

<b>Application Number:</b>	21/01325/OUT
<b>Proposal:</b>	Outline application for the demolition of existing garages, sheds and office buildings and erection of new residential development of up to 14 apartments (including details of access only).
<b>Site:</b>	Mckenzie's Garage, Kirkley Street, Hyde, SK14 1JU
<b>Applicant:</b>	Mr Mckenzie, McKenzie's Garage
<b>Recommendation:</b>	Grant outline planning permission, subject to conditions.
<b>Reason for Report:</b>	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 application relates to Mckenzie's Auto Repairs, a motor repair and service facility, and a lock up garage site. The site is accessed from Kirkley Street, off Dowson Road in Hyde. The garage site comprises 32no. flat roof garages fronting onto an open hardstanding which also backs onto an established dense woodland area which falls down to Gower Hey Brook to the west.
- 1.2 The surrounding area is primarily residential, predominantly comprising rows of traditional terraced housing, with the exception of two bungalows which share a common boundary to the east of the site. A Shell petrol station is situated to the south and Enfield Court Retirement Living accommodation is situated around 50m away from the site, on the opposite side of Dowson Road. Hyde town centre, as defined within the Unitary Development Plan Proposals Map, is less than 200m from the site.
- 1.3 A community protected green space, accessed via Gartside Street/ Houghton Street, is located 3 minutes walk away. There are direct pedestrian links to the Sustrans National Route 62 cycle path.
- 1.4 The site is unallocated according to the UDP Proposals Map.

## **2. PROPOSAL**

- 2.1 Outline planning permission, with all matters reserved except for access, is sought for the erection of a new residential development of up to 14 apartments. The scheme would involve the demolition of all existing buildings on site.
- 2.2 Indicative drawings show that the residential building would be three storeys in height with additional accommodation in the central roof space. An indicative site plan suggests that the building would occupy a position to the west of the site with dedicated parking areas to the north and south of the site.
- 2.3 Access would be taken via Kirkley Street off Dowson Road to the east.
- 2.4 The application has been supported by the following reports:
  - Location Plan

- Existing site plan
- Indicative Floor plans, elevations and site plan
- Planning Statement: Policy E3 Assessment
- Design and Access Statement
- Highway technical note statement – traffic impact
- Flood map information
- Ecology Survey
- Phase 1 site investigation report

### 3. PLANNING HISTORY

3.1 No recent relevant planning history.

### 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 Development Plan

The adopted development plan is the Tameside Unitary Development Plan (2004) (UDP), Greater Manchester Joint Waste Development Plan Document (2012) and Places for Everyone Joint Development plan (2024) (PfE).

Allocation: Unallocated.

#### 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;
- 1.5: 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;

- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

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

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

#### Places for Everyone (2024)

- JP-S2 Carbon & Energy
- JP-S5 Flood Risk
- JP-S6 Clean Air
- JP-S7 Resource Efficiency
- JP-J1 Supporting Long-Term Economic Growth
- JP-H1 Scale, Distribution and Phasing of New Housing Development
- JP-H2 Affordability of New Housing
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density Of New Housing
- JP-G7 Trees and Woodland
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-P1 Sustainable Places
- JP-C3 Public Transport
- JP-C4 The Strategic Road Network
- JP-C5 Street for All
- JP-C6 Walking and Cycling
- JP-D2 Developer Contributions

#### 4.7 **Other**

The following Supplementary Planning Documents (SPD) are also relevant:

- Tameside Residential Design Guide SPD;
- Tameside Employment Land SPD; and,
- Trees and Landscaping on Development Sites SPD.

#### 4.8 Also of relevance are:

- National Design Guide (2019) (Ministry of Housing, Communities and Local Government);
- Planning Practice Guidance; and,
- Department for Communities and Local Government – Technical housing standards - nationally described space standard.

## 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 letters, display of site notice; and advertisement in the local press.

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

- 6.1 Six letters have been received from five persons, five of which object to the development and one neither objecting to nor supporting the proposed development. The comments received have been summarised as follows:

- Conflict with land use policy;
- Loss of sun/ day lighting/ overshadowing;
- Noise/ hours of operation;
- Visual amenity;
- More information required as to what is proposed along the common boundaries, in particular the height of the retaining wall with concerns of loss of privacy; (NOTE: details of boundary treatment and any retaining structures conditions)
- Development too big;
- Obscenity of a construction
- Blockage of views of trees
- Increased traffic caused;
- Queries over land ownership;
- There are private rights of way along Kirkley Street;
- Concerns over development affecting existing parking arrangements;
- Building is too tall being higher than existing rooflines of surrounding properties; and
- Loss of privacy.

- 6.2 In response to some of the matters raised above, the following comments can be made:

- Blockage of views is not a material planning consideration and holds no weight in the consideration of this application for outline planning permission.
- Queries over land ownership were raised with the applicant and the red line boundary was subsequently amended/reduced to make correct.
- The application seeks outline planning permission with all matters reserved except for access, therefore details concerning boundary treatment will be required at reserved matters stage and a condition will be recommended on this basis in order to ensure adequate privacy levels will be retained.

## **7. RESPONSES FROM CONSULTEES (summarised)**

- 7.1 Contaminated Land – no objection - recommend conditions are applied relevant to further site investigations being undertaken.
- 7.2 Environmental Health – No objections - recommend conditions relevant to waste storage, construction hours and the submission of an electrical vehicle charging strategy for the approval of the Local Planning Authority.
- 7.3 GMEU – No objections subject to conditions including the submission of an updated bat survey and a condition preventing demolition works during nesting bird season.
- 7.4 Greater Manchester Police (GMP) Designing out Crime Officer – recommended that a Crime Impact Statement is submitted.

- 7.5 Highways – No objections subject to conditions. A Section 278 agreement and section 106 contributions are required for this development to address defects to surrounding footways and lighting to the site.
- 7.6 Housing Growth – Supportive of the proposals on the basis that a housing contribution is made, as a commuted sum, in lieu of affordable housing being made on site.
- 7.7 Arboricultural Officer – No objection to the proposal – the scheme is broadly acceptable from an Arboricultural perspective but a full application should be accompanied by an Arboricultural Survey, Impact Assessment and Method Statement.
- 7.8 United Utilities – Request that a condition is applied requiring the submission of details of a sustainable surface water strategy scheme and foul water drainage scheme be submitted for approval prior to commencement of development.

## **8. ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The current position is that the Development Plan consists of Places for Everyone, the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - specific policies in the Framework indicate development should be restricted.
- 8.4 The application is made in outline and seeks approval for the details of access only. The other matters of detail, namely the scale, layout, design, appearance and landscaping being held in reserve. The effect of the grant of planning permission would then be to establish that the principle of the development, together with the means of access is acceptable. These then are the issues to be considered in the determination of the application.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Amongst other things, the NPPF promotes developments for new housing and strongly advocates the efficient reuse of brownfield sites within central sustainable locations. Policy H2 states that unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan.
- 9.2 Whilst this brownfield site is unallocated according to the UDP Proposals map, it does currently serve an employment purpose owing to the presence and function of McKenzie's

Auto Repair Garage - which offers vehicle repairs and servicing. The provisions of policy E3 therefore apply.

- 9.3 UDP Policy E3 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 further 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.
- 9.4 This policy serves a dual purpose, firstly to identify areas where employment development will be acceptable in principle, and secondly to set criteria by which proposals for non-employment uses on existing employment sites (including ones not shown on the proposals map) will be determined. As well as the major strategic sites, there is a need to maintain a range of types, and a geographical spread, of other sites to facilitate retention and expansion of employment over a wide area of the Borough.
- 9.5 In support of the application, the applicant has provided an assessment against UDP Policy E3 and highlighted the availability of alternative sites within proximity of Kirkley Street where many units are currently available for leasing. It details that demand is generally well catered for within and around Hyde, and provided examples of such other employment sites, supporting the release of this site for alternative uses including residential.
- 9.6 Although the car repair garage is an established, long-standing use on part of this site, the suitability of the same site for a future/alternative employment use is questionable at this stage. Officers consider that given the site's size, accessibility constraints, proximity to residential dwellings and location close to Hyde Town Centre and busy road junctions, the site lends itself better to a residential use. This is in consideration of the fact that employment uses which could be accommodated within the existing buildings on site may have associated accessibility issues due to their size/positioning and also with HGVs accessing/egressing the site and restricted opening hours. Alternative employment uses may also bring to rise general noise and disturbance issues.
- 9.7 On balance, following the above assessment, it is considered that the harm arising from the loss of the employment site is outweighed by the benefits of boosting the supply of housing in the Borough on a brownfield site, in a sustainable location, for which Policy H4 of the UDP provides support. H4 encourages the provision of a range of dwelling types, sizes and affordability to meet the needs of all sections of the community and to help create better balanced communities for the future.
- 9.8 In this instance the proposed development would provide up to 14no self-contained residential units. Indicative plans suggest that the building could accommodate up to: 6no 3 bedroom apartments, 4no. 2 bedroom apartments and 4no. 1 bedroom apartments.
- 9.9 In relation to the density of development, paragraph 128 of the NPPF states that 'planning policies and decisions should make efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land for accommodating it;
  - b) local market conditions and viability;

- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

- 9.10 Place for Everyone (PfE) Policy JP-H4 states that new housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. For new housing within 400 metres of a designated town centre (Hyde) such as this site, a minimum net residential density of 70 dwellings per hectare should be sought.
- 9.11 The site area is approximately 0.2 hectares and the proposed development equates to a density of approximately 70 dwellings per hectare, meeting the aspirations of JP-H4. Whilst only indicative, the floor plans indicate provision of varied apartment sizes, both 1, 2 and 3 bed, supporting the needs of a wider proportion of the local community, including small families which is considered sustainable.
- 9.12 Overall, the site lies within a predominantly residential area and the proposed use would not be out of keeping with the existing and surrounding uses. The proposal would represent an effective use of land within the urban boundary which is very well serviced with access to local facilities, amenities, employment and transport. The principle of development is therefore considered acceptable, subject to all other material planning considerations being satisfied.
- 9.13 Maximising the use of urban sites is of further importance given that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. This along with the associated regeneration benefits should carry significant weight in the determination of this application.

## **10. LAYOUT, DESIGN, LANDSCAPING AND VISUAL IMPACT**

- 10.1 The current application seeks only to establish the principle of residential development being accessed from Kirkley Street. The indicative plan which has been submitted is not for approval and exact details of design, scale, layout and landscaping would need to be submitted under a subsequent Reserved Matters application should outline planning permission be approved. The design, layout and number of units (up to 14) would therefore be assessed with full consideration to the adopted Residential Design Guide as well as relevant design provisions of the NPPF, UDP and PfE .

## **11. AMENITY**

- 11.1 An assessment of residential amenity is limited recognising the outline nature of the proposals. The indicative layout does however allow for the general impact of the development to be considered and some conclusions drawn.
- 11.2 An indicative site plan has been provided indicating finished floor levels, position of windows and distances to neighbouring properties, all of which at this stage appear to achieve the minimum requirements set out in Policy RD5 of the Residential Design Supplementary Planning Document. Whilst residents have commented on the likely impact of the development on neighbouring properties, the indicative layout plans demonstrate that it will be possible to maintain good separation distances between buildings. However, ultimately, the position of habitable rooms will require closer examination at reserved matter stage with

regard to the detailed relationship between existing principal windows and the position of the proposed apartments. As approval is not sought for layout at this stage this detail is not currently for consideration.

- 11.3 Comments have also been received from neighbours regarding the potential for disruption from construction traffic / activities. Some level of disruption is an inevitable consequence of development and would arise wherever new housing was delivered. As such this cannot be used as a reason to resist planning proposals. Conditions are suggested to mitigate some of the impacts in terms of the hours in which works can take place.
- 11.4 As above, the proposed development would offer provision for up to 14no self-contained residential units. Indicative plans suggest that the building could accommodate up to: 6no 3 bedroom apartments, 4no. 2 bedroom apartments and 4no. 1 bedroom apartments – all meeting the required gross internal floor area requirements set out within the nationally described space standards, (NDSS) ensuring an acceptable level of amenity for future occupiers.
- 11.5 In light of the above, officers are satisfied that the site is capable of accommodating a residential development of up to 14 units, in a manner that would not be unduly detrimental to the amenities of occupants of the proposed development or neighbouring dwellings, subject to the imposition of appropriate conditions and the required further detailed assessment at reserved matters stage.

## **12. ACCESS**

- 12.1 Situated on the outskirts of Hyde town centre the site is very sustainable and is easily accessed by public transport, foot or bicycle. Hyde Town Centre is served with bus and train connections across the Greater Manchester region. It is also apparent that a host of amenities and employment opportunities are immediately on hand, it is reasonable to assume that future residents would undertake journeys by sustainable means.
- 12.2 The proposed access route to the site is from Dowson Road via Kirkley Street. This is reflective of the current access to McKenzie's Auto Repair garage and the existing garage site.
- 12.3 In support of the application, at the request of the Local Highway Authority (LHA), the applicant provided a Traffic Assessment (TA) indicating predicted vehicle trips associated with the proposed development. After reviewing the supplied TA information the LHA is satisfied that the vehicle trips generated by the proposed development of the site is expected to generate 4 vehicular trips in the AM peak and 5 trips in the PM peak. Over the course of a 12-hour day, the flats would be likely to generate around 41 two-way vehicular movements based on comparable developments in the TRIC's database (which would be a reduction in vehicle trips from the sites current use). Therefore in the LHA's opinion the additional traffic generated by the proposed residential development should be accommodated on the local highway network without any significant detrimental impact.
- 12.4 The LHA is satisfied proposed modifications to the existing access/egress from the development onto Dowson Road is satisfactory and meets the LHA requirements for max gradients of 1 in 14 and the visibility splays comply with Manual for Streets/LHA requirements. All types of vehicles can safely manoeuvre within the site using the turning heads and egress the development in a forward gear.
- 12.5 The development proposes a minimum of 29 off-street vehicle parking spaces for the scheme, which is broadly in line with TMBC SPD requirements. Along with proposals for secure/covered cycles storage and the development location being within close proximity to



sustainable transport facilities, the LHA is satisfied this will supply adequate off street parking spaces for this type of development.

- 12.6 Accident data for Dowson Road over a 5 year period shows 1 no. 'slight accident' within the vicinity of the development. To support appropriate detail for the proposed access arrangements for the reserved matters scheme, a road safety audit would be required and this can be included as part of a planning condition at this outline stage.
- 12.7 Conditions requiring the laying out of the car parking spaces prior to the occupation of the development, the retention of pedestrian visibility splays and the approval of a Construction Environment Management Plan are considered reasonable and can be attached to the outline permission.
- 12.8 In overall terms therefore, officers are satisfied that the proposed development is acceptable in terms of access, highway safety and parking provision and the development complies with UDP Policies T1, T7, T10 and T11 as well as Section 9 of the NPPF.

### **13. GROUND CONDITIONS**

- 13.1 The Council's Environmental Protection Unit (EPU) have been consulted on the application and have identified the historical mapping of the site and its former uses and ground conditions over the last 100 years or so. In considering the potential contamination issues associated with the site, the application is supported by a contaminated land phase 1 site investigation report: Wesson Environmental Phase 1 Site Investigation, McKenzies Garage, Kirkley Street, Hyde. Dated July 2021. Reference: 001SMMCP1.
- 13.2 Wesson Environmental have identified potential contamination sources based on their historical data. This includes fuels/petroleum hydrocarbons, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds/semi volatile organic compounds, asbestos and ground gasses. They appear to have identified the potential contamination sources although, they will need to ensure that they have included any potential sources from the former engineering stores depot.
- 13.3 EPU have no objection to the development proposal from a contaminated land perspective. However, it is recommended that further information is still required prior to the commencement of any development on site in order to ensure that any unacceptable risks posed by contamination are appropriately addressed and to ensure that site is suitable for its proposed use in accordance with paragraph 189 of the NPPF.
- 13.4 In consideration of the above, subject to conditions, the development is acceptable in accordance with UDP Policy MW11: Contaminated Land.

### **14. ECOLOGY**

- 14.1 The application has been supported by a bat survey carried out by a suitably qualified consultant. Following dusk and dawn surveys one soprano pipistrelle was identified as roosting in one of the buildings. On this basis, a further bat survey is recommended to be carried out. As this is an application for outline planning permission, an updated survey at this stage is unnecessary and can instead be provided as part of reserved matters.
- 14.2 Paragraph 180 of section 15 of the National Planning Policy Framework, Conserving and Enhancing the Natural Environment, states that planning policies and decisions should contribute to and enhance the natural and local environment. The application has been considered by GMEU which confirms that the site appears to have no vegetated habitats, and so any form of soft landscaping would enhance the biodiversity value of the site.

Mitigation will be required for loss of bat roosting habitat, the level determined most likely by Natural England and bird nesting habitat. Once an updated bat assessment has been provided the detail can be likely be conditioned i.e. bird and bat boxes or bricks integrated in to the new build. This will be considered at reserved matters stage in consideration of UDP policy N7: Protected Species.

## **15. TREES**

- 15.1 The development is to take place within the footprint of existing hard standing with no existing trees on site. However there are mature and semi mature trees adjacent to the site within a Council owned woodland. These trees connect directly to an area of protected woodland to the rear.
- 15.2 The Council's tree officer has been consulted and raises no objections to the proposals commenting that the scheme is broadly acceptable from an arboricultural perspective but a full application should be accompanied by an Arboricultural Survey, Impact Assessment and Method Statement. Whilst no trees are proposed to be removed by the proposed development, these should detail any potentially negative impacts on the trees and woodland, how they will be mitigated and tree protection measures that will be incorporated into the plans. A condition is therefore recommended on this basis.
- 15.3 A suitable condition is therefore recommended on the basis of the above. It is considered that subject to conditions, the development accords with the requirements of UDP policies N4 and N5.

## **16. DRAINAGE / FLOOD RISK**

- 16.1 The application site is located in Environment Agency flood zone 1, the area with the lowest probability of fluvial (river) flooding.
- 16.2 United Utilities have been consulted on the proposed development and state they have no objection to the proposed development subject to conditions requiring details of foul and surface water drainage. Subject to a recommended condition on this basis, the proposal is considered to accord with UDP Policy U3.

## **17. DEVELOPER OBLIGATIONS**

- 17.1 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.
- 17.2 The scale of the development constitutes a major development, as such there is a requirement to meet Affordable Housing (15%, as set out by the Housing Needs Assessment), Green Space and Highways contributions as per the requirements of policies H4 (affordable housing) , H5(open Space) and T13 (highways) of the Development Plan.
- 17.3 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.

- 17.4 The default position under policy H4 is for affordable housing to be delivered onsite by the developer. However, in exceptional circumstances, it may be acceptable for the element of affordable housing to be located off-site. In these instances the Council will require the developer to provide an appropriate financial contribution towards such provision, as a commuted sum. In this instance, in consultation with housing officers, an approximate commuted sum of £200,000.00, in lieu of on-site affordable housing is suggested in this case. This would be required to be paid by the developer if 15% cannot be achieved on site. Provision will be secured by condition should the application be approved.
- 17.5 With regard to open space facilities, the site is situated in close walking proximity to protected open green space for use by future occupiers and with ease of access to the existing Sustrans cycle route. The demand from the development is unlikely to generate a demand which would lead to undue pressure on existing open space in the local area. The site also appears to have capacity to accommodate private outdoor space for sole use of future occupiers. Outdoor open space contributions would therefore not be considered reasonable in this instance.
- 17.6 The Local Highway Authority have requested a contribution for improvements to local footways, namely the link between Gower Road and Church View to promote walking and cycling within the immediate vicinity. However this specific request is considered unreasonable given the alternative existing provision available near to the site, as discussed above. The proposed link does not meet an identified need or directly relate to the development to promote active travel.
- 17.6 A section 278/38 agreement would also be required to include white lining on Dowson Road, tactile paving and the access road to be brought up to an adoptable standards, including street lighting and drainage. This is to be secured by condition.

## **18. SUSTAINABILITY**

- 18.1 The application stresses that the redevelopment of a brownfield site within an accessible urban environment is highly sustainable. The apartments would be constructed to efficient standards including enhanced insulation and low energy fixtures to reduce overall energy usage. There are no issues raised on sustainability grounds, the proposals being deemed as an efficient and appropriate development of the site.

## **19. OTHER MATTERS**

- 19.1 Due to the size and nature of this proposal, it is recommended by the Greater Manchester Police Designing out Crime officer, that a full Crime Impact Statement (CIS) should be submitted to show how crime has been considered for the proposal and the surrounding area. Matters relating to the detailed design of the development are not for consideration at this stage. Given that this application is for outline planning permission it is recommended that a condition is attached requiring a CIS to be submitted at reserved matters stage. The report should be completed by a suitably qualified security assessor, and identify, predict, evaluate and mitigate the site-specific crime and disorder effects of a development and should be produced by a professional individual/organisation independent of the design process.
- 19.2 The application site is not within a designated Air Quality Management Area. The highly sustainable nature of the location ensures that it is realistic to assume that a significant proportion of trips generated by the development would be via cycle and pedestrian connection to public transport. Further mitigation would be provided via the inclusion of electrical vehicle charging points and a condition requiring details of these facilities is attached to the recommendation.

- 19.3 In order to ensure that the development is supported by appropriate refuse storage, a condition requiring the details of the means of storage and collection of refuse generated by the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The applicant is advised to contact the Waste Management & Fleet Services Department of the Council to confirm the exact bin requirements for this development.
- 19.4 Given the proximity of the application site to surrounding residential uses, in order to protect the amenities of the neighbouring occupants, a condition controlling the demolition/construction hours is to be attached in line with the recommendation of the environmental health officer.
- 19.5 PfE policy JP-C2 Digital Connectivity supports the provision of affordable, high quality, digital infrastructure within Greater Manchester. JP-C2 requires all new development to have full fibre to premises connections, unless technically infeasible and/or unviable, and to incorporate multiple ducting compliant with telecoms standards, to facilitate future-proof gigabit capable network connections. It is expected that internet connections will be operational and immediately accessible to network providers when occupiers move into new properties. On this basis, it is recommended that the approved development should be serviced with full digital fibre connections, to fulfil the aims and aspirations of PfE in creating a more integrated network with high quality digital infrastructure. This is recommended to be secured by condition.

## **20. PLANNING BALANCE AND CONCLUSION**

- 20.1 The site is previously developed, brownfield land, and is not allocated for other purposes. As such a decision as to whether or not it is suitable for development must be made balancing the social, economic and environmental benefits of the proposal.
- 20.2 The redevelopment of the site would bring about a number of benefits including: the reuse of the site to a more appropriate/sensitive use within a residential area; visual amenity improvements; additional planting/ecological improvements; contributions to housing need in the borough; economic contributions by future occupants.
- 20.3 In terms of dis-benefits the development would involve some short-term noise and disruption during construction. The scheme would also affect the outlook from neighbouring properties and new privacy distances may also be affected but this is not unusual with new residential development, and appropriate residential separation distances will be required to be retained when considering the design of the scheme in more detail at reserved matters stage.
- 20.4 The development would not cause undue impacts to highway safety. It can be safely accessed and serviced from the established highway network and overall levels of parking would be appropriate to the scale of development within an accessible location in close proximity to the town centre.
- 20.5 There are no objections to the proposals from the statutory consultees in relation to the proposals and they are considered to be an efficient use of an existing urban site.
- 20.6 Overall, when considering the proposal against the policies of the NPPF as a whole the collective benefits associated with the proposal are positive. The development would accord with the main aims and objectives of the development plan and represent sustainable development. There have been no negative economic, social, or environmental impacts identified from the development. The proposal would therefore result in sustainable

development in accordance with the development plan and the NPPF. It is therefore considered that the benefits of the scheme clearly outweigh any disbenefits and outline planning permission should therefore be granted subject to appropriate conditions.

## RECOMMENDATION

Grant outline planning permission, subject to the following conditions:

- 1) Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Before any development is commenced approval shall first be obtained from the local planning authority with respect to the reserved matters, namely the layout, scale, appearance, and landscaping of the development.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 3) The outline planning permission hereby approved relates to the erection of up to 14 residential units. The application for reserved matters shall not exceed 14 residential units.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans the 1:1250 location plan received 01.11.2022, in so far as it relates to access to the site only drawing ref. 02B site plan 'plans proposed scheme A'.

Reason: For the avoidance of doubt to clarify the site boundary and ensure that a safe access can be achieved.

- 5) The plans and particulars to be submitted with the reserved matters shall include full details of both hard and soft landscape works, inclusive of existing vegetation cover and ancillary built structures. These details shall include:-

- a. hard - existing and proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (e.g.: furniture, play equipment, refuse or other storage units, signs, lighting etc.), proposed and existing functional services above and below ground (e.g.; drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc.);
- b. soft - planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedule of plants (noting species, plant sizes and proposed numbers/densities where appropriate), implementation programme).
- c. details of bin storage areas
- d. details of the type, height, position and materials to be used in the construction of any boundary treatments
- e. details of the pedestrian and cycling environment within the proposed site.

Reason: To safeguard the character and appearance of the area.

- 6) Prior to the commencement of development, a full structural survey of any buildings and retaining walls to be demolished shall be carried out by a suitably qualified professional. Where required, full details of any retaining structures and replacement boundary treatments to be included as part of the proposed development of the site and a programme for their installation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved programme.

Reason: To safeguard the character and appearance of the area, ensure the stability of the site, and ensure appropriate boundary treatment is in place to protect residential amenity

- 7) Detailed plans shall accompany the reserved matters submission for any phase of the development indicating existing ground levels, finished floor levels of the development and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy H10: Detailed Design of Housing Layouts.

- 8) No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site including those in the woodland to the west have been enclosed with temporary protective fencing in accordance with BS:5837:2012 Trees in relation to design, demolition and construction. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To ensure the long-term retention of trees in accordance with UDP Policy N5.

- 9) An Arboricultural Survey, Impact Assessment and Method Statement shall accompany the reserved matters submission. These should detail any potential negative impacts on the trees and woodland, how they will be mitigated and tree protection measures that will be incorporated into the plans.

Reason: To ensure the long-term retention of trees in accordance with UDP Policy N5.

- 10) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plan shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.

Reason: In the interests of highway safety and convenience.

- 11) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 12) As part of any reserved matters application and prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme

shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- a. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- b. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- c. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- d. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- e. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13) No development (including demolition or site clearance) shall commence until a construction and environmental management plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP must cover the following issues and any other matters the local planning authority reasonably requires:

- a. Hours of construction work and deliveries;
- b. Phasing of the development;
- c. Location of site compound/offices which shall be located to minimise disturbance to the amenity of existing residents outside of the site;
- d. Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works;
- e. Measures to control the emission of dust and dirt during construction;
- f. Wheel wash facilities for construction vehicles; and
- g. Measures to control noise levels during construction.

Development of the site shall not proceed except in accordance with the approved method statement which shall be adhered to at all times.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies H10: Detailed Design of Housing T1 Highway Improvement.

14) No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-

- a. Phasing plan of highway works
- b. Stage 1 Safety Audit – ‘Completion of preliminary design’ and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit.

- c. Surface and drainage details of all carriageways and footways.
- d. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
- e. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas.
- f. Details of carriageway markings and signage.
- g. Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies H10: Detailed Design of Housing T1 Highway Improvement.

- 15) Prior to the commencement of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established. The new estate road/access shall be constructed in accordance with the Tameside MBC Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies H10: Detailed Design of Housing T1 Highway Improvement.

- 16) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with UDP Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking.

- 17) During demolition / construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

- 18) None of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials



and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

- 19) No groundbreaking works shall commence until details of an electric vehicle charging strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the number of charging points to be installed, their location within the development and details of the management and maintenance of these facilities. The electric vehicle charging infrastructure shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

Reason: To ensure that the impact of the development in relation to air quality is adequately mitigated.

- 20) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.

Reason: In the interests of creating sustainable places, designing out crime and reducing opportunities for anti-social behaviour in accordance with PfE policy JP-P1.

- 21) No demolition works shall commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species.

- 22) Prior to the commencement of development, additional survey work should be undertaken for the inspection of bat roosts within any buildings to be demolished and must be carried out by a suitably licensed and qualified person. If any evidence of roosting activity is found following an updated bat report then a full mitigation and compensation programme will need to be undertaken. All Reports should be submitted in writing and approved in writing by the Local Planning Authority before any works commences, the work shall then be implemented in accordance with such approved details.

Reason: To safeguard protected species.

- 23) A scheme for the Biodiversity Enhancement and Mitigation Measures including the provisions of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be retained thereafter

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.

- 24) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority

(LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

- h. A Preliminary Risk Assessment which has identified:
  - i. All previous and current uses of the site and surrounding area.
  - ii. All potential contaminants associated with those uses.
  - iii. A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
- i. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
- j. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
- k. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
- l. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

- 25) Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

- 26) No development shall be commenced unless and until a full Residential Travel Plan together with measures to secure its implementation and monitoring have been submitted to and

agreed in writing with the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To enhance the provision of or access to sustainable modes of transport in association with the development.

- 27) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality.

- 28) No above ground work shall take place until a scheme relevant to local highway improvements within the vicinity of the development, and a phasing plan or timescale for works to be implemented by, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-

- a. White lining on Dowson Road;
- b. Tactile paving; and,
- c. The access road being brought up to an adoptable standard including street lighting and drainage.

No part of the development hereby approved shall be occupied until the development has been carried out in accordance with the approved details.

Reason: In the interest of highway safety, in accordance with T1: Highway Improvement and Traffic Management and to promote active travel to and from the development in accordance with paragraph 96 of the National Planning Policy Framework.

- 29) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for 15% of the units being provided on an affordable basis unless an alternative arrangement is first agreed in writing with the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of NPPF or any future guidance that replaces it.

Reason: To meet identified housing need in accordance with UDP policy H5 and paragraph 65 of the NPPF.

- 30) The visibility splay measuring 2.4m back from the existing junction and 44m along the kerb lines of Dowson Road, as shown on 02B site plan, shall be provided in all respects prior to the occupation of development hereby approved.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

- 31) All units within the development hereby approved shall be serviced with full digital fibre connections. A statement confirming this shall be submitted to the Local Planning Authority prior to the first occupation of the development.

Reason: To ensure that the employment uses are digitally connected in accordance PpE policies JP-C2 (Digital Connectivity).

## INFORMATIVE NOTES

### 1) STREET NAMES/ POSTAL NUMBERS

The applicant's attention should be drawn to the need to consult the Engineering, Operations and Neighbourhoods, Tame Street Depot, Tame Street, Stalybridge regarding the street names/postal numbers for the proposed development. 0161 342 3417

### 2) SECTION 278 / 38 AGREEMENT

The applicant's attention should be drawn to the need to consult the Engineering, Operations and Neighbourhoods, Tame Street Depot, Tame Street, Stalybridge 0161 342 3987 regarding entering into a S278 agreement for the proposed entrance into the site off Audenshaw Road and the adoption of the highway within.

### 3) HIGHWAYS GUIDANCE NOTES FOR DEVELOPERS

When carrying out building works on property near to a public highway it is important to remember that the highway is not part of the building site. There are various statutory requirements relating to highways which may be helpful to such persons to know in advance

- a. Skip permits are available for certain locations where obstruction is not likely to interfere with free flow along the highway.
- b. Similarly hoarding/scaffolding permits may be issued.
- c. Other obstructions of the highway are not permitted, i.e. storage of materials, deposition of rubble, mixing of materials.
- d. Parking/loading or unloading regulations must be observed.
- e. Any damage to any part of the highway or its furniture, or blocking of gullies will be repaired/cleared at the expense of the person causing such damage/blockage.
- f. Water should not be permitted to discharge over a public highway either temporarily or permanently.
- g. The deposition of mud on a highway is illegal and action may be taken against the person causing such deposition (e.g. the driver and/or the owner of the vehicle).
- h. Applications for sewer connections/vehicle crossings over footways should be made in advance of development commencing.

Any persons requiring further assistance in relation to these items should contact the Engineering Service at Tameside Metropolitan Borough Council (tel. 0161-342-3900).

### 4) WASTE SERVICES

The applicant is advised to contact the Waste Management & Fleet Services Department of the Council to confirm the exact bin requirements for this development.

### 5) CONTAMINATED LAND

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site.