

**Application Number** 20/01223/FUL

**Proposal** Erection of 27 dwellings

**Site** Land to rear of 14-22 Porlock Avenue bounded by Godley Reservoir and Sutton Walk, Hyde

**Applicant** Onward Homes

**Recommendation** Grant planning permission, subject to conditions.

**Reason for Report** A Speakers Panel decision is required because the proposal constitutes major development and approval would be subject to a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990.

## **1.0 APPLICATION DESCRIPTION**

1.1 The applicant seeks full planning permission for the erection of 27 dwellings on the currently undeveloped site.

1.2 The proposed mix of accommodation is as follows:

- 21 x 2 bedroom dwellings; and
- 6 x 3 bedroom dwellings.

1.3 The scheme incorporates an area of informal open space in the northern portion of the site, which would include an east-west aligned footpath that would connect to Hare Hill Road to the east and the Godley Hill Site of Biological Importance to the north west of the site. This would facilitate a diversion of the existing bridleway that currently runs through the central part of the site.

1.4 The following documents have been submitted in support of the planning application:

- Planning Statement;
- Transport Statement;
- Tree Survey;
- Preliminary Ecology Appraisal;
- Preliminary Site Conditions Assessment;
- Design and Access Statement;
- Drainage Strategy Report;
- Crime Impact Statement; and
- Affordable Housing Statement.

## **2.0 SITE & SURROUNDINGS**

2.1 The application relates to a roughly square piece of undeveloped land situated west of Hare Hill Road, located in the northern part of Hattersley. Residential properties on Sutton Walk run parallel with the northern boundary of the site. The properties on Porlock Avenue are situated beyond the southern boundary of the site. A covered reservoir is located to the west of the site, with associated infrastructure at the western end of the reservoir.

2.2 Land levels drop steeply downwards in a northerly direction in the northern portion of the site, with the land level of the properties on Sutton Walk set significantly lower than the levels in the central and southern portions of the application site.

### **3.0 PLANNING HISTORY**

3.1 None relevant to the determination of this planning application.

### **4.0 RELEVANT PLANNING POLICIES**

#### **4.1 Tameside Unitary Development Plan (UDP) Allocation:**

Not allocated, within the settlement of Hattersley.

#### **4.2 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;  
1.10: Protecting and Enhancing the Natural Environment; and  
1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.3 Part 2 Policies**

C1: Townscape and Urban Form;  
E2: Development Opportunity Areas;  
H2: Unallocated Sites (for housing);  
H4: Type, Size and Affordability of Dwellings;  
H5: Open Space Provision;  
H6: Education and Community Facilities;  
H7: Mixed Use and Density;  
H10: Detailed Design of Housing Developments;  
MW11: Contaminated Land;  
MW12: Control of Pollution;  
MW14 Air Quality;  
N2: Locally Designated Nature Conservation Sites;  
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;  
T8: Walking  
T10: Parking;  
T11: Travel Plans;  
T13: Transport Investment;  
U3: Water Services for Developments;  
U4: Flood Prevention; and  
U5: Energy Efficiency

#### **4.4 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections.

Hattersley and Mottram SPG (April 2004);  
Residential Design Supplementary Planning Document (SPD);  
Trees and Landscaping on Development Sites SPD adopted in March 2007;  
Tameside Open Space, Sport and Recreation Study (2010); and  
Tameside Council Playing Pitch Strategy 2015

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

Section 2: Achieving Sustainable Development;  
Section 5: Delivering a sufficient supply of homes;  
Section 8: Promoting Healthy and Safe Communities;  
Section 11: Making Effective use of Land;  
Section 12: Achieving Well-Designed Places; and  
Section 15: Conserving and Enhancing the Natural Environment.

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

4.7 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.

#### **4.8 National Design Guide**

This National Design Guide, and the National Model Design Code and Guidance Notes for Design Codes illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

### **5.0 PUBLICITY CARRIED OUT**

5.1 Neighbour notification letters were issued and a notice displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

### **6.0 RESPONSES FROM CONSULTEES**

6.1 Borough Environmental Health Officer (EHO) – no objections to the proposals, subject to the imposition of conditions covering the following:

- Provision of an electrical vehicle charging strategy to serve the development; and
- Limiting the hours of work during the construction phase of the development.

6.2 Greater Manchester Ecology Unit (GMEU) – the Ecological Appraisal submitted with the planning application found the site to have some ecological value, supporting areas of woodland, grassland and scrub. The Design and Access Statement shows an area in the north of the site as being a “retained ecological mitigation zone” and that this area “will contribute to biodiversity gain on the site”, although it also states that the area will provide “accessible recreation and amenity space”. No detailed landscaping plans have been provided and no detailed biodiversity net gain calculations submitted. The following information should be provided by the applicant:

- Two GIS layers, one of the pre-development habitats and one identifying the post-development habitats;
- A completed DEFRA toolkit (2019) metric (spreadsheet) containing the full calculations for the development;
- A management plan for the site following construction, will also be required once the net gain calculations have been agreed and this should set out the prescribed management for a minimum of 30 years with clear objectives for the site. The management plan should include monitoring proposals and justify why the frequency and type of monitoring is appropriate;
- Details of how the management plan will be resourced should also need to be provided.

6.3 Transport for Greater Manchester (TfGM) – no objections to the proposals.

6.4 Local Highway Authority – no objections to proposals. A number of conditions are recommended, as detailed in the main body of the report.

6.5 United Utilities – no objections to the proposals subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development.

6.6 Lead Local Flood Authority (LLFA) – Considering the SuDs hierarchy approach adopted in the submitted drainage strategy, the LLFA is requesting to see adequate evidence for wider integration of sustainable drainage measures to minimise storage requirement as much as possible. The proposed approach discharge rate (5.5 l/s) is acceptable, subject to suggested infiltration test results being taken into consideration. A revised calculation will need to be submitted if a semi-permeable paving solution is implemented. Further investigation is required into sustainable drainage options and details of consultation with United Utilities.

6.7 Greater Manchester Police (Designing Out Crime Officer) – no objections to the proposals subject to the imposition of a condition requiring the crime reduction measures detailed in the Crime Impact Statement to be installed prior to the occupation of the development.

6.8 Borough Contaminated Land Officer – no objections to the proposals. Concur with the conclusions within the information submitted with the planning application regarding the potential contamination issues that need consideration and that a Remediation and Enabling Works Strategy is needed before movement of materials/soils at the site. A condition to this effect should be attached to any planning permission granted.

6.9 Borough Tree Officer – no objections to the proposal. A soft landscaping scheme to compensate for the loss of trees/hedges should be secured by condition.

6.10 Coal Authority – no objections to the proposals. The site is in an area at a low risk of the stability issues associated with coal mining legacy. An informative outlining the developer's responsibilities in this regard should be attached to any planning permission granted.

6.11 Highways England – no objections raised to the proposals.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 Three letters of objection have been received to the proposals from neighbouring properties, which raise the following concerns (summarised):

- The proposals will result in a harmful impact on the residential amenity of neighbouring properties, particularly in relation to overshadowing, given the height of the proposed 2.5

storey buildings proposed on the eastern edge of the site, adjacent to Hare Hill Road and the fact that the land levels drop between the application site and those neighbouring properties;

- The installation of boundary treatments that would exceed the height of the treatments to the adjacent properties would make the above situation worse;
- Concerns regarding the erection of perimeter fencing on the eastern edge of the development would constrain the access arrangements serving the existing neighbouring properties;
- The loss of hedgerows to facilitate the development would detrimentally affect the biodiversity value of the site; and
- Plot 27 of the proposed scheme would result in harmful overlooking into and overshadowing of existing neighbouring properties.

## **8.0 ANALYSIS**

8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the proposed design and scale of the development on the character of the site and surrounding area;
- 3) The impact on the residential amenity of neighbouring properties;
- 4) The impact on highway safety;
- 5) The impact on the ecology and trees;
- 6) The impact on flood risk/drainage; and
- 7) Other matters.

## **9.0 PRINCIPLE OF DEVELOPMENT**

9.1 This section of the report is split between an assessment of the principle of development on open, undeveloped land and the suitability of the location for residential development.

Principle of the development of the open space:

- 9.2 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 48-50 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.3 Paragraph 48 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 9.4 Policy OL4 of the UDP seeks to retain areas of protected green space, including not only designated spaces (this site is not designated in this regard) but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the Proposals Map'.
- 9.5 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. Tameside has produced a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+).

- 9.6 There is an extensive area of protected open space on the eastern side of Hattersley Road West, which provides a substantial area of amenity space within walking distance of the site and the existing adjacent properties. The application site is currently open in character. However, development extends westwards within close proximity of both the northern and southern boundaries. The development of this site would not therefore result in isolated encroachment into open countryside.
- 9.7 Paragraph 100 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
  - Where the green space is demonstrably special to a local community and hold particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - Where the green area is local in character and does not apply to an extensive tract of land.
- 9.8 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2. The land does have some amenity value, with the presence of a Public Right of Way through the site, connecting through the site to the wooded open space further west.
- 9.9 This feature would be retained by the design of the proposed scheme however, which would maintain an area of public open space in the northern portion of the site, allowing for a re-aligned PRow to pass through the site. Whilst there would be a reduction in the amount of open space, the area to be retained would be enhanced as part of the proposed development.
- 9.10 Overall, whilst the proposal would result in the loss of part of the open space, the land is not designated to be protected for this purpose, does not meet the requirements of the NPPF in terms of designation and is not subject to any natural or historic environment designations.

Principal of the proposed residential development:

- 9.11 The site is allocated under policy E2 of the UDP as a Development Opportunity Area. Part (5) of the policy relates to the parcel that includes this site and states that 'The area is considered suitable for housing as well as employment development. However, future plans for the area should take into account, among other things, the requirements of Kerry Foods, the above average local unemployment levels, and the scope to protect and enhance existing landscape features.'
- 9.12 The site forms only a small portion of the allocation (located at the eastern edge). The allocation refers to residential development as an appropriate use and given the close proximity of existing residential uses, it is considered that the proposal is acceptable in broad principle terms.
- 9.13 Given the siting of the covered reservoir to the west of the site, it is considered that the proposal would not harm the viability or quality of place provided by the redevelopment of the wider allocated Development Opportunity Area. Consideration is required as to the landscape impact of the proposals and this matter is covered in more detail in later sections of this report.
- 9.14 The land is considered to be situated in a sustainable location, within close proximity of regular bus services accessible from Hattersley Road West, connecting to Hyde, Mottram and Manchester city centre. The site is also within walking distance of Hattersley railway station (located to the south east of the site), which also offers regular connection to and from

Manchester city centre. It is also the case that the Council cannot currently demonstrate a five year supply of housing land. Within this context, it is considered that the principle of residential development on the site is acceptable.

- 9.15 On the basis of the above assessment, the principle of development is considered to be acceptable, subject to all other material considerations being satisfied.

## **10.0 CHARACTER OF THE SURROUNDING AREA**

- 10.1 Section 12 of the NPPF is entitled, 'Achieving Well-Designed Places'. Paragraph 127 states that planning decisions should ensure that development achieves the following criteria (those relevant to this proposal):

- Developments that will function well and add to the quality of the area;
- Developments that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities);
- Developments that establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places;
- Developments that optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- Developments that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 10.2 Paragraph 130 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards...'

- 10.3 UDP policy C1 states 'In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development.'

- 10.4 As identified previously, the site forms part of a wider Development Opportunity Area (DOA), allocated under policy E2 of the UDP. Part (5) of that policy relates to the DOA of which this site forms a small part. The Site of Biological Importance to the north west of the site is an important consideration. In this regard, the policy states that 'It is important that any development proposals take into account the objective of protecting the nature conservation interest from direct or indirect impacts and that mitigation and compensation measures are incorporated where appropriate.'

- 10.5 The proposed layout of the dwellings would engage positively with the open space to be retained in the northern portion of the site. The use of a dual fronted property in the north western corner of the development ensures that all of the dwellings on the northern edge of the scheme would present an active frontage to the open space and the footpath that would run through it. This is considered to be a positive element of the design, creating a sense of place by connecting the residential and open space elements of the scheme.

- 10.6 On entry into the development from Hare Hill Road on the eastern boundary of the site, the front building line of the terrace of three dwellings closest to the that boundary would line through with the existing properties on Hare Hill Road, providing a connection to the character of existing development. This again enhances the design quality of the scheme.
- 10.7 The location of the open space in the northern portion of the site also allows an open aspect to be maintained in views of the site from Hare Hill Road. There is a clear legibility to the layout of the open space, with a footway running east-west through the space. The openness allows views to be maintained through to the wider open space to the north west of the site, including the area designated as an SBI.
- 10.8 The creation of a continuous footway through the residential element of the scheme also ensures that this element of the development is legible and connects positively to the surrounding area. There would be a clear route from the north eastern corner of the residential scheme, through to the south western corner. This route would provide a more legible and convenient pedestrian route for existing residents to the east and north east of the site and the school (Discovery Academy) that lies to the west of the site.
- 10.9 The orientation of properties on the western edge of the development was a matter debated through pre-application discussions. Officers considered that an outward facing scheme on that edge would have provided a more positive connection between the application site and the remainder of the land allocated in the wider DOA. The covered reservoir immediately west ensures that such an orientation would not compromise the options available for developing the wider area. Ultimately, this option has not been pursued by the applicant, with the scheme proposing units that would back on to the western boundary of the site.
- 10.10 There are merits to the proposed orientation in that it allows a more legible footway connection through the site and it results in a more efficient layout of houses, with the applicant presenting the case in the Affordable Housing Statement that there is evidence of strong demand within Hattersley for the type of accommodation proposed. Given these factors, the positive elements of the design identified above and the need to increase the supply of housing in the Borough, it is considered that the approach to the layout of the scheme is acceptable.
- 10.11 In relation to the design of the dwellings, the elevations would take a uniform and relatively simple form. The white rendered upper sections of the elevations would provide a cohesive character to the development and would pick up on the rendered character of a number of the existing properties on Hare Hill Road. The use of dormer windows on the front elevations of the properties that would front the open space in the northern portion of the site emphasises the entry point into the development and provides a contrast to the shallower pitched and lower height dwellings within the core of the scheme. The exact details of the construction materials and boundary treatments can be secured by condition.
- 10.12 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in UDP policies C1 and E2 and Section 12 of the NPPF as quoted above.

## **11.0 RESIDENTIAL AMENITY**

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with a habitable room and a corresponding blank elevation.

- 11.2 An additional 3 metres should be added to these distances for each additional storey where buildings are taller than 2 storeys in height. Furthermore, 1 metre should be added to the required separation distance to account for every 1 metre change in land levels between the application site and the ground level on neighbouring properties.
- 11.3 The most directly affected existing neighbouring properties are those that back on to the southern and eastern boundaries of the southern portion of the site, where the residential element of the scheme is proposed to be located.
- 11.4 Plot 1 within the proposed development is located west of no. 36 Hare Hill Road. The two storey element of that neighbouring property is set approximately 6.2 metres off the common boundary with the application site, with a ground floor extension projecting closer. The finished ground and floor levels plan submitted with the application indicates that the ground floor level of plot 1 would be approximately 900mm lower than the level at the common boundary with no. 36 Hare Hill Road.
- 11.5 Given the gable-to-gable relationship that would result from the development, the fact that the proposed dwellings at plot 1-3 would be due west of no. 36 and that the finished level change between the properties would be in favour of that neighbour, it is considered that the proposed development would not result in unreasonable overshadowing of that neighbouring property. Any harmful overlooking from the windows in the gable elevation of plot 1 could be removed through a condition requiring these to be obscurely glazed and fixed shut at a height that would otherwise allow overlooking. Such a requirement would not harm the amenity of the future occupiers of that plot as neither window is a primary opening to a habitable room. A condition to this effect is attached to the recommendation.
- 11.6 The plans indicate that there would be a rise of approximately 2.4 metres between the finished floor levels of plots 10 and 11 and the ground level on the common boundary between the application site and the rear boundaries of the properties at 64-68 Hattersley Road West, situated to the east of the site. Given the oblique relationship to be retained between 64 and 66 Hattersley Road West, the separation distance to be retained to all 3 neighbouring properties and the substantial change in levels in favour of those neighbours, the proposed relationship is considered to avoid a detrimental impact in terms of overshadowing.
- 11.7 As with plot 1, any harmful overlooking from the windows in the gable elevation of plot 11 could be removed through a condition requiring these to be obscurely glazed and fixed shut at a height that would otherwise allow overlooking, without detriment to the amenity of the future occupiers of the development.
- 11.8 The neighbouring property at 10 Porlock Walk is situated adjacent to the south eastern corner of the application site and would face the eastern gable of plot 12 of the proposed development. Given the oblique relationship to be retained and the fact that the windows in the corresponding gable of plot 12 can be obscurely glazed without harm to the amenity of the future occupiers, it is considered that the proposals would not result in harm to the residential amenity of that neighbouring property.
- 11.9 Whilst the relationship between plot 12 and the western gable elevation of no. 8 Porlock Walk would be more direct, the separation distance would be greater and as a result it is considered that there would not be unreasonable overlooking into or overshadowing of that neighbouring dwelling. The separation distances to be retained between plots 12-17, which back onto the southern boundary of the site and the corresponding elevations of the neighbouring properties on Porlock Avenue would be sufficient to prevent harmful overlooking into or overshadowing of those neighbouring properties.
- 11.10 The southern gable of plot 18 would have a lightly oblique relationship with the corresponding northern gable elevation of no. 30 Porlock Avenue, which faces the south western corner of

the site. The gable-to gable relationship, the staggered nature of the relationship and the fact that the proposed unit is north of the neighbouring property ensure that the degree of overshadowing would be reduced to an acceptable degree. The windows in the corresponding gable of plot 18 can be obscurely glazed without harm to the amenity of the future occupiers of the dwelling, preventing unreasonable overlooking into that neighbouring property.

- 11.11 It is considered that none of the other neighbouring properties would be adversely affected by the proposed development in relation to loss of outlook, overshadowing or overlooking. A separation distances of approximately 28 metres would be retained (shortest point) between the dwellings on the northern edge of the development and the corresponding front elevations of the units on Sutton Walk that overlook the northern boundary of the site.
- 11.12 Finished floor levels of the proposed dwellings on the northern edge of the scheme would be approximately 9 metres (worst case scenario) above the land levels at the common boundary with those neighbouring properties. The separation distances to be retained would accommodate this substantial change given that it is the front elevations of buildings that would be corresponding in this relationship. As such, it is considered that the proposals would not result in harmful overlooking into or overshadowing of any of the neighbouring properties on Sutton Walk.
- 11.13 It is considered that sufficient separation distances would be retained between the plots within the development to adequately preserve the residential amenity of future occupiers.
- 11.14 On the basis of the above assessment, the proposals are considered to preserve the residential amenity of neighbouring properties and the amenity of the future occupants of the development.

## **12.0 HIGHWAY SAFETY**

- 12.1 The proposed development would be accessed via an extension of the existing turning head in the south western corner of Hare Hill Road. The alignment of the access road would allow the continuation of the existing pedestrian footways on either side of Hare Hill Road through the development, with a connection to the existing footway in the south western corner, connecting to Porlock Avenue.
- 12.2 The Transport Statement submitted with the planning application indicates that 13 two way movements would result from the development during each of the morning and evening peak periods. The Transport Statement concludes that the level of trips generated by the proposal would not be of a level that would result in a severe impact on the capacity of the surrounding road network.
- 12.3 Neither the Local Highway Authority (LHA) nor Highways England have raised any objections to the proposals. Conditions are requested by the LHA in relation to the traffic management features, how the level difference between the proposed road and the diverted Public Right of Way would be treated and how the footpath would be protected during the construction phase of the development. These conditions are considered to be reasonable and are attached to the recommendation.
- 12.4 It is also considered reasonable to condition the submission and approval of a Construction Environment Management Plan, details of secured cycle storage for each dwelling, an electric vehicle charging strategy, the retention of pedestrian visibility splays and the laying out of the car parking spaces prior to the commencement of the development.

- 12.5 The plans indicate that 50 car parking spaces would be provided for the 27 dwellings. Policy RD8 of the Residential Design Guide requires two car parking spaces per each 2 or 3 bedroom property. The proposal would therefore fall four spaces short of this requirement.
- 12.6 The site is within close proximity of regular bus services and within walking distance of Hattersley railway station. A Residential Travel Plan detailing how these and other modes of sustainable transport are to be promoted to residents can be secured by condition. On that basis, it is considered that the level of harm attributed to the relatively minor deficit in parking provision against the policy standard would not be sufficient to significantly and demonstrably outweigh the benefits of boosting the supply of housing in this location.
- 12.7 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety, subject to the imposition of appropriate conditions.

### **13.0 ECOLOGY AND TREES**

- 13.1 A Preliminary Ecological Appraisal has been submitted with the planning application. The Appraisal considers that the highest value habitat found on the site is a small area of broadleaved woodland. The report concludes that no further surveys with regards ecology are required for the application to be determined. The Appraisal proposes mitigation measures in relation to the timing of tree and vegetation removal (avoiding the bird breeding season), the undertaking of an updated survey of the site in relation to badger activity/habitat, the provision of an updated invasive species survey prior to the commencement of development and the inclusion of biodiversity enhancement measures within the scheme.
- 13.2 GMEU has been consulted on the application. There is a need for clarity in relation to the level of biodiversity net gain that will be achieved as a result of the proposals and specifically the contribution of the area of open space in the norther portion of the site. As GMEU's comments suggest, there is a potential for conflict between the use of this land as public open space and an area to enhance the biodiversity value of the site. It is considered that the additional information, including a Landscape Management Plan for the open space, can be secured by condition. Details of the ongoing management arrangements can be secured via the Unilateral Undertaking to which any planning permission would be subject.
- 13.3 Conditions requiring compliance with the mitigation measures listed in the Preliminary Ecological Appraisal submitted with the application, including the completion of further surveys in relation to badgers and invasive species are considered to be reasonable and are attached to the recommendation.
- 13.4 In relation to the impact on trees, the Borough Tree Officer has not raised any objections to the proposals. A replacement soft landscaping scheme can be secured by condition, to ensure adequate mitigation for the specimens that have been lost, including the replacement of boundary hedgerows that are proposed to be removed. Such a condition is attached to the recommendation.

### **14.0 FLOOD RISK/DRAINAGE**

- 14.1 The applicant has submitted a Flood Risk Assessment and Drainage Strategy with the planning application. The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The applicant has provided an indicative drainage strategy. United Utilities has not raised any objections to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development. These requirements are combined into one of the conditions attached to the recommendation.

14.2 The LLFA has requested further information to demonstrate evidence for wider integration of sustainable drainage measures to minimise storage requirement as much as possible. The proposed approach discharge rate (5.5 l/s) is considered to be acceptable subject to the suggested infiltration test results being taken into consideration. Further investigation is required in relation to sustainable drainage options and details of consultation with United Utilities (UU). Given UU's comments on the application and the fact that the site is situated in an area considered to be at lower risk of surface water flooding, it is considered that the additional information requested by the LLFA can be secured by condition.

## 15.0 OTHER MATTERS

15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 56 of the NPPF):

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

15.2 The applicant would be required to make a contribution to the provision of open space within the local area, in accordance with policy H5 of the adopted UDP, had the scheme not incorporated any public open space within it. In that scenario, the contribution towards offsite open space improvements would be £14,245.10 (as generated by the Council's developer obligations calculator).

15.3 It is the case that the site is currently open and accessible. The result of the development would be to reduce the extent of the land that is accessible and increase the demand for open space in the locality, as a result of the additional 27 dwellings proposed. The applicant has declared that they own the land and therefore it must be considered that access to the majority of the site could be restricted through the installation of boundary treatments that would not require planning permission.

15.4 Approximately 20% of the 0.95 hectare site would be included in the enhanced landscaped area of open space in the scheme proposed. Whilst that space would not include any formal play or sports provision, it is the case that the applicant is working in partnership with the Council to fund areas of equipped open space provision within the wider Hattersley estate, including a site on Fields Farm Road, approximately 0.6 miles from the application site. Given this situation and that the financial contribution would need to be reduced to reflect the on-site provision, it is considered that a requirement to fund offsite open space in this case would not be necessary to make the scheme acceptable in planning terms.

15.5 The Council's Development Obligations Generator (DOG) suggests that a contribution of £20,753.40 towards highway improvement works should be made in order to mitigate the impact of the development on highway capacity. In relation to other infrastructure, where a proposal exceeds 25 dwellings, policy H6 requires financial contributions towards education and other community facilities where current facilities do not have the capacity to meet the additional population of a proposed development. The DOG calculates that the financial contribution in this case would be £24,998.79.

15.6 Paragraph 64 of the NPPF states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.' The latest version of the NPPF came into force in February 2019. Following adoption of the Housing Needs Assessment (HNA) for the Borough in August 2018, the Council now has an up to date evidence base on which to seek affordable housing contributions for developments of this scale. The HNA requires 15% of units on the proposed development to be provided as affordable housing.

- 15.7 Given that the NPPF is significantly more recent than the UDP policy and that the Council has an up to date evidence base to require a level of affordable housing provision at 15% across developments of the scale proposed, officers consider that the 15% affordable housing requirement should apply. This development would be brought forward with the support of grant funding from Homes England. The scheme would be 100% affordable housing and the applicant has agreed to the submission of a Unilateral Undertaking to secure this as part of the planning permission.
- 15.8 In relation to the overall Section 106 position, the development faces a viability challenge on grounds of the abnormal costs tied to remediation of the site, with the delivery of the scheme supported by a Brownfield Land Fund bid, in addition to the Homes England funding identified above. The regeneration of Hattersley has been driven by a partnership between Onward Homes, Tameside Council and English Partnerships. The parties entered into an agreement to govern the financial and land input required to facilitate the estate's regeneration.
- 15.9 In acknowledgement of the recognised viability issues within Hattersley, Section 106 contributions have historically not been collected on new housing developments. The development would substantially exceed policy requirements in relation to affordable housing and this is afforded significant weight in conducting the planning balance.
- 15.10 There are longstanding viability issues with the local housing market within the Hattersley estate and addressing this has been a decisive driver for the wider regeneration framework. The applicant has provided additional viability information which confirms the costs associated with abnormal works to facilitate the development equate to approximately £385,000. Given the Council's longstanding commitment to the regeneration of Hattersley, the local market conditions and on-going working relationship with stakeholders outside of the planning process, it is considered that there is sufficient evidence to render an independent assessment of the viability position not necessary.
- 15.11 Overall when considering the proposal against the policies of the NPPF, taken as a whole, the collective benefits associated with the proposal are persuasive, and in this instance would significantly and demonstrably outweigh consideration to the removal of financial contributions. An absence of Green Space, Education and Highways contributions can be tolerated on the basis of the economic case and the wider social, environmental and economic benefits associated with the provision of good quality affordable housing.
- 15.12 In relation to designing out crime, the applicant has submitted a Crime Impact Statement (CIS) with the application. The CIS highlights the benefits of the layout and design in terms of reducing opportunities for crime. A key example is the block and grid pattern of development, with back to back rear gardens. This ensures that streets are well overlooked through active frontages. The highway layout is also considered to clearly define pedestrian and vehicle routes through the development. There is effective definition of the boundaries between public and private space to the front of properties. Section 7 of the report makes recommendations in relation to retaining walls and external lighting.
- 15.13 The GMP Designing Out Crime Officer has reviewed the content of the Statement and has raised no objections to the proposals. A condition requiring the measures outlined within Section 7 of the CIS to be incorporated within the development is attached to the recommendation.
- 15.14 The Borough EHO has not raised any objections to the proposals, subject to the imposition of a number of conditions. Details of the capacity of bin storage to be provided for each of the dwellings and the means of enclosure of the communal storage area can be secured by condition.
- 15.15 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 reasonable

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.

- 15.16 Given the close proximity of adjacent properties, it is considered reasonable to attach a condition limiting the hours of work during the construction phase of the development.
- 15.17 In relation to ground contamination, a Phase I Assessment has been submitted in support of the planning application. The Assessment concludes that intrusive investigations need to be undertaken to inform what remediation works may be necessary. The Contaminated Land Officer has reviewed the findings and has not raised any objections to the proposals, subject to the imposition of a condition requiring the undertaking of this intrusive investigation and the submission of a remediation strategy prior to the commencement of development. Such a condition is attached to the recommendation.
- 15.18 The site is in an area considered to be at low risk in relation to the land stability issues associated with coal mining legacy. An informative outlining the developers responsibilities in this regard can be attached to any planning permission granted.

## **16.0 CONCLUSION**

- 16.1 The principle of development is considered to be acceptable. Whilst the site does currently have recreational value and the amount of open space would be reduced as a result of the development, the quality of that to be retained would be enhanced and designed in a manner that would maintain the connectivity to the open space and SBI to the north west of the site. The scheme would boost the supply of housing in a sustainable location and significant weight is afforded to the provision of 100% affordable housing in this location.
- 16.2 Following the detailed assessment in section 11 of this report, it is considered that the proposed development would not result in an adverse impact on the residential amenity of neighbouring properties, subject to certain openings being controlled by condition. The scheme is considered to be acceptable in design terms and there are no objections to the proposals from the relevant consultees on the grounds of highway safety or ecology, subject to conditions.
- 16.3 Within the context of the site conditions, the level of external funding required to make the scheme financially viable and the housing market situation in Hattersley, it is considered reasonable not to secure financial contributions to fund off-site infrastructure improvements in this case. This assessment is made within the context of the level of enhanced on-site open space provision within the scheme, the fact that 100% affordable housing provision can be secured through a Unilateral Undertaking and the financial commitments made by the applicant towards the wider regeneration of the estate.
- 16.4 It is considered that all other material considerations can be satisfied through the imposition of conditions, where appropriate, as detailed in the main body of the report. The proposals are therefore considered to comply with the relevant national and local planning policies quoted above.

## **RECOMMENDATION**

Grant planning permission, subject to the following:

- a) The prior completion of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 100% affordable housing provision; and
- Details of the ongoing management and maintenance of the public open space to be provided as part of the scheme; and

b) The following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:

1:1250 Site location plan (Drawing no. PL.015);  
 1: 500 Proposed site plan (Drawing no. PL.001A);  
 Proposed Block Type 1 plans (Drawing no. PL.016B);  
 Proposed Block Type 2 and 3 plans (Drawing no. PL.017B);  
 Proposed Block Type 4 and 5 plans (Drawing no. PL.018B);  
 Proposed Block Type 1 elevations (Drawing no. PL.019C);  
 Proposed Block Type 2 elevations (Drawing no. PL.020C);  
 Proposed Block Type 3 elevations (Drawing no. PL.021C);  
 Proposed Block Type 4 elevations (Drawing no. PL.022C);  
 Proposed Block Type 5 elevations (Drawing no. PL.023C);  
 Crime Impact Statement (ref. V 1.0 dated December 2020);  
 Preliminary Ecological Appraisal produced by E3P (Ref. 80-242-R1-2 dated 03/12/2020); and  
 Arboricultural Impact Assessment (ref. 80-242-R2-2 dated 16/12/2020).

3. No development, other than site clearance and site compound set up, shall commence until such time as 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 (including controlled waters) 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.

4. No development shall commence until a Landscape Management Plan for the area of public open space in the northern portion of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following information:

- Two GIS layers, one of the pre-development habitats and one identifying the post-development habitats;
- A completed DEFRA toolkit (2019) metric (spreadsheet) containing the full calculations for the development;
- A management plan for the site following construction, will also be required once the net gain calculations have been agreed and this should set out the prescribed management for a minimum of 30 years with clear objectives for the site. The management plan should include monitoring proposals and justify why the frequency and type of monitoring is appropriate; and
- Details of how the management plan will be resourced should also need to be provided.

The Landscape Management Plan shall be implemented in accordance with the approved details on the occupation of the first dwelling and shall be maintained in accordance with the approved management plan thereafter.

5. No development, other than site clearance and site compound set up, shall commence until such time as 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 and methodology for an investigation to determine the potential for the site to be affected by coal mining legacy issues shall be undertaken and approved by the Local Planning Authority;
  - ii. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation;
  - iii. Any additional or unforeseen coal mining legacy issues 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; and
  - 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.

6. Notwithstanding any description of materials listed in the application or detailed on the approved plans, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls (including retaining walls), fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
7. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site (Drawing no. PL.001A) prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.
8. Notwithstanding any details submitted with the planning application, prior to the first occupation of any part of the development hereby approved, details of the boundary treatments to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the

treatments and details of the construction material and the finish to be applied. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings.

9. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and
- Details of on-site storage facilities.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

10. Notwithstanding the details shown on the approved plans, no part of the development 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 storage and the means of enclosure. 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.

11. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:

- A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting; and
- The location and construction material of all hard surfacing.

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development hereby approved.

12. The approved soft landscaping scheme to serve the development shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of five years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.

13. Prior to the commencement of any development, a 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. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.

14. Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
15. 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:
  1. Phasing plan of highway works;
  2. Surface and drainage details of all carriageways and footways;
  3. 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;
  4. 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 (including connections to existing footways at the boundaries of the site);
  5. Full dimensions and construction specification of the diverted Public Right of Way;
  6. Details of how the level difference for the proposed road and the Public right of way will be treated (including section plans showing any retaining structures); and
  7. Details of carriageway markings and signage.

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.

16. All of the crime reduction measures details in Section 7 of the Crime Impact Statement shall be installed to the specification detailed in the document prior to the first occupation of any of the dwellings that form part of the development hereby approved. The development shall be retained as such thereafter.
17. No development above ground level 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.
18. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
19. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.
20. No development above ground level shall commence until details of biodiversity enhancement measures to be installed as part of the development hereby approved has

been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

21. 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.
22. Notwithstanding the details illustrated on the approved plans, prior to the first occupation of any part of the development hereby approved, details of secured cycle storage to be installed within 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 storage and details of the means of enclosure. The secured cycle storage shall be installed in accordance with the approved details, prior to the first occupation of any part of the development and shall be retained as such thereafter.
23. Prior to the first occupation of any part of the development hereby approved, a Sustainable Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include specific measures to be implemented to encourage trips to and from the site via alternative modes of transport to the private car. The measures shall be implemented in accordance with the approved details following first occupation of the development and shall be retained as such thereafter.
24. No development shall commence until a survey by a suitably qualified profession has been undertaken in relation to badger activity on the site and adjacent to the site boundaries and submitted to and approved in writing by the Local Planning Authority. The survey shall identify any necessary mitigation measures to be put in place during the construction phase of the development. Such mitigation measures shall be installed on the commencement of the construction phase, in accordance with the approved details and shall remain in force for the full duration of the construction phase of the development.
25. No development shall commence until a survey by a suitably qualified profession has been undertaken in relation to the presence of invasive species (including, but not limited to, Himalayan Balsam) on the site and adjacent to the site boundaries and submitted to and approved in writing by the Local Planning Authority. The survey shall identify any necessary mitigation and the development shall be carried out in accordance with the approved details.
26. No development shall commence until a scheme for the retention of a Public Right of Way through the site during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan showing the location of a temporary route through the site, details of how the route will be surfaced and where signage is to be installed to alert members of the public to the temporary diversion of the footpath. The scheme shall be implemented in accordance with the approved details, prior to the commencement of any development and shall be retained in force for the duration of the construction phase.
27. The development shall be carried out in accordance with the mitigation measures detailed in section 4 (Ecological Constraints and Mitigation) and 5 (Further Surveys) of the Preliminary Ecology Appraisal submitted with the planning application.
28. Prior to the commencement of any development, protection measures meeting the requirements of BS5837:2012 shall be installed around the trees to be retained on the site and adjacent to the boundaries of the land. The protection measures shall be retained in place for the full duration of the construction works.

29. Prior to the first occupation of plots 1, 11, 12 or 18 within the development hereby approved, all of the windows in the following elevations (as identified on the approved site plan) shall be fitted with obscured glazing (meeting Pilkington Level 3 in obscurity as a minimum) and shall be non-opening below a height of 1.7 metres above the ground floor level of the room/space that they serve:

- Eastern gable of plot 1;
- Eastern gable of plot 11;
- Eastern gable of plot 12; and
- Southern gable of plot 18.

The development shall be retained as such thereafter.