

Application Number 17/00266/FUL

Proposal	29 dwelling houses with associated car parking, access, internal roads, private gardens, public open space and landscaping.
Site Location	Wharf Mill, Dukinfield Road, Hyde
Applicant	Bellway Homes Ltd & Toray Textiles Europe Ltd
Recommendation	Grant planning permission subject to conditions and prior signing of S106 legal agreement
Reason for report	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 seeks full planning consent to redevelop part of the former site of Wharf Mill. The former mill buildings have been demolished and the site has been cleared, the area to the south of the site is being developed for housing.
- 1.2 The application site measures 0.91ha in area and is broadly rectangular in shape.
- 1.3 The land has been vacant for a number of years and constitutes previously developed (brownfield) land.
- 1.4 The applicants have submitted full details of how they intend to develop the site, which would be accessed through the existing housing development to the south which has its own junction onto Dukinfield Road. The submitted site plan shows 29 dwellings comprised of a mix of detached 4 bed, semi detached and terraced 3 bed houses.
- 1.5 The following documents have been submitted in support of the application;

Application forms and certificates
Detailed scheme drawings including planning layout with mine shaft locations shown in relation to proposed dwellings.
This Planning Statement
Design and Access Statement
Ecological Appraisal and update
Crime Impact Statement, prepared
Flood Risk Assessment and Drainage Strategy
Phase I and Phase II Geo-Environmental Site Assessment
Remediation & Enabling Works Strategy
Ground Gas Addendum Report
Environmental Noise Study
Air Quality Assessment
Transport Statement
Arboricultural Impact Assessment

2 SITE & SURROUNDINGS

- 2.5 The application site is 0.9 hectares in area and is located to the east of Dukinfield Road approximately 500m north of the centre of Hyde.
- 2.6 The site is comprised of the grounds of the former Wharf Mill and now lies vacant

with the buildings having been demolished. Ongoing residential development is present to the south of the site.

2.7 The site is within 650m of the nearest primary school, and 800m of the nearest doctors surgery.

2.8 The nearest bus stop to the site is immediately outside of the site approximately 250m from the centre of the development. Services run 6 times an hour during peak times to Ashton, Dukinfield, Hyde and Stockport. A further bus service runs from the nearby Newton Street with 3 bus services running every hour at peak times to Ashton, Stalybridge, Hyde and Oldham. The nearest railway stations are located at Hyde (Central) and Flowery Fields both located approximately 0.7km from the site and which operate regular services providing links to Manchester Piccadilly, Rose Hill, Marple and Hadfield. 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 09/00002/OUT, demolition of the existing premises on the site, and erection of a mixed residential and employment development. Refused April 2009 for the following reason:

“The proposed development introduces without adequate justification a non-employment use on a site designated as an Established Employment Area which is contrary to both Policy E3 of the Unitary Development Plan and also the Employment Land Supplementary Development Document.

A subsequent appeal was dismissed

09/01070/OUT, demolition of the existing premises on the site, and erection of a mixed residential and employment development (resubmission of 09/00002/OUT). Approved subject to a section 106 agreement requiring a bond to be paid to the Council prior to the occupation of any residential units or the completion of two industrial units on the site together with contributions towards education and open space.

15/00631/FUL, hybrid application was submitted seeking full planning permission for the erection of 66 no. dwellings with associated car parking, access, internal roads and landscaped open space on the central and southern part of the site, and outline planning permission for employment uses (Use Classes B1/B2/B8) with all matters reserved, except for access on the northern part of the site. Permitted October 2015 subject to a S106 Agreement which secured financial contributions towards the off-site provision of open space and educational facilities. It also required the provision of 6,000 sq ft (c. 557 sq m) of commercial floorspace on the northern part of the site, or the payment of a financial bond, prior to the occupation of the first residential dwelling on the site. The bond was paid to TMBC by TTEL on 20 January 2017.

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.
- 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
- The Greater Manchester Joint Waste Development Plan Document April 2012
- The Greater Manchester Joint Minerals Development Plan Document April 2013
- 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 18 notification letters were sent out to neighbouring properties on 25th April 2017 a notice was also posted at the site and displayed in a local newspaper on 27th April 2017.

6. RESPONSES FROM CONSULTEES

- 6.1 Greater Manchester Ecological Unit: The application site is not of substantive ecological value. No objections to the above application on nature conservation grounds.

Site is adjacent to the Peak Forest Canal Site of Biological importance (SBI). The Canal has been designated because it supports important populations of aquatic plants. Appropriate precautions should be taken throughout the course of any approved construction period to ensure that the pollution of the Canal waters is prevented to avoid any harm to aquatic plants.

Recommend that a Construction Method Statement prepared for the site should include details of measures to be taken to avoid the risk of polluting the Canal.

- 6.2 Environmental Health: Any comments to be reported verbally
- 6.3 Highways: No objections subject to conditions
- 6.4 Coal Authority: The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.
- 6.5 Police Architectural Design Officer: No response received
- 6.6 Environmental Health Contaminated Land: No objections subject to conditions
- 6.7 Sustainable Travel Officer: Footpath HYD/6 runs along the northern boundary of this site and along what looks like it may form an emergency access into the housing site. It will need to be considered during the planning decisions

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

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

8. ASSESSMENT

- 8.1 The principal issues in determining this application are;
 - o Principle of Development and Loss of Employment Land
 - o Layout, Design and Landscaping
 - o Amenity
 - o Highway Safety and Accessibility
 - o Ground Conditions
 - o Ecology
 - o Drainage & Flood Risk
 - o Planning Obligations

9. PRINCIPLE OF DEVELOPMENT AND LOSS OF EMPLOYMENT LAND

- 9.1 In policy terms the site is shown on the UDP proposals map as falling within an established employment area E3. Policy E3 establishes 4 criteria against which proposals for the development of 'established employment areas' for residential or mixed use development must be considered;

(a) the quantity and type of employment sites and premises available in the area,
(b) evidence of demand for employment sites and premises in the area,
(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,
(d) the opportunity which may be presented for new forms of employment as part of a mixed use scheme.

Policy E3 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 applicant contends that policy E3 is 'significantly out of date', this is not accepted by officers as E3 has saved status and the NPPF is clear that policies within local plans which were adopted before the publication of the NPPF can be given weight according to their degree of conformity with national policy. Many of the sites covered by E3 have been subject to review and the need to maximise the delivery of housing on brownfield sites within the urban area of the Borough has led the Council to include the site as a potential housing site rather than an employment site within the 2016 Housing and Employment Land Supply Updates. It is considered that beyond those sites that are now in the identified Housing Supply, the weight to be given to the remaining employment supply and all other Policy E3 Established Employment Areas should be significant, however, it is acknowledged that the Council has already recognised the potential of the site subject of this application for housing development.
- 9.3 The applicants have undertaken significant marketing of the site for employment purposes but this had resulted in no offers or even serious interest in the site from potential occupiers or developers. The site is also physically constrained with the only available site access between two end of terrace properties, 53 and 55 Duckinfield Road, being a particular constraint. Although inclusion in the land supply update does not imply any certainty that planning permission will be granted.
- 9.5 In considering the above factors in relation to Policy E3 the marketing demonstrate that there is no demand for the site for employment development. Given the presence of other nearby residential development to the south and the constrained access to the site it is considered that employment development of the site is unlikely to be forthcoming and the proposal is acceptable under the terms of Policy E3.
- 9.6 UDP policy H2 confirms that the Council will generally permit the redevelopment of previously developed land for residential use. It is clear that there would be further material benefits from the proposal in terms of redeveloping a brownfield site and boosting the supply of housing.

10. LAYOUT, DESIGN AND LANDSCAPING

- 10.1 The submitted layout drawing shows the development laid out with an 'L' shaped access road as a continuation of the existing access to phase 1 of the development to the south. A significant area of green open space (0.13ha) is proposed adjacent to the boundary with the housing development to the south in an area where several mine shafts are present.
- 10.2 A number of mature trees are shown in a group to the north eastern corner of the site, however, these were not the subject of a tree preservation order and the site has been cleared and these trees have been removed.
- 10.3 A landscaping scheme has been submitted which shows the planting of replacement trees within the site boundaries and this can be conditioned as part of any approval.
- 10.4 Subject to conditions to require appropriate landscaping to be carried out the proposal is considered acceptable under policies H7 and OL10.

11. AMENITY

- 11.1 The Council's Residential Design SPD sets out minimum distances between habitable rooms and blank walls of 21m and 14m respectively, these distances are moderated where steep slopes exist or where development is at an angle and is reduced from 14m to 21m across street frontages.
- 11.2 The layout of the site is severely constrained by the presence of mine shafts within the site and flanks a construction site on the southern side where a previously permitted scheme is being built out.
- 11.3 The scheme is broadly compliant with the Council's Residential Design SPD with two exceptions. The first is where the rear facing principal windows to the neighbouring property at 49 Duckinfield Road would face the flanking two storey side wall of the dwelling proposed on plot 28 at a distance of 11.15m where the SPD calls for 14m. As the level of plot 28 would be set approximately 2m lower than 49 Duckinfield Road this neighbour would effectively flank plot 28 as if it were a single storey structure where a distance of 10m can be considered appropriate. As such it is considered that the proposed development would not have an unacceptable impact upon the amenities of the neighbouring property such as to warrant refusal of the scheme.
- 11.4 The second breach relates to the distance between the rear of plot 4 and the 2 storey side flanking wall of plot 6 which is at a distance of approximately 11.75m where the SPD recommends 14m. Whilst this is short of the recommended distance by 2.25m this situation would not lead to particular harm to the amenities of either plot and is not considered to be grounds on which to resist the application.
- 11.5 As such the proposal is considered acceptable in terms of its impact upon the amenities of the occupants of the proposed and neighbouring dwellings and thus complies with UDP policy H10.

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 It is proposed to take vehicular access for the scheme through the existing residential scheme to the south which has a signalized junction with the Duckinfield Road.
- 12.4 The Council's Highway Engineers have no objections to the proposals subject to conditions and whilst the presence of a public footpath is noted by the Council's sustainable travel officer it is located outside of the site and is not likely to be affected by the proposals.
- 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

- 13.1 Council's Environmental Health Contaminated Land officer has no objections to the development subject to standard contaminated land conditions.
- 13.2 The application site falls within the defined Development High Risk Area and the applicants supporting information identifies that there are 4 mine shafts present on the site. The Coal Authority has made representations in relation to the application stating that their records indicate the presence of one recorded mine entry (shaft) within the planning boundary and that thick coal seams are likely to outcrop at or close to the surface.
- 13.3 The applicant has submitted a Summary Brief for Further Ground Investigation and Mitigation (16 June 2016, prepared by Coopers Ltd). The Brief confirms that further ground investigations and grouting will be required to address shallow mine workings. However, and whilst the Brief also correctly identifies the recorded mine shaft within the site and is able to confirm its precise location. Whilst the Coal Authority initially had concerns about the presence of the mine shafts on the site they have withdrawn any objection and suggest that a condition is imposed to secure a scheme of investigations and treatment works.
- 13.4 Subject to the suggested condition the development appears to have acceptably dealt with any risk from mining subsidence.

14. ECOLOGY

- 14.1 The application site borders the Peak Forest Canal Site of Biological importance (SBI), however, it is acknowledged that the application site itself is not of substantive ecological value.
- 14.2 GMEU comment that appropriate precautions should be taken throughout the course of any approved construction period to ensure that the pollution of the Canal waters is prevented to avoid any harm to aquatic plants and the recommended Construction Method Statement can be conditioned.
- 14.3 Subject to conditions to safeguard the canal 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 The application site is located in Environment Agency flood zone 1, the area with the lowest risk of flood.
- 15.2 The previous application for the development of the whole site approved under application reference 15/00631/FUL included a flood risk assessment which agreed a maximum surface water discharge rate from the site of 80 litres per second.
- 15.3 The submitted flood risk assessment (FRA) addendum indicates that the overall amount of impermeable area on the site will decrease as a result of the development changing from commercial to residential and due to the amount of Green Open Space included as part of the proposals and the applicant states that overall flows between phase 1 and 2 remain as permitted.
- 15.4 As such the proposal is considered to accord with policy U3.

16. DEVELOPER OBLIGATIONS

- 16.1 The Council's section 106 calculator has given figures of £ £20,393.80 towards green open space, £36,507.09 towards education.
- 16.2 Education have confirmed that the education contribution would be required for remodelling work that is necessary to increase the published admission number at Hyde Community College from 210 to 240 pupils.
- 16.3 The open space sum would be used towards schemes at Hyde Park, however, the figure cited may be reduced in light of the amount of public open space provided on site.
- 16.4 The previous s106 agreement attached to the outline consent will also need to be varied to reflect the grant of this consent.

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 use it has been demonstrated 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
- 17.4 In terms of dis-benefits the development would involve some short term noise and disruption during construction. Some low level impact upon outlook and privacy may also be anticipated 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) a section 106 agreement or unilateral undertaking to secure contributions towards education, green open space and;
- B) subject to the conditions set out below:-
1. The development hereby approved must be begun within three years of the date of this permission.

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. The approved plans are;

1:500 Planning Layout Phase 2 - BH/MAN/ENG revision E

1:100 All house types - BHM023P2/HT

1:500 Fencing Layout - BH/MAN/ENG/FL02 revision A

1:500 Waste Management Plan Phase 2 - BH/MAN/ENG/WM02 revision A

1:250 Planting Plan – LDS405-01

1:1250 Location Plan BHM023 LP02 revision A

Reason: To define the permission

3. No development above slab level shall be carried out unless and until details of the facing materials to be used in the construction of the dwellings hereby approved have been submitted to and approved in writing by the local planning authority.

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

4. 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

5. Prior to the commencement of any development, a surface and foul 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.

Surface and foul water shall be drained on separate systems. 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.

6. Prior to occupation, the car parking indicated on the approved plan shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. Parking areas or driveways must be at least 3.1 metres wide and 6 metres long where in front of house doors or 5.5 metres long where in front of a garage. The areas shall be maintained and kept available for the parking of vehicles at all times.

REASON: To ensure adequate car parking arrangements. In accordance with Residential Development SPD.

7. The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveways 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. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

Reason: To secure the provision of satisfactory access to the site and in the interests of personal/road safety

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

Reason: In the interests of highway safety

9. The development shall not commence until a scheme detailing the proposed means of capping/infilling any existing mine shafts having any potential impact on the proposed adopted highway, has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the construction of the relevant sections of roadway/footway.

Reason: To secure the future stability of highways within the site.

10. A clear view shall be provided on each side of each driveway access where meeting the back of footway. Its area shall measure 2.4 metres along the edge of the drive and 2.4 metres along the back of footway. It must be kept clear of anything higher than 600mm above the access.

Reason: In the interests of highway safety

11. Prior to the occupation of any plot within the development the boundary treatments shown on the approved 1:500 Fencing Layout drawing number - BH/MAN/ENG/FL02 revision A relevant to that plot shall be carried out.

Reason: To safeguard the amenity and privacy of the occupants of the proposed and neighbouring dwellings.

12. Within 6 months of the completion of the development the scheme of hard and soft Landscaping shall be carried out in accordance with the Planting Plan drawing LDS405-01. Any losses or failures of plants which form part of the approved scheme shall be replanted in the first available planting season for the first 5 years following the implementation of the landscaping scheme.

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

13. The development hereby approved shall not be brought into use unless and until the facilities for the storage and collection of refuse and recyclable materials as shown on the 1:500 Waste Management Plan Phase 2 - BH/MAN/ENG/WM02 revision A have been physically provide. The approved storage spaces shall be retained thereafter.

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

14. 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.

15. No development shall be commenced unless and until a Construction Environmental Management Plan (CEMP) setting out a variety of control measures for managing the potential environmental effects of construction works on the adjacent designated site, including control and management of dust, surface water runoff, waste and pollution control has been submitted to and approved in writing by the Local Planning Authority for approval. The development shall thereafter take place in accordance with the approved details.

Reason: To safeguard features of ecological interest

16. Prior to the commencement of development a scheme of intrusive site investigations for the mine entry shall be submitted for approval. The scheme of intrusive investigations shall subsequently be carried out in accordance with the approved details and a report of the findings and a scheme of remedial treatment of all mine entries submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved remedial works.

Reason: To safeguard against unstable land