

Application Number:	22/00177/FUL
Proposal:	Demolish existing brick fabrication building. Build new 2 storey fabrication building and hard landscape perimeter of building up to boundary fence.
Site:	Bestalinks Ltd, 2 Wood Street, Dukinfield
Applicant:	Mr Martin Smith
Recommendation:	Refuse planning permission.
Reason for Report:	A Speakers Panel decision is because the application has been called-in by Councillor Sweeton.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application site is situated at the furthest extent of Wood Street, which is a relatively short, no-through road off Victoria Street (A627) in Dukinfield. The site comprises approximately two thirds of a hectare and is bounded by the railway to the north-east and by houses to the south-east and south-west. To the north-west, the site abuts the vehicle turning head at the end of Wood Street, from where the site is accessed, and a building occupied by the applicant company.
- 1.2 Currently, the site is occupied by a single-storey, brick-built building, used for manufacturing purposes, that is situated towards the north-western corner, and a row of pre-fabricated cabins along the south-western side. Otherwise, the site is hard-surfaced and includes a number of mature trees along the south-eastern boundary.

2. PROPOSAL

- 2.1 The application seeks full planning permission to develop a new building to be used for manufacturing purposes and which would replace the existing buildings on the site. The new building would rise to approximately 4.7m at the eaves and to approximately 5.8m at the ridge of the dual pitched roof. The ground floor would provide approximately 578 square metres (sqm) of floor space to be used as a workshop and for storage, and a smaller first floor, located in the north-eastern part of the building, would provide approximately 80sqm of office space.
- 2.2 Above a low, brick-built plinth, the external walls of the building would be finished with profiled steel cladding, coloured grey. All of the existing vegetation on the site would be removed. Four car parking spaces and a cycle store would be provided in the space between the building and the turning facility at the end of Wood Street.

3. PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People
- 1.3: Creating a Cleaner and Greener Environment
- 1.5: Following the Principles of Sustainable Development;
- 1.9: Maintaining Local Access to Employment and Services
- 1.10: Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment
- MW11 Control of Pollution

Part 2 Policies

- E3: Established Employment Areas
- E6: Detailed Design of Employment Developments
- T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form

Supplementary Planning Documents

- 4.5 Employment Land Supplementary Planning Document

Places for Everyone

- 4.6 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.7 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.8 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

- 4.9 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.10 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been publicised by neighbour notification letters.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Objections to the application have been received from four neighbouring households. The reasons given for objecting are summarised below:
- The existing factory is already a source of noise disturbance and the proposed increase in size of the building will exacerbate the problem
 - Although the application indicates otherwise, the increase in size would result in an increase in the number of employees and a consequent increase in demand for on-street parking spaces where already there is congestion and competition for parking spaces.
 - The proposed steel cladding finish of the building is out-of-keeping in what is primarily a residential area.
 - The proximity of the proposed building to houses will result in significant over-shadowing.
 - The trees that would be lost provide for foraging and habitats for bats and birds.
 - Concern is expressed that damage might be caused to existing houses whilst the building is being constructed.
- 6.2 A fifth representation does not object specifically but raises concerns about
- Possible overshadowing
 - That adequate parking be provided
 - Any illumination causing glare
 - Increased noise if the hours of operation are extended

7. RESPONSES FROM CONSULTEES

- 7.1 Network Rail have issued what it describes a holding objection. Concern is expressed about the possibility of:
- foundations encroaching on to railway land;
 - access for maintenance being restricted;
 - structures being used by trespassers to scale the railway boundary;
 - scaffolding falling on to the railway; and,
 - crane arms extending over the railway.
- 7.2 The Coal Authority has offered no objection subject to a condition requiring site investigation works and any remedial measures necessary being attached to any permission.
- 7.3 The local highways authority has objected on the grounds of inadequate off-street car parking provision which would cause increased demand for on-street parking which could not be accommodated on Wood Street could and would have a detrimental impact on highway safety.
- 7.4 The Head of Environmental Services (Public Protection) has raised no objections to the proposal and has suggested that conditions: restricting the hours of demolition and construction work, and use thereafter; and, requiring acoustic insulation of plant and machinery, be attached to any permission.

8. ANALYSIS

- 8.1 A key theme of the UDP is that attracting new, quality jobs into the Borough and securing the future of major existing employers must continue to be the priority, to offset expected further losses in mature industries and to diversify opportunities for local people. Flexibility to accommodate local employment initiatives, will contribute to this priority. To this end, according to UDP policy 1.1:

To counteract a continuing decline in the Borough's established employment base and to increase the earnings potential of work in the area, measures will be taken to create and maintain a healthy and diverse local economy and to attract quality jobs. This will include facilitating the retention of indigenous and expanding businesses.

- 8.2 With this aim UDP policy E3 states that:

In the "established employment areas" shown on the proposals map, the Council will permit development for employment purposes both on vacant sites and through the redevelopment of sites already in use. These policies accord with paragraph 81 of the NPPF which requires that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

- 8.3 In light of the above it is considered that the principle of the proposed development is acceptable and compliant with policies 1.1 and E3 of the UDP and with Sections 2 and 6 of the NPPF.
- 8.4 Being acceptable in principle, the issues to be considered in the determination of the application are therefore
- the impacts on existing residential amenities and on the highway network; and,
 - the design and appearance of the building.

9. IMPACT ON AMENITY

- 9.1 There would be external passageway around the whole of the building. Along the south-western side the passageway between the building and gardens of neighbouring houses would be less than 2m wide. On the south-eastern side the gap would increase to little more than 2.5m. Whilst the building would hardly cast any shadow over neighbouring houses and their gardens given the position of the building to the north, the proximity of the building to the party boundaries, and its size, would not only create an over-bearing impact and sense of enclosure on the houses and gardens, where occupiers should be able to expect a reasonable level of openness of aspect, but would also restrict the amount of daylight enjoyed by occupants. Moreover, the use of the building will fall within Use Class B2 (general industrial), which previously was excluded from the definition of a use that can be carried out in any residential area without detriment to the amenity of that area. Whilst residents would have been aware of the presence of the neighbouring general industrial site before moving in to the houses, the proposal would bring that use, and the noise and activities it entails, in to very close proximity to the houses, further to the detriment of the existing residential amenity. The proposal thereby fails to comply with policies 1.3, E6(d) and MW11 of the UDP, the provisions of the Employment Land Supplementary Planning Document and Section 12 of the NPPF.
- 9.2 Application of the car parking standards included in the Employment Land Supplementary Planning Document would require that 11 car parking spaces be provided to serve the new building. Four spaces are proposed, and these to serve both the existing building in Wood Street and the new building.
- 9.3 With the exclusion of the turning head, Wood Street is approximately 74m long and serves not only the applicant company but also an adjacent vehicle repair garage and houses on the opposite side. Whilst there is a parking court behind the houses, the sub-standard level of parking provision proposed, and any increased vehicle movements generated, would cause employees, and others visiting the premises, to park vehicles on the road and create conflicts and competition for convenient on-street parking spaces. As now, vehicles would likely be parked at the end of the road and so create obstruction where the intention is to provide a turning facility for vehicles, including for emergency and refuse collection vehicles. The creation of a development that causes undue harm to the amenity of neighbours by failing to minimise the scope for conflicts between road users is contrary to policies E6(a) and E6(d) of the UDP and Section 9 of the NPPF.

10. DESIGN AND APPEARANCE

- 10.1 Whereas once the application site formed part of a wider industrial area situated between houses in Victoria Road and the railway, the site is now bounded by houses to the north and faces towards houses across Wood Street to the south. The functional design and appearance of the proposed building are of a type one might reasonably expect to find within an industrial area but not of a type that would complement the character of the surrounding area which is now largely residential. The impact of the design and appearance of the building would then be exacerbated by the proximity of it to neighbouring houses. Failing to relate well to its surroundings, in this location the building does not achieve the quality of design and appearance that is required by: policies 1.3, E6(b) and C1 of the UDP, paragraph 10.4 of the SPD; and, Sections 2 and 12 of the NPPF.

11. OTHER ISSUES

- 11.1 Network Rail's comments are noted. Some of these are not planning related, such as possible encroachment on to railway land, and others could be addressed by appropriate

condition, which would require the submission, and approval in liaison with Network Rail, of a Construction Management Plan.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The size of the proposed building, and its proximity to the party boundaries with the curtilages of neighbouring houses, would not only create an over-bearing impact and sense of enclosure on the houses and gardens, where occupiers should be able to expect a reasonable level of openness of aspect, but would also restrict the amount of daylight enjoyed by occupants. Moreover, the use of the building will fall within Use Class B2 (general industrial), and the proposal would bring that use, and the noise and activities it entails, in to very close proximity to the houses, further to the detriment of the existing residential amenity. The proposal thereby fails to comply with policies 1.3, E6(d) and MW11 of the Tameside Unitary Development Plan, the provisions of the Employment Land Supplementary Planning Document and Section 12 of the National Planning Policy Framework.
2. The sub-standard level of parking provision proposed, and any increased vehicle movements generated, would cause employees, and others visiting the premises, to park vehicles on the road and create conflicts and competition for convenient on-street parking spaces. As now, vehicles would likely be parked at the end of the road and so create obstruction where the intention is to provide a turning facility for vehicles, including for emergency and refuse collection vehicles. The creation of a development that causes undue harm to the amenity of neighbours by failing to minimise the scope for conflicts between road users is contrary to policies E6(a) and E6(d) of the Tameside Unitary Development Plan and Section 9 of the National Planning Policy Framework.
3. The functional design and appearance of the proposed building are of a type one might reasonably expect to find within an industrial area but not of a type that would complement the character of the surrounding area which is now largely residential. The impact of the design and appearance of the building would then be exacerbated by the proximity of it to neighbouring houses. Failing to relate well to its surroundings, in this location the building does not achieve the quality of design and appearance that is required by: policies 1.3, E6(b) and C1 of the Tameside Unitary Development Plan, paragraph 10.4 of the Employment Land Supplementary Planning Document; and, Sections 2 and 12 of the National Planning Policy Framework.