does not identify a specific deficiency in overall amenity spaces within Hyde, it is the opinion of officers that the site offers one of the few green, open spaces in the immediate locality. Other areas of open space are not within the immediate vicinity, and are separated from the site by intervening built-up development.
- 9.10 In addition, policy OL4 states that none of the above exceptions (a-d) will apply if part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor, which is considered to be the case here.

- 9.11 Whilst the site may not be necessary for sport and recreation purposes for the entire population of the Borough, it is considered an important amenity space for the direct community, whereby its proposed loss would have a significant impact on the health and wellbeing of nearby residents, as well as the character and environmental quality of the area. As such, the proposed development is not considered to meet any of the exceptions in policy OL4 that would release the protection of the open space, and therefore development on this site is not accepted. The proposal would cause harm to protected open space. It would conflict with Policy OL4 of the UDP, which is concerned with protecting land which has amenity value in urban areas. Although the site is not specifically identified as Protected Open Space on the policies map, it does have amenity value and so the provisions of this policy are considered applicable.
- 9.12 Although found to be contrary to UDP policy OL4 and paragraph 102 of the NPPF, it is necessary to have regard to other material considerations. In terms of housing development, 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 substantial weight in the decision-making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified should be applied to determine planning applications.
- 9.13 The balance between the loss of the open green space and housing supply is not compelling. The function of the site and its assessment against the exceptions of Policy OL4 confirm that the site serves an important local green space function, which fulfils a strong social and environmental role. The value of the site to the local community is reflected within the representations which are material to the balancing exercise. There is not considered to be an overriding economic (regenerative) case which would outweigh the associated harm that would result from development of the site/loss of the functioning green space. The contribution to housing supply does not outweigh consideration to the adverse social and environmental impacts of the proposed development and it is not considered that the proposal would constitute a sustainable form of development to which there would be significant and demonstrable benefits.

10. CHARACTER AND APPEARANCE

- 10.1 The Tameside UDP, the guidance within the SPD, and the NPPF are clear in their expectations of achieving high quality development that enhances the locality and contributes to place making. Amongst other matters, paragraph 135 of the NPPF requires new developments to function well and add to the overall quality of the area; be visually attractive, as a result of good architecture and layout; be sympathetic to local character and history and establish and maintain a strong sense of place.
- 10.2 Policy C1 of the UDP states that in considering proposals for built development, the council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development.
- 10.3 UDP Policy H10 is also relevant, which seeks to ensure that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and amongst other matters, must meet the following more detailed criteria:
- a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and

- b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network.
- 10.4 The proposed site plan and elevations/floor plan that have been submitted with the planning application are for indicative purposes only, as the sole matter to be determined at this outline stage is whether the principle of residential development on the site is acceptable. However, the design and appearance of the proposed development are relevant matters and whether the detail of the scheme means that the provisions are achievable.
- 10.5 The proposed site plan indicates 2x two storey semi-detached pairs, which is considered a logical quantity of housing for this site, to practice good spacing distances with the existing properties to ensure the development would not appear visually dominant. The layout of the dwellings is considered appropriate with the proposed dwellings forming their own appropriate building line and being sited almost symmetrical to the existing dwellings on the adjacent side of Berkeley Crescent. The proposed dwellings are adequately set back from the highway to allow each property to have two parking spaces at property frontage, though sufficiently set back from the rear boundary of the site to enable appropriate rear garden areas.
- 10.6 The scale and mass of the proposed dwellings would align with the surroundings and the pitched roof design would integrate sufficiently with the existing character of the street. The roof ridges of the proposed four dwellings are stepped down to the west to reflect the gradient of the site/highway, which would reflect this feature of the existing dwellings on Berkeley Crescent. The overall visual impact of the proposed dwellings could be considered more thoroughly as part of a reserved matters stage.
- 10.7 No specific landscaping details have been provided, though subject to the inclusion of appropriate greenery and landscaping, particularly at property frontages, the site arrangement could be acceptable in this regard. The quantity of hard landscaping proposed is reasonable, having regard to that of neighbouring properties.
- 10.8 The proposed dwellings would benefit from front to rear access, to allow appropriate storage of refuse and for ease of maintenance. It is however noted that plots 2 and 3 would have a shared front to rear access and due to the gradient of the site, would include steps to the front and also to the rear. For the ease of bin storage, particularly dragging the bins from the front to the rear on collection days, the nature of the access should be reconsidered within the reserved matters stage.
- 10.9 Ultimately, the layout, scale, access, landscaping, and appearance of the development are issues to be addressed at the reserved matters stage. However, the application demonstrates that the dwellings of their proposed size and scale, at the density proposed, could be accommodated within the site.

11. RESIDENTIAL AMENITY

- 11.1 The Local Planning Authority need to be assured that there would be no demonstrable harm to the amenity of neighbouring existing residents as a result of allowing the development, notwithstanding the layout of the proposal are reserved. Likewise, the Local Planning Authority need to be assured that the residential environment created would be of a satisfactory standard to well serve the future occupants.
- 11.2 Paragraph 135(f) of the NPPF states that development should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing users and future users. Policy H10 (a) and (d) of the UDP supports

national policy, as requires that the design of proposed housing developments must meet the needs of potential occupiers, whilst not unacceptably impacting the amenity of neighbouring properties in respect of noise, loss of privacy, overshadowing or traffic.

Impact on existing residential amenities

- 11.3 Policy RD5 advises that buildings should be orientated to maximise levels of natural light / solar gain and minimise overlooking in habitable rooms and private gardens. To ensure this, the following minimum distances between new and existing developments applies:
- a) Between two directly facing habitable rooms, a minimum distance of 21m is required and 14m between on street frontages and between bungalows.
 - f) Oblique overlooking: 1m reduction from a) in distance for every 10 degree reduction in angle from 90 degrees between facing buildings.
- 11.4 Based on the submitted indicative plans, there would be approximately 22m between the front elevations of the proposed dwellings and the front elevations of the existing dwellings on the adjacent side of Berkeley Crescent, and the recommended distances between the two could be accommodated.
- 11.5 The proposed dwellings would not directly face no.4 Berkeley Crescent, the property south west of plot no. 1 and thus any overlooking would be oblique, at a minimum separation distance of approximately 11m. As such, plot no. 1 is not considered to cause any undue overlooking/loss of privacy to the neighbouring residents. In addition, there is some degree of tree coverage on the shared boundary of no.4 Berkeley Crescent and plot no. 1 of the proposed development which would further mitigate for any overlooking.
- 11.6 Plot nos. 1 and 2 would not overbear or overshadow the rear garden space of no.4 Berkeley Crescent, owing to the fact the dwellings are set back a sufficient distance from the shared boundary between the two.
- 11.7 The single storey properties on Grosvenor Road, directly south of the proposed dwellings, would have a minimum of approximately 23m separation distance to the proposed development, which would ensure no undue loss of amenity would occur.
- 11.8 No. 9/11 Berkeley Crescent is the existing property adjoining plot no. 4 of the proposed development. Given the oblique orientation/positioning of the proposed dwelling(s) in relation to no. 9/11, whereby the two gable walls would broadly face each other, no loss of light/overshadowing or loss of privacy is anticipated. There are no side elevation windows in the existing property and no windows proposed to the side elevation of the proposed dwelling, so no undue privacy concerns arise.
- 11.9 The Council's Environmental Health Officer has reviewed the proposed development and raises no concerns, subject to a recommended condition restricting the hours of construction works in order to protect the amenity of neighbouring residents.

Residential environment created

- 11.10 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end, Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent national technical standard, which is given in the Government's Technical Housing Standards (THS) - nationally described space standard document.
- 11.11 The proposed indicative floor plan indicates the dwelling would be 3 bedrooms capable of accommodating 4 persons (1no. double bedroom and 2no. single bedrooms). According to the THS, a dwelling of this nature split over 2 floor levels, should have a minimum gross

internal floor area of 84sqm. In this case, the 4no. dwellings would achieve an internal floor area of 84sqm, in line with the THS.

- 11.12 The proposed dwellings would benefit from adequate storage and each habitable room would be served with glazed openings, to allow adequate exposure to natural light, ventilation and outlook.
- 11.13 Policy RD11 of the SPD requires all residents to have access to a functional, enclosed amenity space, whereby its size should commensurate with that of the dwelling it serves. In reviewing the proposals, officers are satisfied that the gardens proposed will have adequate privacy to create a satisfactory useable/functional amenity space to serve the future occupants.
- 11.14 Overall, although only indicative, the submitted information demonstrates that the proposed dwellings could provide a suitable standard of residential accommodation for its future occupants and would not significantly impact the amenity of neighbouring residents. Overall, the proposal is compliant with policy H10 of the UDP, policies RD5 and RD11 of the SPD and section 12 of the NPPF.

12. HIGHWAY SAFETY

- 12.1 The indicative plans indicate that 2no. off street parking spaces could be provided for each of the 4no. dwellings, measuring 2.4m x 5m, which would satisfy policy RD8 and RD9 of the SPD in respect of their size and quantity. Highways note surface water drainage from the proposed driveways must be intercepted before it discharges onto the adopted highway.
- 12.2 The submitted plans do not show any allocated space for cycle storage and therefore highways have recommended a condition be attached to any approval requiring details of a long stay cycle parking facility for the development.
- 12.3 The Local Highways Authority note the application proposes to construct a 1.8m wide footway adjacent to Berkeley Crescent and the proposed development site, which will need to be constructed to an adoptable standard under a Section 38 agreement, prior to any approval.
- 12.4 Subject to relevant conditions if the application were approved, the Local Highways Authority are satisfied the proposed development would not have unacceptable impact on the safety of the highway or that the residual cumulative impact on the road network would be severe, having regard to policy T1 of the UDP, and the NPPF.

13. CONTAMINATED LAND/GROUND CONDITIONS

- 13.1 The Council's Environmental Protection Unit (EPU) has reviewed the proposals and notes that the site appears to have remained undeveloped to the current day and is surrounded by residential development, including Berkley Close immediately to the west and south and Berkeley Close to the east.
- 13.2 Mapping indicates that the northern part of the site falls within a Coal Mining Development High Risk Area.
- 13.3 As is the case for the majority of sites in the borough, there is the potential for made ground to be present. This type of ground is commonly associated with a range of contaminants, including asbestos, heavy metals and PAH's. In addition, depending on its nature and depth it may also pose a potential ground gas risk, as may the re-grading works / earthworks shown in the southern area of the site on mid-1900's mapping.

- 13.4 There is also the possibility (although it is currently unclear) that a brook/stream previously crossed the site. Should this be the case, there is the potential for residual organic materials (such as silts/sediments etc) to remain, which could be a potential source of contamination (particularly, hydrocarbons) and ground gas. The northern area of the site falling within a Coal Mining Development High Risk Area means there is also the potential for mine gas.
- 13.5 On the above basis, the EPU have no objection to the proposal if it were to be approved, subject to pre-commencement and pre-occupation contaminated land conditions, which require a preliminary risk assessment, site investigation strategy and remediation strategy, as well as a verification report to be submitted and approved.
- 13.6 The Coal Authority's general approach where a proposal lies within the Development High Risk Area is to recommend that the applicant obtains submits a coal mining risk assessment to support the application. However, when considering the proposal, on the basis that the area where built development could only feasibly be, falls outside of the defined high risk area and there a coal mining risk assessment is not necessary. On this basis, the Coal Authority have no objections to the proposal.
- 13.7 Therefore, if the application were to be approved, it would be considered acceptable with regards to ground conditions subject to imposition of the above recommended conditions.

14. DRAINAGE

- 14.1 The site is located in Flood Zone 1 and is therefore at a lower risk of flooding. In terms of drainage, United Utilities strongly encourage all developments to include sustainable drainage systems, in accordance with the drainage hierarchy. If permission was to be granted, a condition could be attached requiring details of a sustainable surface water drainage scheme.
- 14.2 Subject to imposition of the above condition, the application would be considered acceptable in this regard.

15. TREES/ECOLOGY

- 15.1 Although unclear at this stage how many exactly, a number of existing trees on the site would require removal to facilitate the proposal. However, these are of lower value conifers and Sycamore that would not be considered a constraint to the development. In addition, there are larger mature trees to the rear of the site and in adjacent land, which would be retained as a result of the development. The Council's Arboricultural Officer notes an Arboricultural Statement should be submitted detailing protection of the retained trees, though should be dealt with at the reserved matters stage, and this could be controlled by a condition. The proposal is therefore acceptable from an arboricultural perspective, in line with UDP policy N5.
- 15.2 Whilst the site appears to support low value habitats, the proposal would still likely result in a net loss of biodiversity and therefore the Greater Manchester Ecology Unit (GMEU) have recommended a condition be attached to any approval for a scheme of biodiversity enhancement measures.
- 15.3 In addition, the site supports trees that may be used by nesting birds and therefore a condition would be attached to any approval restricting the removal of any shrub between certain times of the year. The above conditions could be attached if permission were approved, and the application is therefore acceptable in this regard.

16. OTHER MATTERS

- 16.1 United Utilities notes a public sewer crosses the site and will not permit building over it. An access strip is required for maintenance or replacement, which must not be compromised in any way. If permission were granted, the applicant could be informed of this by an informative.

17. CONCLUSION

- 17.1 The site is a valued area of open space within the local urban environment. It has significant amenity value and contributes positively to the local character and the overall environmental quality. The development would result in a loss of amenity function and the resultant loss of open space would exacerbate local deficiencies in access to functioning open space. As such, the proposal is contrary to policy OL4 and therefore the principle of residential development on the site is not accepted. Policy OL4 was adopted prior to the publication of the NPPF, but its overall aim of protecting existing areas of open space, recognising their importance for the health and well-being of communities, is consistent with the NPPF which has similar objectives.
- 17.2 The site lies within a built-up residential area of Hyde, and is considered situated within a sustainable location within the Borough. The development of four dwellings would contribute towards meeting housing needs, acknowledging the Council's current shortfall given the position on 5 year housing supply. These factors weigh in favour of the scheme.
- 17.3 However, the benefits are considered to be modest, and would be outweighed by the harm to the health and well-being of the community which would result from the loss of open space and its associated amenity value. The proposal would cause harm to the character and environmental quality of the area. The identified economic benefits are not considered to outweigh the overall social and environmental harms. The adverse impacts would therefore significantly and demonstrably outweigh the benefits.
- 17.4 Although the development is acceptable in respect of design/appearance, existing and future amenities, highways safety, ecology, ground conditions and drainage, the principle of development is not accepted and so the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

1. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of open space would exacerbate local deficiencies of resident access to functioning open space. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently, the proposal does not meet the exception test of the adopted Tameside Unitary Development Plan Policy OL4 'Protected Green Space' or paragraph 103 of the National Planning Policy Framework and the loss of the protected open space cannot be tolerated.