

Application Number	22/00372/FUL
Proposal	Erection of a 4 storey apartment block comprising 17 no. apartments with associated parking and private amenity space.
Site	132a-134 Mottram Road, Hyde, SK14 2RZ
Applicant	Texas Group PLC
Recommendation	Refuse planning permission.
Reason for report	A Speakers Panel decision is required because the application constitutes major development.
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 located between no. 132 and 136 Mottram Road and is to the south of the signalised junction with Halton Street. The site is rectangular in shape and covers an area of approximately 0.1 hectares. It is vacant albeit heavily overgrown in self set vegetation. Previously the site supported a large Victorian villa, this was demolished a significant time ago with little remains other than boundary features. To the south of the site is Tinkers Passage beyond which is Hyde United football ground. There is a fall in levels from south to north of approximately 7 metres. The neighbouring property no.136 Mottram Road, occupies a lower level to the site, within the site there are clear views down into the garden and to habitable room windows.
- 1.2 Within the vicinity of the site Mottram Road comprises of red brick residential terraces which are of a uniformed 2 storeys in height. The properties occupy a very consistent building line to the highway. Mottram Road is subject to parking restrictions with double yellow lines extending across the site frontage. Mottram Road/Halton Street is a busy junction and traffic is prone to queuing during peak periods. Hyde Town centre is located approximately 500m to the west.

2. PROPOSAL

- 2.1 The application seeks full planning permission for a residential development of 17no apartments with associated works including car parking and landscaping. The apartments would be constructed within a single split level block which would present 4 storeys to Mottram Road and 2 storeys to Tinkers passage. The accommodation split would comprise of 6 x 1 bed and 11 x 2 bed apartments with provision for 17 dedicated parking spaces. The apartments range in size from 50sqm (1bed) to 73sqm (2bed).
- 2.2 The building would be positioned approximately 20m back from Mottram Road. The parking court would be provided to the front of the block accessed from a vehicular and pedestrian entrance on the western boundary to 132 Mottram Road. Communal landscaped grounds would be provided around the building with the larger area being on the western side.
- 2.3 The Transport Statement states that vehicular access to the development will be provided via an additional arm to the south of the A57 Mottram Road / Hatton Street signal controlled junction. The access arm is proposed to be signalised and operate on a demand dependent

stage.

2.4 The block would be constructed from brick and would exhibit a contemporary form influenced by its large window openings. The floor plan is arranged with 2 apartments on the ground floor, 4 apartments on the first floor, 6 apartments on the second floor and 5 apartments on the third floor. The internal arrangement has a central access corridor which runs along a north/south axis, this dictates that the majority of the apartments have a single west or east facing outlook across neighbouring properties.

2.5 The application has been supported with the following documents:

- Full plans package including montages;
- Design and Access Statement;
- Drainage Strategy;
- Ecological Impact Assessment;
- Planning Statement;
- Transport Statement, and;
- Viability Appraisal

2.6 Amended plans have been submitted to address highways issues and concerns raised by officers on residential amenity grounds. The following response has been provided by the applicant to the issues raised:

- Ground and first floor apartments: The distance from the proposed principle window to the closest existing habitable room window is 15m at 60°. We can deduct 6m from the required 21m for the 60° therefore we are compliant.
- Second floor: The distance is the same as ground and first, ie 15m but since it is on second floor we need to add an extra 3m to the required distance, therefore we need to provide 18m. We only have 15m distance and therefore acknowledge that we are non-compliant on this point, but this should be weighed up against the fact that the SPD is guidance, as opposed to forming part of the statutory development plan policy, and that the scheme will ensure that a small but complex and constrained site will come forward for development.
- Third floor: The line of view from the middle of the third floor windows is obstructed by the projecting roof of the second floor below. Therefore there isn't a direct view from the third floor to the existing house so this should be considered compliant.

3. PLANNING HISTORY

3.1 06/00246/FUL – Erection of 13 number 2 bed and 2 no 1 bed apartments – This application was within a single 4 storey block and included provision for 15 car parking spaces – Approved 5 June 2006

3.2 20/01169/FUL – Erection of a 4 storey apartment block comprising 8 no. apartments with associated rear parking, and an additional 6 no. three story mews houses with integral garages and associated parking – Withdrawn 8 April 2021

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)

4.5 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

- 4.7 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.

- 4.8 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).
- 4.9 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

- 4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's 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.
- 4.11 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 advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 One representation in objection to the development has been received the reasons for which are summarised as follows:
- Concerns about the scale of the development;
 - Overshadowing to rear garden and rooms within the property;
 - Loss of privacy from overlooking;
 - Concerns about car parking.

7. RESPONSES FROM CONSULTEES

- 7.1 Coal Authority – No objections do not identify any mining legacy issues. Recommend that any approval is subject to standing advice.
- 7.2 Contaminated Land - When considering the information from the historical mapping, potential sources of contamination at the site could include made ground, which may have concentrations of contamination that are above soil screening criteria for a residential end use. Asbestos in soils may also be present in any made ground. In addition, depending on

the depth of made ground, it is possible that ground gasses will be present at the site.
No objections subject to recommended conditions.

- 7.3 Environmental Health – No objections to the proposals recommend conditions including noise mitigation to address background traffic.
- 7.4 Greater Manchester Archaeological Advisory Service (GMAAS) – Contrary to the National Planning Policy Framework, the application is not supported by any other material that assesses development impacts on the site's heritage or archaeological potential. However, given that other examples of similarly dated buildings can be found extant within the wider area, GMAAS consider that evaluation and/or recording of any surviving footings of the villa within the site would not lead to any significant knowledge gain, and that no archaeological mitigation is required.
- 7.5 Greater Manchester Ecology Unit (GMEU) – No objections to the conclusions of the submitted ecological survey and no further surveys are required. The site supports young scrub woodland with several more mature broadleaved trees. The woodland is species-poor, with little in the way of a developed shrub, field or ground vegetation layers, and is not of substantive ecological value. Recommend conditions relevant to site clearance, landscaping and biodiversity mitigation.
- 7.6 GMP Designing out Crime Officer – Note that the application has not been accompanied with a Crime Impact Statement.
- 7.7 Local Highway Authority (LHA) – Comment that they are satisfied with the access and egress arrangements. They require the access road to the development be incorporated and controlled by the existing signals at the junction of Halton St/Mottram Rd with its own on demand phase and primary signal head, as to avoid any conflicts with pedestrians/vehicles at this junction. They advise that this additional signal head must be agreed with TfGM/UTC and installed before construction of the development takes place. Recommend approval subject to conditions.
- 7.8 Lead Local Flood Authority (LLFA) – Comment that there are limitations with the submitted drainage strategy. Advise that the applicants submits a comprehensive strategy supported by site based data to inform a strategy which accords with the drainage hierarchy.
- 7.9 Transport for Greater Manchester (TfGM) – Comment that further information is required before they can confirm the acceptance of the proposed signalised entrance. They state that any design would need to be based on a topographical survey to ensure suitability. The plan as submitted appears to show existing stop lines (west arm of Mottram Road) and pedestrian crossings in different positions to the existing, as such it is envisaged all signalised equipment is likely to require replacing.
- 7.10 Tree Officer – The majority of trees on site are low value scrub that would not be considered a constraint to development. The retention of the single tree from G4 would be acceptable as this is the highest value tree of the group providing good visual amenity to the public highway. The proposed replacement trees would be satisfactory for the development and adequately mitigate losses.
- 7.11 United Utilities – Do not support the submitted drainage strategy. The application has failed to provide robust evidence that the drainage hierarchy has been thoroughly investigated. If planning permission was to be granted recommend conditions relevant to the sites drainage.
- 7.12 Waste Management – Raise concerns that sufficient capacity for refuse has not been accommodated within the development.

8. ANALYSIS

- 8.1 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.
- 8.2 Paragraph 219 of the NPPF 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 and
- 8.3 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan (2004) and the Greater Manchester Joint Waste Plan Development Document.
- 8.4 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decision on planning applications this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. The site is not allocated on the adopted UDP proposals map and is not subject to any other designations. Policy H2 (Unallocated Sites) applies to housing development proposed on unallocated sites, it gives preference to the reuse of previously developed sites. Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, given the sites location within an established residential area with links to services the proposals would meet these policy objectives.
- 9.2 Planning permission for residential development has previously been granted (ref 06/00246/FUL) for the redevelopment of the site for 15 apartments, the decision was dated June 2006. Since this planning approval the Council has adopted its residential design guide 2010 and the NPPF was first published (2012) with most recent revision being introduced in July 2021. Amongst other things the policy framework promote good quality design. Paragraph 126 of the framework states; *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*. Paragraph 134 is unequivocal in the importance of achieving good design, it states; *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Assessment of the design, its relationship to the locality is fundamental to the acceptability of the proposals.*
- 9.3 The previous planning consent was never implemented and across the intervening years the site has not been subject to any routine maintenance. As a consequence the site has naturalised with self-set vegetation taking a firm hold of the site. The NPPF advises that land

which has blended into the landscape should be excluded from the interpretation of Previously Developed Land (PDL), notwithstanding the level of vegetation there remains significant remains from the previous development to represent PDL for the purposes of the planning assessment. It is also of note that the site is identified within the Tameside Strategic Housing and Economic Land availability assessment (SHELAA) as being within the 6-10 year supply.

- 9.4 In terms of housing development, Members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 17 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 9.5 The site occupies a prominent position at the junction of Halton Street with Mottram Road. The vacant nature detracts from the local environment, the principle of securing the long-term stewardship of the site would normally be welcomed, residential development would be immediately compatible with adjacent uses and the location close to amenities of Hyde town centre dictates that it is a sustainable location. Whilst the planning history, PDL nature and identification within the SHELLA are all positive it is matters of design, amenity and access where concerns are raised.

10 DESIGN & LAYOUT

- 10.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF places a firm emphasis on the need to secure good quality design. Paragraph 126 states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. In addition, it also states that; 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Paragraph 130 presents a number of design criteria, it state that decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, 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 Policy RD22 of the adopted SPD applies specifically to infill development it advises that:

- Plot and boundary widths should align with the surrounding street.
- Scale and mass of dwellings should align with their surroundings.
- Architectural styles and materials should generally align with the existing.
- Development must follow an existing building line and orientation, particularly at road frontage.
- Ensuring privacy distances are achieved.
- Proposals should not land lock other potential development sites.
- Retaining and providing appropriate outdoor amenity space, parking & access.

- 10.3 The apartments would be accommodated within a single apartment block set back from the highway. This would be of a split level design to address site conditions. The accommodation would be provided over 4 floors with two gables presented to Mottram Road. Mottram Road it comprises of two storey dwellings constructed to a very uniformed building line. The size of the building would not be comparable to anything within the immediate locality.
- 10.4 Policies C1, H10 and those of the Residential Design Guide seek to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment. The requirements of the policy are consistent with the NPPF for the purposes of decision-making.
- 10.5 The design takes a bespoke approach. Ordinarily there are many aspects to this and the choice of materials which would otherwise be deemed as acceptable. The crucial element is demonstrating how the development responds to its context, addresses its sites constraints and relates to the character of its locality.
- 10.6 Concerns had been raised with the applicant in relation to the size of the development, the access and parking arrangements and the influence upon the amenity of neighbouring residents. The applicant presents the case that the development would diversify the local housing stock with the height being comparable to the previous building which occupied the site.
- 10.7 The constraints of the site include the suitability and capacity of Mottram Road / Halton Street as a point of access, the fall in levels across the site and relationship to existing properties. It is on all of these points which the development raises issues.
- 10.8 Apartment developments yield high density development. In this regard the proposal would equate to an overall density of approximately 108uph. Taken in the context of the site, surrounding density and site constraints, this is considered to represent a significant overdevelopment of a limited site. The scale and servicing requirements of the development would have clear influences on the height, mass and parking arrangements of the development, these element of the design causing the most concern.
- 10.9 The scale and position of the building would be a significant departure from that of the established housing stock. As identified, Mottram Road has a very strong character which is defined by two storey (largely terraced) housing stock positioned along a very uniformed building line. Where larger properties do exist these are positioned on an identical footing to neighbours, there is no precedent for building to be positioned back from the highway and beyond the rear elevations of existing properties. In addition, standing at 4 storeys in height, on the principle (Mottram Road) facing elevation the building would appear highly prominent and immediately out of kilter with the scale of the neighbouring properties. The position and size of the building would appear dominant, this would accentuated by the position within the

site and beyond the established building line, the block would appear to loom above in the more modest scale of the neighbouring properties and this would not be in-keeping with the character of the locality and contrary to policy C1, H10 and paragraph 130, particularly with regard to criteria B (layout), C (local character) & D (sense of place).

- 10.10 Policy RD7 of the residential Design Guide identifies that large areas of surface car parking should be avoided. The proposals would see all of the sites parking accommodated to the sites frontage with the 17 spaces also abutting the boundary to the neighbouring properties at 132 and 136 Mottram Road. Whilst boundary treatments and soft landscaping would help to reduce the visual impact it would, like the apartment block, represent a strong departure from the established development pattern. The location at the head of Halton Street / Mottram Road junction would also mean it would appear highly prominent and detract from the character of the locality.
- 10.11 UDP, NPPF polices and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 130). The cumulative impact of the above design issues identifies that the development by virtue of its scale, layout and parking presents itself as overdevelopment of a constrained site which would be materially harmful to local character and public amenity.
- 10.12 Paragraph 130 of the NPPF sets out 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. The proposals are therefore considered to be contrary to Policies H10 and C1 and the National Planning Policy Framework, having particular regard to the requirement to achieve all three strands of sustainable development set out within Chapter 2 and the need to achieve well-designed places set out within Chapter 12.

11. DESIGN AND RESIDENTIAL AMENITY

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards; they should be applied along with the criteria of Building for Life (BFL). Good design is aligned to the delivery of high residential amenity standards. This should reflect equally on the environment of existing residents as well as that of future residents. Paragraph 130(f) of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, the guidelines of which seek to ensure that all development has regard to the amenity of existing and proposed properties.
- 11.2 The scale of the building would not be comparable to existing residential properties within the locality. The size and location of the building and its influence upon the amenity levels of neighbouring properties is a significant concern. The building would be positioned so it would be setback from the neighbouring properties, it would then be split level in response to the fall in levels across the site. The building would therefore stand at 4 storeys on the southern elevation (Mottram Road) tapering to 2 storeys to the north (Tinkers Passage). A total of 10 of the apartments would have a single aspect with their outlook towards either the western or eastern boundaries of neighbouring properties gardens. The relationship which would be forged would not be a successful one and it is considered that the development would result in clear and demonstrable harm to the occupants of the existing properties which neighbour the site. The scale of this harm is largely attributable to the mass and position of the building which accentuates the concerns, the design being harmful to levels of privacy, outlook and light. In addition, the appearance of the building would be visually intrusive to both neighbouring residents (no.s 132 and 136) and those further afield as a direct consequence

of level of fenestration would result in a perceived feeling of overlooking and greater sense of enclosure.

- 11.3 Policy RD5 of the SPD relates to minimum privacy distances this advises that a minimum separation of 21m should be achieved between existing properties and new developments. It identifies that this separation should be increased by an additional 3m on sloping sites in addition to another 3m for every change in storey height, the policy requirements would be 27m. The development would be positioned at an oblique angle to the nearest property (no.136) the SPD accommodates for this by allowing a reduction of 1m per 10 degree difference. Accounting for the change in building height, site levels and position of original habitable room windows the spacing distance should be 21.5m. The block would be positioned approximately 15m from the first floor habitable room window reducing to 12m to the ground floor extension window of no.136 Mottram Road. This lack of compliance to the spacing standards demonstrates that there would invariably be a loss of amenity through overlooking and loss of outlook from habitable rooms and external areas alike. It is not considered that there is a justification for supporting such a departure.
- 11.4 In addition to direct concerns about privacy there are also matters of noise and disturbances to be considered. The development would present a large communal car park immediately to the boundary of the neighbouring properties. Whilst activity within this area is likely to be masked by background traffic levels it would still have a demonstrable and adverse impact upon immediate residents having regard to the level of noise and disturbance which can be attributed to the parking of residents within this area and in such close proximity to a rear boundary.
- 11.5 With regard to the amenity of future occupiers, it is noted that each of the smallest of the apartments would measure 50sqm which meets the nationally described space standard for a 1 bedroom 2 person accommodation. Internally the occupants of the apartments would be served with a good level of amenity although the majority of the flats would not be served with any private outside amenity space. The apartments are served with large levels of glazing which will provide good levels of light and ventilation, the layout would however dictate that outlook to the rear apartments is limited to views across private gardens. The communal garden space would help to mitigate against the lack of private outside space.
- 11.6 The proposals suggest the inclusion of a bin store which would be located within the car park adjacent to the site frontage. The location would be visually prominent and the size would also not meet refuse storage requirements required for the scale of development. It is considered that a more appropriate arrangement would be to position the store close to the apartment block, this would be less visually intrusive and also provide more practical access for residents. However, notwithstanding these concerns, the concerns could ultimately be addressed via condition.
- 11.7 Whilst the layout and form of development would provide a suitable level of accommodation and amenity standard for future residents owing to the scale, siting of the building and orientation of windows, the development would have an undue impact upon the amenity of neighbouring properties by reason of visual intrusion, overshadowing, loss of daylight, overlooking and loss of privacy, consequently the proposals would be contrary to the policy H10 (detailed Design of Housing Developments) and the amenity and design standards advocated by the adopted SPD.

12. HIGHWAYS AND ACCESS

- 12.1 The apartment block would take pedestrian and vehicle access from a new dedicated entrance onto Mottram Road, this entrance would be offset marginally to the east of the junction with Halton Street, it is proposed to be signalised. There would be provision for 17 parking spaces including 1 dedicated disabled space to the front of the apartment block.

There would be no dedicated visitor (vehicle) parking spaces but provision would be made for covered cycles.

- 12.2 The NPPF identifies that where development would result in significant impact upon the transport network or highway safety such impacts should be appropriately mitigated. UDP policy T1 (Highway Improvement and Traffic Management) provides the main framework for assessing highway impacts relevant to capacity, safety and design, policy H10 (Detailed Design of Housing development)) states that development should not result in an unacceptable impact on the surrounding highway network. Paragraph 11 of the NPPF states that; 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 12.3 It is observed that during peak periods there are significant delays from vehicle congestion from the junction of Halton Street which can extend west towards Hyde Centre and the Junction of Mottram Road to Lumn Road. The level of congestion is also attributed directly to local air quality issues with part of the Mottram Road corridor (to the west of the site) falling within an air quality management area (AQMA).
- 12.4 The highway implications of the proposed development have been carefully considered by the Local Highway Authority (LHA) and with TfGM (Transport for Greater Manchester) also providing input owing to the location of the access on a signalised junction. This review has covered the applicant's transport Statement and proposals to introduce a new signalised arm to the Mottram Road / Halton Street junction. TfGM control and manage the traffic signals across Tameside, as such any schemes that alter signalised junctions need to be agreed with them. Additionally, where developments impact on signalised junctions, TfGM have a duty of care to ensure that these impacts are satisfactorily mitigated as part of the planning process.
- 12.5 In terms of vehicle trips generated the LHA are satisfied that the vehicle trips generated by the development are would equate to a total of 4 two-way vehicle movements in the AM peak hour and 6 two-way vehicle movements in the PM peak hour. The site is highly accessible being within a walking distance of a Town centre on a Road served by public transport.
- 12.6 The LHA have confirmed that in principle they are satisfied that the proposed access onto Mottram Road would be satisfactory insofar that relevant gradients and visibility standards could be achieved. The LHA acknowledge that the development would need to incorporate an additional traffic signal with its own on demand phase signal, this would operate to ensure vehicles can access without conflict arising with pedestrians/vehicles at Mottram Road junction, the design needs to be agreed with TfGM. TfGM have requested additional information in the form of a topographical survey which shows the agreed position of the stop lines, following this the junction would need to be modelled to ensure that the junction is not running over capacity. The absence of this being demonstrated as a workable solution is a concern given the known level of congestion at the junction during peak times.
- 12.7 The absence of a detailed survey and design to the junction is a significant concern. The LHA identify that the traffic impacts of the development cannot be fully assessed. Secondary to this there are also concerns over the lack of a phasing plan to demonstrate that the development could be constructed without severe disruption to the traffic flow on Mottram Road. This has been requested by the applicant but has not been received.
- 12.8 Concerns are raised with the access arrangements noting the traffic restrictions on Mottram Road, the ability to accommodate additional capacity being particularly compromised during peak periods. Whilst it is suggested that vehicle movements would be relatively limited, in the context of the site and local highway conditions the impact of the additional movements would be significant. These concerns are compounded given the lack of any visitor parking within the site, with the exception of the disabled parking spaces all bays are also likely to be

allocated to the proposed apartments. This would mean that any additional vehicles visiting the site, or within the ownership of the same household, would be displaced onto the surrounding highway network and the likelihood of Traffic Restriction Orders being breached.

- 12.9 Policy T1 requires all developments to ensure the developments are designed to improve the safety for all road users. Likewise Paragraph 111 of the NPPF confirms that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the addition of a signalised arm to the existing junction is acceptable in principle it has not been suitably demonstrated within the submitted design that it could operate without being harmful to the operation of the junction. Given the associated congestion already experienced at the location it would be undesirable to permit further development which has the potential to exacerbate this for existing road users.
- 12.10 Following assessment of the proposals it is not considered that the application would suitably mitigate the associated impact of the development. It has not been demonstrated that the junction could be designed to the satisfaction of the LHA or TfGM in their responsibility for signalised junctions. Any additional congestion placed upon the arms of the Mottram Road / Halton Street junction would have an unacceptable impact on traffic flow, the application has therefore failed to demonstrate that the associated impacts can be appropriately mitigated. Consequently, it is considered that the proposal would be contrary to the Policies S3, T1 and T8 of the Tameside UDP and paragraph 111 of the National Planning Policy Framework (2021).

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The proposals would see the removal of vegetation, whist gardens and soft landscaping areas would be incorporated within the design there would be an increase in hard surfacing.
- 13.2 A Drainage Strategy has been prepared and submitted with the application. This concludes that infiltration would not be suitable at the site such that the proposal is to discharge surface water via an attenuated system to a combined drain. The LLFA and UU has reviewed and raised queries with e conclusion of the drainage strategy advising that this should be revisited.
- 13.3 Notwithstanding the comments from the drainage authorities there are not considered to be any fundamental drainage issues on the site. The observations raised by the LLFA and UU in their review can be adequately addressed through the detailed design process. Ultimately a planning condition would be sufficient to ensure that the design and drainage strategy would be adequate for the site and that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

14. GROUND CONDITIONS

- 14.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment has not been undertaken. Consultation with Coal Authority has confirmed no objections.
- 14.2 The Environmental Protection Unit (EPU) comment that there could be sources of contamination associated with made ground. This is not a constraint to development and there are no objections raised to the proposals subject further site investigations being secured by condition.

- 14.3 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site.

15. TREES & ECOLOGY

- 15.1 The application has been submitted with an Ecological Impact Assessment. The site hardstanding, poor semi improved grassland, dense/ scattered scrub and scattered trees. The habitats are considered to be of a substantive ecological importance, higher amenity trees would be retained on site which would be supplemented with additional tree planting.
- 15.2 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site can be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes to the completed development.

16. AFFORDABLE HOUSING AND DEVELOPMENT CONTRIBUTIONS

- 16.1 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing requirements (policy H5), green space (policy H4), and highways (policy T13) contributions where required. Education contributions don't apply on development below 25 dwellings.
- 16.2 It would be preferred to address affordable housing requirements via a commuted sum. Consultation with the LHA has confirmed that a contribution towards footpath and lighting improvements to Tinkers passage should be secured to the sum of £9k. although it is the improvement to the Mottram Road/Halton Street junction which is the primary issue for off-site mitigation.
- 16.3 The applicant has challenged section 106 contributions towards affordable housing on grounds of viability. An assessment has been submitted which has been subject to internal review and comment. Agreement has been reached on the sale value but the conclusions reached on the build costs, site abnormal and marketing fees are not supported. The applicant has been asked to justify these assumptions but at the time of writing no further information has been provided.
- 16.4 In the absence of an agreed position on the viability appraisal it is not possible to make an objective assessment of the proposals and contributions required to meet policy requirements. Consequently it is considered that the proposals are contrary to policy H5 and T13.

17. OTHER MATTERS

- 17.1 Noise & Disturbance: - The main sources of noise to possibly effect future residents would arise from daytime activities which includes Transport Activity. Hyde United football ground is also located on the opposite side of Tinkers passage. The intervening distance and boundary treatment would be sufficient to ensure that activities are appropriately separated from the residential use. The EHO has reviewed the proposals and has no concerns about the future living conditions subject to an agreed specification on the window glazing. This is a matter which can be suitably controlled by a condition.
- 17.2 Crime Impact:- Consultation with the Designing Out Crime officer at GMP has highlighted the lack of a supporting Crime Impact Assessment with the application. The comments are noted,

there are no fundamental concerns about crime or its influence at the locality and it is considered to be matter which can be adequately addressed by a planning condition.

- 17.3 Waste Management – The identified levels of refuse storage is not considered to be proportionate to the scale of development, in addition it is also considered that the proposed location is not preferable noting its prominent visual impact and the practical requirements of future residents. Whilst the proposals are not considered acceptable by the LPA it is also a matter which could be addressed through a suitably worded condition.
- 17.4 Archaeology – GMAAS have been consulted and consider that there is limited archaeological potential within the site. No site investigations of potential below ground archaeological interest is deemed to be necessary.

18. CONCLUSION

- 18.1 The Council's current position on five year housing supply is material to the consideration of the application. However, the proposals would not achieve the 3 dimensions of sustainable development (i.e. social, economic and environmental considerations). There is no overriding case based on these considerations which would outweigh the associated harm that would result from the development associated with:
- Impact of the scale and design of the development upon the amenity level of existing properties;
 - The design and scale not responding to the local established development pattern and street context;
 - The inability to demonstrate that a safe access can be achieved which does not inconvenience existing road users as a result of additional congestion; and,
 - The failure to contribute to affordable housing.
- 18.2 The proposals are considered to represent a significant overdevelopment of a constrained site. The application has failed to address the site constraints in an acceptable manner and in the absence of any demonstrable benefits it is not considered that planning permission can be supported.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The proposals would present themselves as an overdevelopment of a limited and highly constrained site. At 4 storeys in height and occupying an elevated position the apartment block would result in undue overshadowing and overlooking resulting in a loss of outlook and privacy to neighbouring residents on Mottram Road which share a boundary to the development site. Neighbouring residents would also experience a rise in disturbance associated with increased vehicle activity and greater rise of vehicle conflicts owing to the constraints of the current highway capacity. This would be contrary to Saved Tameside UDP policies 1.1: Creating a Cleaner and Greener Environment, H10: Detailed Design of Housing Developments, Residential Design Guide SPD and design Guidance contained within Chapter 12 of the NPPF.
2. The scale and position of the building would be a significant departure from the established character of the locality. The design fails to respond to the local context, the building would appear highly prominent and immediately out of kilter with the scale of the neighbouring properties. The position and size of the building would appear dominant, this would be accentuated by the position within the site and beyond the established building line, the block would appear to loom above in the more modest scale of the neighbouring properties and

this would not be in-keeping with the character of the locality and contrary to policies C1, H10 of the Tameside UDP and paragraph 130 of the NPPF.

3. The site is located within an area which is prone to traffic congestion with the Mottram Road / Halton Street junction operating at or close to capacity during Peak Times. The application fails to demonstrate that a suitable access can be achieved which would not prejudice existing highways users. Consequently, it is deemed that the proposal would have an unacceptable and adverse impact upon highway safety contrary to the UDP policies T1, and S3. The associated harm which would occur warrants refusal against the provision of paragraph 111 of the NPPF.
4. The applicant has failed to meet affordable housing requirements. In the absence of a robust viability appraisal and planning case highlighting material benefits it is not been possible to assess whether policy requirements can be relaxed. Consequently the proposals are considered to be contrary to Policy H5 of the Tameside UDP and Section 5 of the NPPF.