

## **Application Number 16/01163/OUT**

<b>Proposal</b>	Outline Application attached to 0.63Ha of land (some matters reserved) for proposed residential development including access from Cheshire Street
<b>Site Location</b>	Land off Egmont Street Mossley Ashton-Under-Lyne
<b>Applicant</b>	B & H Precision Tooling Ltd
<b>Recommendation</b>	Grant planning permission subject to conditions and prior signing of S106 legal agreement
<b>Reason for report</b>	A speakers panel decision is required because the application proposes a major development, as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **REPORT**

### **1. APPLICATION DESCRIPTION**

- 1.1 This application follows a previous planning permission granted under application reference 13/00169/OUT which has now lapsed. Whilst the current application is not an application to renew that consent it is effectively made on the same basis and the previous permission.
- 1.2 The application site measures 0.63ha and comprises land and buildings which are currently occupied by Palletman and B & H Precision Tooling, who are in the process of relocating to another premises in Reddish, Greater Manchester. The site lies between the Huddersfield Narrow Canal and the former railway embankment on Cheshire Street. It also includes the current access to Palletman from Cheshire Street and a small area of land, which is in unknown ownership, adjacent to B & H Precision Tooling.
- 1.3 At present B & H Precision Tooling occupy a number of buildings of different ages with access from Egmont Street. Access is via a track which adjoins the canal towpath. On the other side of the main factory building a narrow path separates it from a detached dwelling. The company is well established in Mossley and currently operates from this site and another on the Glover Industrial Estate on the opposite side of Egmont Street. Palletman presently occupies the narrow wedge of land to the south and is accessed via Cheshire Street. The access is also used as an informal right of way to the canal towpath by the general public.
- 1.4 The applicants have submitted an indicative layout which shows how the site could be redeveloped for housing. The application is in outline with only access included for consideration at this time. The applicants propose a single vehicle access from Egmont Street serving a possible 42 houses and apartments (32no. four storey 1 & 2 bed apartments; 9no. 3 & 4 bed town houses & 1no. 3 bed detached house). The proposed dwellings would be located between the canal and the proposed access road to maximise the canal side position. The existing access from Cheshire Street would be closed to vehicles, but the footpath link to the canal would be retained together with an emergency access.
- 1.5 The following documents have been submitted in support of the application;

Planning Statement with Design and Access Statement  
Crime Impact Statement  
Flood Risk Assessment

## **2 SITE & SURROUNDINGS**

- 2.1 The application site is 0.68 hectares in area and is located to the south east of Egmont Street and to the west of Cheshire Street in Mossley.
- 2.2 The site is comprised of the grounds of the former Bottoms foundry and is now in use as by both an engineering and pallet business.
- 2.3 The site is within 400m of the nearest primary school, and 350m of the nearest doctors surgery.
- 2.4 The nearest bus stop to the site is 130m away on Egmont Street with a bus service running approximately every 20 minutes at peak times between Ashton and Oldham. The nearest railway station is at Mossley approximately 0.5km from the site which operates regular services providing links to Manchester, Ashton, Huddersfield, Wigan and Leeds. As such the site has good access to public transport and it is considered to be a sustainable location for residential development.

## **3. PLANNING HISTORY**

- 3.1 16/00613/D106 - Application to modify Planning s106 agreement to remove obligation to re-locate B&H Precision tooling within Tameside. Approved 07/10/2016.

13/00169/OUT - Proposed Residential Development – Outline Permitted 14<sup>th</sup> January 2014

07/00050/OUT – Outline residential Development – Permitted 16<sup>th</sup> July 2008

06/00076/OUT - Proposed Residential Development – Refused 6th March 2006 due to loss of employment land contrary to Policy E3 and release of the site for housing would compromise opportunities for comprehensive redevelopment and could lead to conflict between residential and employment uses.

## **4. RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP) Allocation  
Established Employment Area / Unallocated

### **4.2 Tameside UDP**

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

- 1.3: Creating a Cleaner and Greener Environment.
- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

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

- E3 Established Employment Areas
- H2: Unallocated Sites.
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T11: Travel Plans.
- C1: Townscape and Urban Form

N3 : Nature and Conservation Factors  
N4: Trees and Woodland.  
N5: Trees Within Development Sites.  
N6: Protection and Enhancement of Waterside Areas  
N7: Protected Species  
MW11: Contaminated Land.  
U3: Water Services for Developments  
U4: Flood Prevention

#### **4.3 Other Policies**

- 4.3.1 Greater Manchester Spatial Framework – Publication Draft October 2016  
Residential Design Supplementary Planning Document  
Employment Land Supplementary Planning Document  
Developer Contributions Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

- 4.4.1 Section 1 Building a Strong Competitive Economy  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities

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

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### **5. PUBLICITY CARRIED OUT**

- 5.1 As part of the planning application process 34 notification letters were sent out to neighbouring properties on 7<sup>th</sup> March 2017 a notice was also posted at the site on 18<sup>th</sup> April 2017 and displayed in a local newspaper on 16<sup>th</sup> March 2016.

### **6. RESPONSES FROM CONSULTEES**

- 6.1 United Utilities: No objection to the proposed development subject to conditions.  
6.2 Greater Manchester Ecological Unit: No comments submitted  
6.3 Environmental Health: No objections subject to conditions controlling hours of construction, provision of adequate facilities for storage and collection of waste / recycling and acoustic assessment and mitigating measures.  
6.4 Highways: No objections subject to conditions.  
6.5 Environment Agency: No objection subject to conditions.  
6.6 Transport for Greater Manchester: No comments to make.  
6.7 Canal and River Trust: No comments received  
6.8 National Grid For Gas: No comments received  
6.9 Police Architectural Design Officer: No comments received  
6.10 Environmental Health Contaminated Land: No objections subject to conditions

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the original notifications no letters have been received from neighbours.

## **8. ASSESSMENT**

- 8.1 The principal issues in determining this application are whether there has been any material change in circumstances since the granting of the previous application in January 2014 which would lead to a different decision being reached in this case.
- 8.2 In light of the above it will be considered whether there has been a material change in circumstances in respect of each of the following matters;
- Principle of Development and Loss of Employment Land
  - Layout, Design and Landscaping
  - Amenity
  - Highway Safety and Accessibility
  - Ground Conditions
  - Ecology
  - Drainage & Flood Risk
  - Planning Obligations

## **9. PRINCIPLE OF DEVELOPMENT AND LOSS OF EMPLOYMENT LAND**

- 9.1 In policy terms the southern third of the site is shown on the UDP proposals map as falling within established employment area E3. Policy E3 establishes 4 criteria for the development of 'established employment areas' for residential or mixed use development and states that redevelopment of sites will not be permitted unless, after assessment of these 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.
- 9.2 The principle of development was previously judged against policy E3 and it was accepted that the premises are not attractive to modern users.

Redevelopment of the site for employment purposes would be possible, but the awkward shape and access constraints limit its potential, hence why the applicants are vacating the site. These arguments were accepted as valid in the context of the previous application and there are not considered to be any policy or other changes in the intervening period that would indicate that a further consent should not be granted.

- 9.3 The principle of development is thus considered acceptable as it would deliver sustainable development.

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

- 10.1 Whilst the layout of the site is a reserved matter the application is accompanied by an indicative drawing showing how the site could be laid out. This layout is the same as was previously accepted and shows a mixture of detached, and terraced dwellings together with flats fronting a single access road onto Egmont Street.
- 10.2 Existing trees are shown to be largely retained to the boundaries of the site and further benefits are likely to arise from the redevelopment of the site including the regeneration of the site and removal of unsightly and now dilapidated industrial

buildings. Redevelopment of the site would also provide an opportunity to secure a high quality frontage to the canal.

- 10.3 The indicative layout needs work to achieve a successful development and does not pick up on matters of details such as where bin storage would be located. Layout is, however, ultimately a reserved matter and it is clear from the submitted details that some form of residential development could be accommodated on this site and that nothing has changed that would make the development unacceptable under policies H7 and OL10.

## **11. AMENITY**

- 11.1 In terms of amenity the layout and scale of the development are reserved matters, however the general impact of the development can be considered and some conclusions can be drawn from the indicative layout drawing provided.
- 11.2 The Council's Residential Design SPD sets out minimum distances between habitable rooms and blank walls of 21m and 14m respectively, these distance are moderated where steep slopes exist or where development is at an angle. The submitted indicative layout within the site complies with the requirements of the Residential Design SPD.
- 11.3 The site is in relative isolation from neighbouring dwellings, being situated between the embankment to the former railway and the Huddersfield narrow canal. The indicative drawing submitted shows a distance of approximately 21m from the nearest part of the proposed flats to the blank flank wall of the nearest neighbour at 60 Egmont Street, which would comply with the Council's residential design SPD. The site is relatively level and there is no indication that any changes in the existing site levels are proposed.
- 11.4 Officers are thus satisfied that the site is capable of accommodating residential development in a manner which would not be unduly detrimental to the amenities of occupants of neighbouring dwellings subject to conditions. This matter will, however, require further detailed consideration at reserved matters stage.

## **12. HIGHWAY SAFETY AND ACCESSIBILITY**

- 12.1 The application is supported by a transport statement which sets out the sustainable transport options for the site and analyses the likely impact in terms of traffic generation.
- 12.2 As outlined above the application site is in a sustainable transport location with good access to local services as well as bus and rail services.
- 12.3 Vehicular access to the site will be taken off Egmont Road with emergency and pedestrian access off Cheshire Street.
- 12.4 As with the previous application no objections have been received from the Council's Highway Engineers subject to conditions.
- 12.5 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 4 of the NPPF.

### **13. GROUND CONDITIONS, NOISE AND RELATIONSHIP TO INDUSTRY**

- 13.1 As with the previous application the Council's Environmental Health Contaminated Land officer has no objections to the development subject to standard contaminated land conditions.
- 13.2 The site is not in an area at risk from former coal workings and the development is acceptable in accordance with policy MW11: Contaminated Land.
- 13.3 The Council's environmental health officer has commented on the need to take into account noise from a wood recycling plant to the south in designing the scheme and a condition is suggested which would require a noise report and mitigation measures at reserved matters stage.

### **14. ECOLOGY**

- 14.1 The application site is located alongside the Huddersfield Narrow Canal SSSI, but this conservation status and the value of the land have not changed since the time of the previous application.
- 14.2 Opportunities for biodiversity enhancement are limited but could be included in the proposed landscaped areas as well as incorporating wildlife friendly features such as bat boxes into the proposed buildings.
- 14.2 The proposals would not have any adverse effect upon protected species and are thus in accordance with policy N7: Protected Species.

### **15. DRAINAGE, FLOOD RISK**

- 15.1 As at the time of the previous application the application site is located in Environment Agency flood zone 1, the area with the lowest probability of fluvial (river) flooding. As a major development proposal the application is accompanied by a flood risk assessment.
- 15.2 The submitted flood risk assessment identifies a low risk of surface water flooding from overland flows off Cheshire Street and Crownhill but anticipates this would flow over the proposed parking areas towards the canal as would occur at present. There is no record of historic sewer flooding or groundwater flooding.
- 15.3 Both the Environment Agency and United Utilities state they have no objection to the proposed development subject to conditions.
- 15.4 In the absence of any technical objection the proposal is considered to accord with policy U3.

### **16. DEVELOPER OBLIGATIONS**

- 16.1 The previous consent was subject to a section 106 agreement which required the applicant to relocate the engineering business within Tameside and subject to a £30,000 contribution towards resurfacing the canal towpath adjacent to the development. No other contributions, including any contributions towards education or green open space were secured.
- 16.2 The requirement to relocate the engineering business within Tameside was removed from the obligation by agreement as they were unable to find suitable premises within Tameside. It is also questionable whether this obligation would have met the test of reasonableness within the CIL regulations.

16.3 A £30,000 contribution towards re – surfacing the canal towpath was secured on the previous consent at the request of the Canal and River Trust. Contributions of £25,537.26 towards Open Green Space and £30,978.77 towards Education will also be sought.

## **17. PLANNING BALANCE AND CONCLUSION**

17.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

17.2 Whilst part of the application site is designated for employment uses it has previously been accepted that its re – use for housing would be acceptable under the terms of policy E3 of the UDP.

17.3 The redevelopment of the site would bring about a number of benefits including;

- Re – use of a brownfield site
- Visual amenity improvements
- Contribution to housing need in the borough
- Short term employment
- Economic contributions by future occupants
- Opportunity to enhance the canal frontage

17.4 In terms of dis-benefits the development would involve some short term noise and disruption during construction but this is not unusual with new residential development.

17.5 On balance it is therefore considered that the benefits of the scheme clearly outweigh any dis-benefits and planning permission should therefore be granted.

## **RECOMMENDATION**

To grant planning permission subject to;

- A) The prior signing of S106 legal agreement to secure contributions towards re – surfacing the canal towpath, Green Open Space and Education;
- B) the conditions set out below:-

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 approved plans are;

3134/01 – 1:1250 Site Location Plan  
3134/03 – 1:500 site access plan

Reason: To define the permission

4. The plans and particulars to be submitted with the reserved matters shall include details of the existing and proposed ground levels for the whole site, and the proposed finished floor levels of the dwellings. Existing site levels are not to be lowered below 135.2m AOD. This measure will ensure that any raised water levels in the adjacent canal (caused by overspill from excess flows in the neighbouring River Tame during times of flood) will not in turn flood on to the application site. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

5. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority;

i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that risks from land contamination is understood prior to works on site both during the construction phase to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors



6. Prior to the commencement of any development, a foul and surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public combined sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

7. The development shall not commence until details of the road works and traffic management measures necessary to secure satisfactory access to the site have been submitted to and approved in writing by the Local Planning Authority. The approved works and measures shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: In the interests of highway safety

8. A clear view shall be provided at the junction of site access with Egmont St. Its area shall measure 2.4 metres along the centre of access road and 43 metres in each direction along the edge of the roadway in Egmont St. It must be kept clear of anything higher than 0.6 metres above the edge of the adjoining roadway or access.

Reason: In the interests of highway safety

9. The gradient of driveways shall not be steeper than 1 in 15.

Reason: In the interests of highway safety

10. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented and retained in operation through the duration of the building works

Reason: In the interests of highway safety

11. An acoustic assessment carried out in accordance with BS4241 shall be submitted with any reserved matters application to assess the impact of industrial, commercial and traffic noise on the development, in line with the National Planning Policy Framework. Any remedial measures to address noise required by the Local Planning Authority in accordance with BS8233 shall be fully implemented and maintained thereafter.

Reason: To ensure adequate amenities for the occupants of the proposed development.

12. The development hereby approved shall not be brought into use unless and until adequate facilities for the storage and collection of refuse and recyclable materials have been physically provided in accordance with details having been previously

submitted to and approved in writing by the local planning authority. The approved scheme shall be retained thereafter.

Reason: To ensure the provision of adequate storage for waste and recycling facilities.

13. During demolition and 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 safeguard the amenities of neighbouring and nearby residential dwellings.

14. No development shall commence until a comprehensive method statement for the prevention of any disturbance to the canal or to the canal banks has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the commencement of development.

Reason: In the interests of the protection of the water environment of the Huddersfield Narrow Canal.

15. Prior to the submission of Reserved Matters and the carrying out of any subsequent approved development, all trees within the site with a trunk diameter; measured over the bark at a point 1.5 mts above ground level; exceeding 75mm, shall be retained and protected unless otherwise directed by written approval of the Local Planning Authority.

Reason: To safeguard trees

16. The application for approval of reserved matters shall make provision within the housing layout for a footpath connection from Cheshire Street to the Huddersfield Narrow Canal towing path.

Reason: In order to safeguard the existing well used pedestrian route between Cheshire Street and the canal for the amenity and convenience of local residents.

17. Prior to the commencement of development, full details of measures to protect the Huddersfield Narrow Canal from any risk of pollution or other adverse effects during demolition and construction shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the protection of the water environment of the Huddersfield Narrow Canal.