

6Application Number:	22/00619/FUL
Proposal:	Retrospective application for the rebuilding of a dilapidated former industrial unit and associated works to service yard.
Site:	Redfern Industrial Estate, Dawson Street, Hyde
Applicant:	Northern Quarter Properties Ltd
Recommendation:	Grant planning permission subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a 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 site relates to land to the rear of Redfern Industrial Estate, which is located to east of Dawson Street within Hyde.
- 1.2 The industrial estate is located behind the Stoneacre car showroom to the south of Market Street. The Industrial Estate comprises of a complex of buildings accessed from Dawson Street, this is dominated by a 4 storey red brick mill building which has a service yard located to its rear. Beyond the southern boundary is a former railway line which now forms part of the Trans Pennine Trail (TPT). The yard provides access to a series of single and two storey structures which provide employment accommodation, typically for engineering businesses. The service yard provides parking in addition to being used for open storage.
- 1.3 The site is located to the rear of the mill and frames the northern boundary of the shared yard. The location of the site dictates that it is not openly visible from any public vistas. As the description suggests the works are part retrospective, at present a steel frame has been erected and the concrete floor laid. All further works have ceased pending consideration of the planning application.
- 1.4 Whilst the site and adjoining uses are all industrial / employment in character there residential properties located west of Dawson Street. Dawson Street itself is not adopted, it is a commercial access which is characterised by a high dependence on on-street parking from employees of the surrounding businesses.

2. PROPOSAL

- 2.1 This full application seeks planning permission for employment warehousing (use class B8) with associated yard area. The building replaces a previous structure which occupied the site, initial works have been undertaken including the laying of foundations, floor and construction of steel frame. The application is therefore part retrospective.
- 2.2 The building would be sited to the rear of existing units with Redfern Industrial Estate. Accessed from Dawson Street it would be a roughly rectangular building which fronts onto the communal service yard. The building would have a floor area of 1,512 square metres (sqm), the front of the building would have a width of 43m and the rear of the building 39m, the depth of the building would be 39m. The eaves height would measure 4.2m and the ridge height 5.9m.

- 2.3 The building would be constructed with insulated wall panel cladding with 2 roller shutter doors to the service yard. The elevations would be contrasting grey colour with openings in yellow. Externally there would be a dedicated cycle store and provision for 14 vehicles.

3. PLANNING HISTORY

- 3.1 00/00309/OUT – Development of industrial floorspace within Classes B2 and B8 with ancillary B1 offices, associates access, car parking and landscaping (Outline) – Approved May 2003
- 3.2 16/00972/FUL – Erection of one industrial building to create 3749 sqm of B2 General Industrial floorspace – Approved May 2017

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.

4.4 Development Plan

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

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 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.

4.6 Part 2 Policies

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- E6: Detailed Design of Employment Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- N3: Nature Conservation Factors
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N6: Protection and Enhancement of Waterside Areas
- N7: Protected Species
- OL10: Landscape Quality and Character
- OL15: Openness and Appearance of River Valleys
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- 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 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.
- 4.11 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 letters, display of site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 No letters of representation have been received.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring car parking and servicing to be implemented; a construction environment management plan; a scheme for electric vehicle charging points; implementation of secured cycle storage.
- 7.2 Lead Local Flood Authority (LLFA) – No objections, subject to a condition requiring a surface water drainage scheme.
- 7.3 United Utilities – No objections, subject to a condition requiring a surface water drainage scheme.
- 7.4 Environmental Health – No objections, subject to restrictions on construction working hours.
- 7.5 Contaminated Land – No objections, note that no contaminated land reporting was included with this application and when considering the potential historic contamination issues and the retrospective nature of this planning application, it is recommended that site investigation condition is applied.
- 7.6 Tree Officer – Confirms that there are no significant trees or vegetation within the footprint of the site and adjacent vegetation should not be adversely affected by the development.

8. ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making 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 6 of the NPPF is entitled "Building a strong, competitive economy". Paragraph 81 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'
- 9.2 Whilst the site is not formally allocated within the UDP, it has a longstanding established employment use, historical maps show that this dates back to the mid-19th century. The site was originally part of the, Springbank Cotton Mill complex and then later it formed part of Redferns Rubber works which included the building demolished as part of this development, the site and surrounds now support a number of independent businesses.
- 9.3 There is a shortage in the supply/allocation of employment land within the Borough at the present time. This will be addressed within the emerging spatial plan, Places for Everyone, and a new local plan. The evidence submitted as part of the Greater Manchester Spatial Framework and Places for Everyone highlighted that Tameside has the lowest availability of industrial and warehousing space within Greater Manchester. Industrial and warehousing development has an important role to play in addressing the economic disparities across Greater Manchester and, in particular, to boost the competitiveness of the Borough within the northern areas. It is therefore material to the decision making process.
- 9.4 Policy E3 states that in Established Employment Areas, the Council will permit development for employment purposes. The erection of the proposed buildings would yield direct economic outputs and the creation of the employment floor space would provide direct employment opportunities. The investment within the site is welcomed and this would complement the wider employment offer within the established Redfearn Industrial Estate by providing further opportunities. This investment is welcomed and it fully accords with the strategic objectives of the council.
- 9.5 The principle of development is considered to be acceptable, the proposals would be fully compliant with the site allocation and meets the test of policy E3 'Established Employment Areas' subject to all other material considerations being satisfied.

10. DESIGN & LAYOUT

- 10.1 Policy E6 'Detailed Design of Employment Developments' sets out a number of design based criteria to be applied in the consideration of new employment development. Policy C1 promotes that new development responds positively to and with understanding of its local context.
- 10.2 The position of the building is such that it would occupy a central location within an established employment area; as such it would be screened from public views by the presence of surrounding buildings. Photographs of the building previously located on the site indicate that it was in a very poor state of repair/condition. The loss is not significant and in comparison the replacement building would offer modern well insulated employment accommodation. The scale and form is comparable to the building it replaces, whilst the materials are different to that of the traditional industrial redbrick of the adjacent mill this is not a concern. There is no significant heritage or amenity value to the site where the design would be akin to more recent developments in the area.
- 10.3 There would be local environmental improvements associated with the modern appearance of the building and adjoin service yard. This will enhance what is otherwise a very functional and somewhat dated employment setting.

- 10.4 The design is acceptable meeting the criteria of policy E6. The elevations exhibit an element of interest with the coloured openings providing welcome breaks within the façade and additional texture to the buildings appearance. The design and appearance of the building would frame the service yard in a successful manner. The modern construction would provide local amenity benefits to the character and setting of the employment estate.

11. RESIDENTIAL AMENITY

- 11.1 The site is not bounded immediately by any residential properties and is located within an almost exclusive employment area. The nearest properties are those located on Bradbury Street and Green Street which are located to the west of Dawson Street and exit onto Haughton Street.
- 11.2 The layout dictates that the service yard and access points to the building would remain in a central location framed by the existing building to the west, north and east and the boundary wall to the south beyond which is the TPT. This is favourable insofar as it would contain external activity to the central area of the site resulting in minimal disturbance to people who may be passing the site including along the TPT.
- 11.3 Consultation with Environmental Health has been positive and it is not envisaged that any disturbance should occur from the site which would be harmful to levels of public amenity, including any associated activity from vehicle movements from employees, visitors and deliveries.
- 11.4 Collectively having regard to the above, it is considered that the relationship to nearby residential properties would be acceptable with their amenity not being unduly prejudiced.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1. The Local Highway Authority (LHA) note that the development will be a rebuild of an existing industrial unit, and are satisfied that the historical vehicle trips generated from the previous use verses the proposed vehicle trips will not have not a have a severe impact upon the capacity of the local highways network.
- 12.2 UDP policy T10 requires a minimum of 1 parking space is provided per 850 sqm of floor space for B8 uses. The development proposes 13 no. off street vehicle parking spaces for the proposed 1342 sqm of B8 development. This is acceptable to the LHA based on the requirement set out in the SPD. Cycle storage is indicated as part of the proposals, these along with electric vehicle charging points, are required to promote sustainable modes of transport.
- 12.3 The site is accessed via a shared yard which also serves several neighbouring businesses. The access arrangements demonstrate that vehicles will be able to safely manoeuvre within the site without prejudicing neighbouring uses. The additional onsite parking provision will hopefully address some parking pressures experienced on Dawson Street which has been observed to be heavily parked during daytime site visits. Given the central and very accessible location it is reasonable to assume that an element of the employees would arrive by public transport. Likewise the accessibility to established residential areas and the TPT provide safe and convenient walking and cycling options to staff. To promote cycling secure cycle storage is proposed along with staff changing facilities and these would be accommodated within the development.
- 12.4 Accident data for the site has been provided and over a 5 year period where no accidents have been recorded within the immediate vicinity. The LHA are satisfied that it is robust and the vehicle trips generated by the development are minimal, based on 49 additional two-way vehicle movements over the course of a typical weekday. This would comprise a maximum

of 6 additional two-way movements made by HGV's which would have immediate access to the strategic highway network. The LHA are satisfied that there is sufficient capacity on the existing highway network to accommodate the development.

- 12.5 Having full consideration to the merits of the proposals it is considered that the development provides a safe, secure and convenient access for all road users in accordance with UDP policy T1.

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is located in Flood Zone 1 and is therefore considered to be at the lowest risk of flooding. The site is presently laid entirely to hard surfacing and there would be no material increase to the size of this area.
- 13.2 The proposals are to drain the site into an existing site drainage system. No exact details of this have been provided and the LLFA have taken note of this. There would be no increase to surface water run-off as the site was, and will remain, completely laid to hard surfacing. There are no viable opportunities to connect an outfall to an existing watercourse so connection to the existing combined drain is deemed appropriately.
- 13.3 Following the above assessment, it is considered 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 is not required. The Coal Authority have however advised that their standing advice should be followed, in the interests of public health and safety. An informative is recommended advising the applicant of this.
- 14.2 The Environmental Protection Unit (EPU) have identified that there could be onsite contamination as a result of historic industrial processes. A condition is recommended for further assessment and potential investigation into ground conditions. There are implications associated with this given that development has commenced with foundations and floor slabs laid. The discharge of the condition may require elements of works to be removed but this is yet to be determined.
- 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, and subject to its imposition the application is thereby considered acceptable in this regard.

15. LANDSCAPING & ECOLOGY

- 15.1 The site is void of any vegetation and as such has low biodiversity value. Section 11 of the NPPF advocates biodiversity enhancement. There is little to no scope to introduce new soft landscaping. Enhancements are therefore limited to physical features such as bird and bat boxes on the building. This is a matter to be addressed by planning condition.

16. CONCLUSION

- 16.1 The development will generate employment within an established employment area. The economic benefits associated with investment and subsequent employment opportunities

carry significant weight and the principle of the development is considered to be fully acceptable.

- 16.2 The building is a replacement structure to a previous building which was of a very poor and dated appearance. The building would take an appearance that is typical of commercial development within the locality and the scale, massing and design of the unit would not result in a detrimental impact on the character of the surrounding area. The modern construction details will deliver an energy efficient building which is an improvement on the historical precedent.
- 16.3 The proposal is considered not to be detrimental to highway safety, subject to the imposition of conditions to safeguard parking and turning within the yard.
- 16.4 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing site.
- 16.5 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

RECOMMENDATION

Grant planning permission subject to the prior signing of a Section 106 Legal Agreement and following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 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.

Site location Plan ref PL02
Existing Site Plan/Block Plan ref PL02
Block Plan of the Site ref PL03
Proposed elevations ref PL04
Proposed Plan PL05

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 3) Prior to the use of the development, contaminated land reporting will be required to determine the potential contamination risk and how this has/will be mitigated. 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 Preliminary Risk Assessment which has identified:
 - All previous and current uses of the site and surrounding area.
 - All potential contaminants associated with those uses.
 - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
 2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) 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.

3. The findings of the site investigation and detailed risk assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

4. Based on the site investigation and detailed risk assessment referred to in point (3) 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.

5. 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 use of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

- 4) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with UDP PolicyT1: Highway Improvement and Traffic Management.

- 5) No work shall take place in respect to the construction of the approved highway to the Development, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-
1. Phasing plan of highway works.
 2. Surface and drainage details of all carriageways and footways.
 3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
 4. Details of the areas of the highway network/car park within the site to be constructed to adoptable standards and the specification of the construction of these areas.
 5. Details of carriageway markings and signage.
 6. Full details of a lighting scheme (to an adoptable standard) to the private carriageway and parking areas.

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.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 6) The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved site plan ref PL 03 prior to the first occupation of that development and shall be retained free from obstruction for their intended use thereafter.

Reason: To ensure that the development has adequate car parking arrangements in accordance with UDP Policy T10 Parking.

- 7) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision + changing facilities to serve the industrial unit 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 property and shall be retained as such thereafter.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management

- 8) No development shall commence (excluding the demolition of existing structures and site clearance or preparation) until 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.

Reason: To ensure proper drainage of the area, in accordance with UDP policy U3 Water Services for Developments and Section 14 NPPF.

- 9) 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.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.