

Application Number 16/00659/FUL

Proposal	Residential development comprising 10 No. 2 bedroom houses and 9 No. 3 bedroom houses together with new access, landscaping and associated works.
Site	Land at Sandy Lane, Dukinfield, Tameside
Applicant	B.A.K Civil Engineering
Recommendation	Grant planning permission subject to the prior completion of a Section 106 Agreement and conditions.
Reason for Report	A Speakers Panel decision is required because the application constitutes major development and any approval would be subject to a Section 106 Agreement.

1.0 APPLICATION DESCRIPTION

1.1 The application, as amended, seeks full planning permission for the erection of 19 dwellings comprising of 10 No. 2 bedroomed houses and 9 No. 3 bedroomed houses together with a new access, landscaping and associated works.

1.2 The applicant has provided the following documents in support of the planning application:

- Arboricultural Impact Assessment & Method Statement prepared by ACS;
- Desk Based Utility Report prepared by RSK;
- Flood Risk Assessment (as amended) prepared by RSK;
- Marketing Report prepared by Matthews & Goodman;
- Noise Assessment prepared by Azymouth Acoustics;
- Phase 1 Ecology Report update letter prepared by RPS;
- Preliminary Risk Assessment update prepared by RSK;
- Coal Mining Risk assessment; and,
- Transport Statement prepared by Local Transport Projects.

2.0 SITE & SURROUNDINGS

2.1 The application site extends to approximately 0.4 hectares. It is triangular in shape and located at the junction of Sandy Lane and Park Road, around 1.5km to the east of the centre of Dukinfield.

2.2 The site is currently vacant, containing overgrown vegetation, trees and rubble and is enclosed within a metal security fence. The northern boundary of the site is defined by a low stone wall with security fence above. Beyond Park Road lies the River Tame. On the opposite side of the river are a number of buildings in employment use with the Huddersfield Narrow Canal to the north.

2.3 To the east of the site are existing industrial premises and land occupied by a demolition contractor. There is a steep drop in levels between the two sites with a retaining wall in between. The site adjoins residential properties at Sandy Vale to the south, beyond which lies residential properties on Belvedere Drive. To the west, the site is bound by Sandy Lane, with residential properties on the opposite side of the road. Beyond this lies Dukinfield cemetery and crematorium with a further area of housing beyond.

- 2.4 The site is allocated as an Established Employment Area on the UDP Proposals Map. Part of the site area along the northern boundary is also identified as an 'Area liable to Flooding' on the UDP Proposals Map.

3.0 RELEVANT PLANNING HISTORY

- 3.1 04/00123/FUL Erection of 4 Industrial Units – Approved with conditions on 29.03.04
- 3.2 09/00016/PLCOND Discharge of Conditions 2, 4, 17 and 20 on Planning Application ref.no. 04/00123/FUL – Approved 05.05.09
- 3.3 14/00627/OUT - Proposed residential development with all matters reserved – OUTLINE – Approved with conditions on 30.03.15

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Established Employment Area & Area Liable to Flooding

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.
- 1.6: Securing Urban Regeneration.
- 1.10 Protecting and Enhancing the Natural Environment.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3 Part 2 Policies

- E3: Established Employment Areas.
- H4: Type, size and affordability of dwellings.
- H5: Open Space Provision.
- H7: Mixed Use and Density (Density being relevant to this proposal).
- H10: Detailed Design of Housing Developments.
- OL4: Protected Green Space.
- OL7: Potential of Water Areas.
- OL10: Landscape Quality and Character.
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- C1: Townscape and Urban Form.
- N5: Trees Within Development Sites.
- N6: Protection and Enhancement of Waterside Areas.
- N7: Protected Species.
- MW11: Contaminated Land.
- MW14 Air Quality.
- U3: Water Services for Developments.
- U4 Flood Prevention.
- U5 Energy Efficiency.

4.4 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 efficient use of land
Section 12: Achieving well designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change.
Section 15: Conserving and enhancing the Natural Environment

4.5 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016;
Employment Land Supplementary Planning Document adopted January 2009;
Residential Design Supplementary Planning Document adopted March 2010; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

It is not considered there are any local finance considerations that are material to the application.

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.

5.0 PUBLICITY CARRIED OUT

5.1 As part of the planning application process neighbour notification letters were issued 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. This is in addition to a site notice posted on Sandy Lane and a press notice.

6.0 RESPONSES FROM CONSULTEES

6.1 The Head of Environmental Services (Environmental Protection) – Raises no objections to the proposed development subject to the imposition of conditions limiting the hours of works and deliveries during the construction process and the submission and approval of full design details of the proposed mitigation measure referenced in the Noise Report to mitigate any impact of noise associated with the adjacent commercial use and traffic noise on the residential amenity of the future occupants of the development.

6.2 The Head of Environmental Services (Highways) - Raises no objections to the proposals subject to the imposition of conditions requiring details of retaining walls, the laying out (and retention free from obstruction thereafter) of the car parking spaces prior to the first occupation of the development, the retention of pedestrian visibility splays on either side of the proposed access arrangements, the submission of a survey of the condition of the highway and the submission of a Construction Environment Management Plan prior to the commencement of development.

6.3 Borough Contaminated Land Officer - Recommends that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.

6.4 Transport for Greater Manchester – No comments.

- 6.5 The Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

- 6.6 Environment Agency (EA) – Having reviewed the Flood Risk Assessment (FRA) from RSK submitted with the application the EA are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval.
- 6.7 Lead Local Flood Authority – The amended Flood Risk Assessment and incorporated Drainage Strategy is acceptable. It is considered that the application could be conditioned to reflect the sequencing of investigations/options development discussed in this report.
- 6.8 United Utilities – Consider that there is not sufficient evidence to support the discounting of discharge to watercourse and would expect this to be investigated further, with correspondence from any third party land owners being provided if this is on the basis for discounting this option. It is also noted that infiltration is stated to have potential for this site, and site investigations are to be done. United Utilities confirm that they would expect the investigation into the feasibility of infiltration to be undertaken and evidenced prior to recommending any compliance condition.
- 6.9 HSE – The development does not intersect a pipeline or hazard zone and HSE does not have an interest in the development.
- 6.10 Greater Manchester Ecological Unit (GMEU): No objections to the proposals subject to the imposition of conditions requiring the submission and approval of a Construction Environmental Method Statement giving details of the measures to be taken to prevent any possibility of polluting the nearby river during the course of site clearance and construction. Opportunities to enhance the site for wildlife should also be taken, including new landscaping and the installation of bat roosting and bird nesting boxes.
- 6.11 Borough Tree Officer: Raises no objections to the proposals. The trees to be removed are low value and would not be considered a constraint to development. The proposed layout indicates adequate new planting to mitigate for the losses. Details of the proposed landscaping scheme should be secured by condition.
- 6.12 Greater Manchester Police (Design For Security) - Recommend that a condition to reflect the physical security specifications set out in section four of the Crime Impact Statement should be added, if the application is to be approved.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the publicity undertaken, the following third party representations have been received:

- 4 No. objections
- 4 No. letters of support
- 2 No. neutral representations

7.2 The representations objecting to the proposed development are made on the following (summarised) grounds:

- Parking and Highway Safety;
- Harm to visual amenity;
- Impact of noise, disruption and disturbance during construction works.

7.3 Representations in support of the application are made largely on the grounds that the site is more suitable for housing than for warehousing (employment purposes), the design of the properties are in keeping with existing properties on Sandy lane and proposal will be an improvement and provide more housing.

8.0 ANALYSIS

8.1 The key issues to consider in the determination of this application are:

- 1) The principle of the development;
- 2) Residential amenity;
- 3) Design and integration with local character;
- 4) Impact on highway safety;
- 5) Flood risk/drainage;
- 6) Trees;
- 7) Ecology;
- 8) Contamination and ground conditions;
- 9) Noise; and,
- 10) Other matters.

9.0 PRINCIPLE

9.1 The application site is currently vacant but is designated as an Established Employment Area on the UDP Proposals Map and therefore the provisions of UDP Policy E3 'Established Employment Areas' apply. The policy states that the development of such sites to residential or mixed use development will not be permitted unless it is considered that the need for housing and the regeneration benefits of such development outweigh the need to retain the site for employment purposes. The policy states that, in making this assessment, the following factors should be considered:

- a) The quality 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; and
- d) The opportunity which may be presented for new forms of employment as part of a mixed use scheme.

9.2 In relation to criterion (a) the redevelopment of this site would not result in the loss of the entire Established Employment Area as the presence of the adjoining employment land to the north and east of the site which also lies within the existing Established Employment Areas within close proximity of the site indicates that significant areas of land in this part of Dukinfield are protected as sites for employment use.

- 9.3 It also relevant to consider that the updated version of the NPPF (2019) contains specific guidance on change of use applications. Paragraph 120 states that:
- “Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in the plan*
- a) They should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped), and*
- b) In the interim, prior to updating the pan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*
- 9.4 The application site has been marketed for an extensive period. The period of marketing for that site began in 2019, including an advertisement board on the site and electronic marketing across multiple platforms. Despite this, no initial interest has materialised into a committed occupier. The results of the marketing campaign are considered to be relevant in assessing the demand for employment sites and premises in the area, as required by criterion (b) of policy E3. The evidence is also relevant is assessing the redevelopment of the site in relation to the requirements of paragraph 120 b) of the NPPF.
- 9.5 The Council cannot currently demonstrate a five year supply of housing land and so in that regard, there is an unmet need for additional housing in the Borough. Alongside this, the vacant nature of the site and extensive marketing of the adjacent land indicate that there is not an unmet need for employment uses in this part of the Borough.
- 9.6 It is also the case that the re-use of the site for a more intrusive employment use is likely to be environmentally unsuitable, given its size, physical characteristics, access, traffic impact, and the sensitivity of surrounding land uses. Having regard to criterion (c) of policy E3 and the long term viability of an employment allocation in this location, as referred to in paragraph 120 of the NPPF, this situation weighs in favour of the redevelopment of the land for an alternative use.
- 9.7 The Employment Land Review of 2013 indicated that the supply of industrial use premises was greater than demand for such premises in the Borough. The surplus of employment land has been reduced through the inclusion of some allocated employment land within the Strategic Housing Land Availability Assessment (SHLAA) (i.e. there is an assumption that some of these sites would be redeveloped for residential use).
- 9.8 Whilst the availability of employment land has reduced since 2013 (as of April 2018, the figure was approximately 41 hectares), this proposal would not result in the loss of the entire designated Established Employment Area within which the site is situated. Requiring the redevelopment of this site to include commercial uses in a mixed use scheme would likely reduce the number of residential units on the site.
- 9.9 It is therefore considered that the benefit of boosting the supply of housing in the Borough would outweigh the retention of part of the site for employment purposes in a mixed use development, addressing the requirements of criteria (d) of policy E3.
- 9.10 Given this situation and the requirement of the NPPF to boost the supply of housing (including on brownfield sites in sustainable location such as this), it is considered that the principle of the loss of employment land is considered to be acceptable.

- 9.11 In relation to density, the scheme proposes 19 dwellings on a site of approximately 0.4 hectares. This equates to a density of approximately 48 dwellings per hectare. Given that the site is considered to be situated in a sustainable location, this density is considered to accord with policy H7 of the UDP. The proposal constitutes the efficient use of land through the redevelopment of a brownfield site, both of which are factors encouraged by the NPPF and weigh heavily in favour of the proposals.
- 9.12 On balance, following the above assessment, it is considered that the harm arising from the loss of the employment site is outweighed by the benefits of boosting the supply of housing in the Borough on a brownfield site in a sustainable location. The principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.
- 9.13 Part of the site lies within Flood Zone 2 which has a medium risk of flooding to certain sections of the site. A Flood Risk Assessment has been submitted with the application which concludes that the flood risk to the proposed development is manageable and development should not be precluded on flood risk grounds. As per the previous planning application where residential development on the site was approved in 2015, the threat of Flood Risk does not preclude the principle of development, and matters of flooding will be addressed later in the report.
- 9.14 Overall, the principle of the proposed residential development at the site remains acceptable. It is noted that the site is located within a highly sustainable location recognising the transport links and amenities on hand within Stalybridge and Dukinfield. The Council's current lack of a 5 year housing supply should also be afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. On this basis, the principle of much needed residential development on a brownfield site, within an accessible and sustainable location is considered acceptable.

10.0 RESIDENTIAL AMENITY

- 10.1 The adopted Residential Development SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties. In this regard in relation to two storey developments, the SPD states that a distance of 21 metres should be achieved between private (rear) elevations and 14 metres between a principle and non-principle elevation.
- 10.2 The layout of the proposed houses generally comply with the Council's guidelines in relation to separation distances, privacy and overlooking in terms of both distances within the new development and to the existing houses surrounding the site on Sandy Lane. The proposed development is also situated at a lower level to adjoining properties on Sandy Vale and would as a result have no undue impact upon their outlook or levels of privacy.
- 10.3 It is considered that the occupants of the proposed dwellings would also be served with a good level of amenity. External noise levels from the traffic and the adjoining industrial use would be controlled by boundary treatments comprising of an acoustic fence along the side and rear boundaries, glazing specification and controlled ventilation. The design of the properties meets technical guidelines for room sizes with good separation between habitable and non-habitable areas. The outside amenity space for the proposed occupiers is also well proportioned and provides secure and private garden space.

- 10.4 The site is within the urban area, and is in an accessible and sustainable location. It is located within a convenient walking distance of Dukinfield and Stalybridge town centres; the amenities of which can serve future residents.
- 10.5 The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site on Sandy Lane, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of UDP policy H10.

11.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 Policy C1 and H10 in addition to the relevant paragraphs of the NPPF require development that is designed and landscaped to the highest standard, paying high regard to the built and/or natural environment, within which it is sited, will be given positive consideration. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance.
- 11.2 The design and layout of the proposed development has responded well to the constraints of the site which include the existing topography, adjoining industrial development and proposed access arrangements. The development is also comparable in scale and character to that of surrounding properties. The proposal seeks to use high quality materials, including slate roofing and red brick which will complement the neighbouring properties along Sandy Lane.
- 11.3 With regard to parking arrangements the layout identifies that this would be provided mainly to the front dwellings which is somewhat regrettable. However, the dominance/impact would be offset by soft landscaping proposed within front gardens and boundary treatments. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain.
- 11.4 Having full consideration to the design merits of the proposal and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of existing housing within the locality and overall it is considered that the design and layout would have a strong identity and provide good quality starter homes and family housing. It is therefore, considered that the proposal adheres to the objectives of policy C1, H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

12.0 HIGHWAY SAFETY

- 12.1 With regard to impact on highway and pedestrian safety, a Transport Statement has been submitted with the application. The Transport Statement considers the impact of the proposal on the local highway network in terms of capacity and safety, the site's accessibility by public transport, and the suitability of the site's access and parking arrangements.
- 12.2 Of the 19 dwellings, 10 are to be served via a new simple priority T-junction that is to be provided from the eastern side of Sandy Lane. The remaining 9 dwellings are to be provided with private drive access from Sandy Lane.
- 12.3 The Transport Statement predicts that the proposed residential development could be expected to generate up to 11 two-way vehicle trip movements during the AM peak hour and 8 two-way vehicle trip movements during the PM peak hour. As this is well below the typical

30 two-way trip threshold for assessment, the report considers that the development is not expected to have a significant impact on the local highway network.

- 12.4 A number of conditions are recommended by the Local Highway Authority (LHA). Specific details of the road works and traffic management measures to be put in place to secure safe access to the site would be required as part of a Section 38 or Section 278 Agreement under the Highways Act and it is considered not to be necessary to impose this condition on the planning permission therefore. For the same reason, a condition survey of the highway is considered not to be necessary in planning terms.
- 12.5 However, details of measures to be included within a construction environment management plan to manage the impact of traffic and materials storage during the construction phase of the development is considered to be necessary. A requirement for the parking to be laid out as shown on the approved plans and details of the cycle storage and electric vehicle charging strategy to serve the development are considered to be reasonable. Such details can be secured by condition.
- 12.6 In relation to car parking provision, the scheme makes provision for 1 car parking space per 2 bedroom dwelling and 2 car parking spaces per 3 bedroom dwelling. The Residential Design Guide requires 2 car parking spaces per dwelling for properties over 1 bedroom in this location.
- 12.7 The level of parking provision would fall short of the maximum standards set out in Policy T10 in the Unitary Development Plan and Policy RD7 in the Residential Design Guide. However, these are maximum standards and the NPPF states that any local standards should only be imposed where there is clear evidence that measures are required to manage the impact of traffic on the highway network. In this case, the LHA has not raised any objections to the amended proposals subject to conditions. Given the close proximity of the site to regular bus and train services to larger settlements and the level of services and facilities within Dukinfield, Stalybridge and Ashton, it is considered that the site is in a sustainable location. On the basis of a combination of these factors, it is considered that the level of parking proposed would not result in a severely harmful impact upon highway safety.
- 12.8 The access and parking arrangements have been designed in conjunction with advice given from the LHA and they have raised no objections. Therefore, subject to the recommended conditions, it is considered that the development adheres to the provisions of policies T1 and T10.

13.0 FLOOD RISK/DRAINAGE

- 13.1 The site lies predominately within Flood Zone 1 with a small section of the north easternmost corner of the site in Flood Zone 2 as identified on the Environment Agency's Flood Risk Map. The application has been supported by a Flood Risk Assessment which has been amended to address comments received from the LLFA and United Utilities. The Flood Risk Assessment also provides adequate mitigation to deal with the sites potential to be affected by flooding including established appropriate minimum floor levels. The LLFA are satisfied that on the basis of this revised document, the proposal satisfies the sequential test as set out within the NPPF. There is no objection in principle therefore to the residential development of the site in this regard. It is noted that the EA have raised no objections to the proposal.
- 13.2 The development is still however required to adhere to the hierarchical approach to drainage for the site. In this regard, the proposal seeks to deal with drainage via an attenuated drainage solution at an appropriate flow rate to ensure the sites existing greenfield run off rate is not exceeded including taking account of climate change. United Utilities have yet to agree this solution with their current response requiring a condition to confirm and agree how

the site should be drained with regard to the hierarchical approach. A condition to this effect is therefore recommended as requested by United Utilities and the LLFA.

14.0 TREES

- 14.1 An updated Arboricultural Impact Assessment has been submitted with the application. The Report notes that the development will result in the loss of a number of individual trees and small 'inconsequential' groups. The Report also confirms that in line with the advice set out in BS5837, the existing trees on site are not of such importance and sensitivity as to be a major constraint on development or justify substantial modification of the proposals. The proposed scheme does however proposed the retention of some of the existing trees at the junction of Sandy Lane and Park Road. The Tree Officer has been consulted on the application and has raised no objections to the proposals subject to conditions requiring specific details of the soft landscaping scheme to be submitted and approved and the implementation of the landscaping scheme prior to occupation of the development. The retention of the existing trees shown as being retained on the submitted plans can also be controlled by a planning condition.
- 14.2 In relation to areas of communal landscaping within the site, it is the intention for all future maintenance of these areas to be addressed by a private management company. The ongoing maintenance and management of such areas can also be secured by a planning condition.

15.0 ECOLOGY

- 15.1 An Ecology Report, Updated Desk Study (September 2020) and Updated Walkover Survey (September 2020) have been submitted with the application. GMEU has reviewed this information and has not raised any objections to the proposals.
- 15.2 A condition is recommended to secure a management plan detailing measures to be put in place during the construction phase of the development to mitigate any potential adverse impact on the biodiversity value of the River Tame. This is considered to be reasonable and can be attached to any planning permission granted. A condition relating to the management of any invasive species on the site is also attached to the recommendation.
- 15.3 In relation to bat activity, the updated Ecology Surveys confirm that the site provides limited and low suitability for commuting and foraging by roosting bats. This is particularly pertinent given that the lines of trees along the boundaries of the site are largely retained as part of the redevelopment proposals. It is therefore concluded that no bat activity surveys are necessary to inform the proposed development of the Site. However, by way of enhancement, it is recommended that bat boxes are provided on retained trees where safe to do so. Such an enhancement could be secured through a suitably worded planning condition.
- 15.4 Following the above assessment it is considered that any potential adverse impact on protected species and the biodiversity value of the site can be adequately mitigated through measures that can reasonably be secured by condition.

16.0 CONTAMINATION & GROUND CONDITIONS

- 16.1 A Preliminary Risk Assessment into possible contamination on the site has been carried out and submitted with the application. The report identifies a number of potential land contamination and/or geotechnical constraints to the proposed development and

recommends the need for further investigation and remediation works to demonstrate that the site is suitable for residential development.

- 16.2 The Borough Contaminated Land Officer and the EA have reviewed the information submitted and have not raised any objections to the proposals, subject to securing further investigation work into potential sources of ground contamination on the site by condition. A condition requiring this additional work to be undertaken and that any necessary mitigation measures are agreed and implemented prior to the commencement of development is considered to be reasonable given the former industrial use of the site.
- 16.3 Part of the site lies within a defined Development High Risk Coal Mining Referral Area. A Coal Mining Risk assessment accompanies the application. The Coal Mining Risk Assessment concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. Such measures can be secured by a planning condition.

17.0 NOISE

- 17.1 A Noise Assessment Report has been submitted with the application which confirms that the site is mainly dominated by traffic noise using Sandy Lane. The application has been assessed in line with recognised guidelines and the noise report proposes mitigation measures comprising of the following:
- A 2.5m high noise barrier along the south east boundary of the site; approx. 14 dB of acoustic attenuation to noise from the adjacent commercial site.
 - A 2m high noise barrier along the park road west boundary of the site; approx. 13dB of acoustic attenuation to road traffic noise.
 - These noise barriers should both be constructed as continuous, imperforate, sealed fence panels at the base, with a surface density of at least 10 kg/m² to help achieve optimum attenuation.
 - Acoustic double glazing to rooms on elevations facing outwards from the site.
 - Acoustically rated trickle ventilation (or other suitably rated ventilation) to dwellings in close proximity to the boundary of the site designed to minimise the need to open windows except during the warmest daytime / evening periods.
- 17.2 The EHO is satisfied with this approach and recommends a condition that secures the identified mitigation.

18.0 OTHER MATTERS

- 18.1 In relation to designing out crime, the applicant has submitted a Crime Impact Statement (CIS) with the application. Greater Manchester Police (Secure by Design) have been consulted on the application and have raised no objections subject to a condition to reflect the physical security specifications set out in section four of the Crime Impact Statement to be attached to any planning permission. Detailed crime reduction measures such as material, fixture and fittings specifications can also be secured through suitably worded planning conditions.
- 18.2 The EHO has also recommended conditions limiting the hours of works during the construction phase of the development and details of the refuse storage arrangements be attached to the decision notice. Given that residential properties are located adjacent and

on the opposite side of Sandy Lane the suggested limitation on construction hours is considered to be reasonable.

19.0 AFFORDABLE HOUSING

- 19.1 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.
- 19.2 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, it is considered that the 15% affordable housing requirement should apply in this case.

20.0 DEVELOPER CONTRIBUTIONS

- 20.1 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.
- 20.2 In relation to works to mitigate the highway impact of the development, the LHA have requested that the Highway contributions are used towards the following works:
- £16,500 towards footpath improvements including street lighting upgrades around the proposed development. To include paths between Tower Street to Prospect Road and Belvedere Drive and James Close. The improvements will increase permeability through the area for walking and cycling within the immediate vicinity of the development to access local amenities. , i.e. Morrison's/Local play areas.
 - £1,500 towards lining enhancements on Sandy Lane, to improve highway safety features in the immediate vicinity of the development.
- 20.3 The applicant will 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. A contribution of £15,170.15 is to be secured towards infrastructure improvements in Tower Street Park and Dukinfield Cemetery.
- 20.4 These contributions are considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the limited amenity space to be provided on site and the additional traffic to be generated), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.
- 20.5 The scheme proposes less than 25 dwellings and therefore no education contributions are required, in accordance with the adopted policies of the Unitary Development Plan.

21.0 CONCLUSION

- 21.1 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.
- 21.2 Taking into account the relevant development plan policies and other material considerations, and subject to the identified mitigation measures, it is considered that there are no significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

RECOMMENDATION

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

1. To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - a) Contribution of 15,170.15 towards off site green space improvements to be secured towards infrastructure improvements in Tower Street Park and Dukinfield Cemetery;
 - b) Contribution of £18,000.00 towards used towards identified highway upgrades and improvements; and,
 - c) A minimum of 15% Affordable housing.
2. To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;
3. That Officers are afforded discretion to amend the wording of any conditions;
4. Upon satisfactory completion of the above, GRANT planning permission subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Existing Site Plan (Drawing No. 18190 (SU) 100);
Proposed House Type A (Drawing No.18190 (PL) 100 C);
Proposed House Type B (Drawing No. 18190 (PL) 101 D);
Proposed Site Plan (Drawing No. 18190 (PL) 050 G);
Proposed Street Scenes (Drawing No. 18190 (PL) 200 D);
Tree Retention and Protection (Drawing No. TPP/4229/Y/300);

Arboricultural Impact Assessment & Method Statement prepared by ACS;
Desk Based Utility Report prepared by RSK;
Flood Risk Assessment prepared by RSK;

Marketing Report prepared by Matthews & Goodman;
Noise Assessment prepared by Azymouth Acoustics;
Phase 1 Ecology Report update letter prepared by RPS;
Preliminary Risk Assessment update prepared by RSK;
Coal Mining Risk assessment prepared by GIP Ltd;
Transport Statement prepared by Local Transport Projects; and,
Crime Impact Statement (Reference 2016/0356/CIS/01).

- 3) Notwithstanding any description of materials in the application, 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, 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.
- 4) Notwithstanding the details shown on the approved plans, no development other than site clearance and compound set-up shall commence until scaled plans detailing the existing and proposed ground levels on the site, the levels of the proposed access arrangements and the finished floor and ridge levels of the dwellings (including sections and with reference to a fixed datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 5) All of the crime reduction measures detailed in Section 4 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.
- 6) Prior to the commencement of any development:
 - 1) Details of a scheme of intrusive site investigations, including gas monitoring, in order to establish the exact situation regarding coal mining legacy issues on the site shall be submitted to, and approved by, the local planning authority; any approved scheme shall then be undertaken and a report of findings arising from the investigation, including a scheme of any necessary remedial works, shall be submitted to, and approved by, the local planning authority.

The development shall be carried out in accordance with the approved details.

- 7) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
 - 1) A site investigation strategy, based on the RSK Preliminary Risk Assessment dated 15 September 2020 (Reference: 11484 R01 (00)) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
 - 2) The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

- 3) Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
- 4) A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) have been fully implemented including any requirements for long term monitoring and maintenance.
- 8) Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved. If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved. The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.
- 9) 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. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 10) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measure detailed within the FRA:

Finished floor levels are set as shown on proposed site plan drawing.
- 11) Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - 1) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - 2) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

- 3) The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- 12) Foul and surface water shall be drained on separate systems.
 - 13) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - 1) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - 2) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and,
 - 3) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

- 14) 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.
- 15) No development shall commence until full design details of the mitigation measures recommended in Azymuth Acoustics UKs Noise Assessment Report, reference AA0027 Rev G, dated 3rd September 2020, have been submitted to and approved in writing by the Local Planning Authority. The design details shall include:
 - 1) scaled plans showing the exact location and elevations of the acoustic fencing to be installed, the materials to be used and the manufacturers specification of the fencing; and
 - 2) scaled plans showing the location of windows to be treated with high specification glazing and ventilation, the specifications of the glazing to be used and the type and specification of the acoustic ventilation to be fitted.
 - 3) The noise mitigation measures 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. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been installed in accordance with the agreed details.
- 16) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plan shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.
- 17) 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;

- Any arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases;
 - Details of on-site storage facilities.
 - The development shall be carried out in accordance with the approved Construction Environmental Management Plan.
- 18) A clear view shall be provided at the junction of the proposed with Sandy Lane. Its area shall measure 2.4 metres along the centre of the proposed road and 43 metres along the edge of the roadway in Sandy Lane. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.
- 19) 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. Stage 1 Safety Audit – ‘Completion of preliminary design’ and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit.
 3. Surface and drainage details of all carriageways and footways
 4. 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.
 5. Details of an Approval in Principle must be obtained for proposed retaining walls within the development including temporary retaining structures required for the proposed site be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, (This does not define adoption of the asset but merely the design constraints should they be approved by the LHA).
 6. 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.
 7. Details of carriageway markings and signage.
 8. Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.
 9. 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.
- 20) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
- 21) Prior to the first occupation of the development hereby approved each house shall be provided with an electric vehicle charging facility. The specification of the charging points installed shall:
- 1) Be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);

- 2) Have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
 - 3) Be fitted with a universal socket (known as an untethered electric vehicle charge point);
 - 4) Be fitted with a charging equipment status indicator using lights, LEDs or display; and
 - 5) A minimum of Mode 3 or equivalent.
- 22) 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:
1. 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
 2. The location and construction material of all hard surfacing.
 3. 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.
- 23) The approved scheme of landscaping scheme 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 5 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.
- 24) No development shall commence until details of the tree protection measures (meeting the requirements of BS5837:2012) to be installed around the trees to be retained within the site and adjacent to the boundaries of the land (as indicated on the approved plans) during the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be implemented in accordance with the approved details prior to the commencement of development and shall be retained as such for the duration of the construction phase of the development.
- 25) No development above ground shall commence until details of a scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
- 26) No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.
- 27) A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas for shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape management plan shall be carried out in accordance with the approved plan and in accordance with timetable to be agreed in writing with the local planning authority.
- 28) No development shall commence until an Environmental Construction Method Statement detailing how pollution of the River Tame is to be avoided during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include measures relating to the control and

management of dust, surface water runoff, waste and pollution control. The development shall be carried out in accordance with the approved details.

- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined Schedule 2, Part 1, Class A, Class B, Class C and Class E of that Order, shall be erected or undertaken on the site.