

<b>Application Number:</b>	22/00360/REM
<b>Proposal:</b>	Reserved matters application (namely landscaping) for demolition of nos. 1 and 2 Ralphs Lane; provision of 29no. single bedroom Extra Care apartments, 17no. car parking spaces and communal gardens pursuant to outline planning application 16/00767/OUT.
<b>Site:</b>	1 Ralphs Lane, Dukinfield, SK16 4UZ
<b>Applicant:</b>	Mr Jack Meredith
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	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 main entrance to the 0.34 hectare site, along Ralphs Lane, is via a tree-lined avenue. Further, along this avenue is the existing care home, The Lakes. At the end of Ralphs Lane, to the east, are six properties, arranged in a cul-de-sac. The site currently contains 2no. two-storey family houses and gardens, with land to the north west the curtilage of no. 1 Ralphs Lane also included within the application site. The 2 dwellings to be demolished to create the overall development site. The remainder of the development site is heavily wooded, backing onto neighbouring residential gardens.
- 1.2 Outline planning permission exists on the site, consisting of demolition of nos. 1 and 2 Ralphs Lane, and erection of a building containing 29no. single bedroom extra care apartments, 17no. car parking spaces and communal gardens under application ref: 16/00767/OUT, which was allowed at appeal. This established the access, layout, appearance and scale.

## **2. PROPOSAL**

- 2.1 This reserved matters application seeks planning permission for landscaping only, following earlier outline planning permission for demolition of nos. 1 and 2 Ralphs Lane, and erection of a building containing 29no. single bedroom extra care apartments, 17no. car parking spaces and communal gardens. The outline permission established the access, layout, appearance and scale.
- 2.2 The application is supported with a landscape plan, which demonstrates the retention of mature trees and hedging throughout the site, particularly to the northern and eastern boundaries. To the frontage, a hedgerow is proposed around part of the car park area, and shrubbery planting is proposed around the building in sections, and to the frontage of the site separating the car park from the highway.

## **3. PLANNING HISTORY**

- 3.1 16/00767/OUT – demolition of nos. 1 and 2 Ralphs Lane, and erection of a building containing 29no. single bedroom extra care apartments, 17no. car parking spaces and communal gardens – Approved at appeal May 2019 (ref: APP/G4240/W/19/3221226).

## 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;
- 1.5: 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.

### 4.6 Part 2 Policies

- C1: Townscape and Urban Form;
- H10: Detailed Design of Housing Developments;
- OL10: Landscape Quality and Character;
- N3: Nature Conservation Factors;
- N4: Trees and Woodland;
- N5: Trees Within Development Sites;
- N7: Protected Species.

### 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 In response to the neighbour notification letters, there have been 5 letters of objection. The concerns raised within the letters of objection are summarised below:
- This development includes demolition of my property, and there has been a lack of consultation from the developer;
  - Development conflicts with land use policy;
  - The development is too large;
  - The development would result in a loss of day light, and cause overshadowing;
  - Excessive noise would be associated with the development;
  - The development would be out of character and sets a precedent;
  - Highway safety and lack of parking provision.

### **7. RESPONSES FROM CONSULTEES**

- 7.1 Arborist – No objections, landscape proposals provide sufficient and appropriate landscape features and planting. Arboricultural Impact Assessment is acceptable, proposed root protection measures would meet British Standard.
- 7.2 Greater Manchester Ecology Unit – No objections, following amendments addressing concerns that landscaping was ornamental with little native trees and shrubs proposed. Welcomes retention of mature trees.

## **8. ANALYSIS**

- 8.1 The principle of development, consisting of demolition of nos. 1 and 2 Ralphs Lane, and erection of a building containing 29no. single bedroom extra care apartments, 17no. car parking spaces and communal gardens was established through outline planning application 16/00767/OUT, which was allowed at appeal in May 2019 (ref: APP/G4240/W/19/3221226). The previous approval established the access, layout, appearance and scale; and therefore this reserved matters application seeks approval for landscaping only.
- 8.2 Recognising that the development follows the principles established on the approved outline planning application, there should be no fundamental objections to this recognising that the application would be consistent with the principles established on the extant outline planning permission.

## **9. LANDSCAPING, TREES AND ECOLOGY**

- 9.1 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 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. 134).
- 9.2 The report to Speakers Panel in relation to the outline application notes that in relation to the impact of the development upon trees, a number of them within the site are the subject of tree preservation orders. The trees of highest value on the land are located to the north west of the site and would not be affected by the proposed development. It was noted that the plans indicate that the development would be sited so as to ensure that no part of the building itself would fall within the crown spread of the trees on the western edge of the site which are also protected and considered to be of high amenity value.
- 9.3 The report acknowledges that the north western corner of the building would be in close proximity to the northern boundary of the site, but notes that a significant number of existing trees on that boundary would be retained and additional planting would be established to the rear of the building. It was considered that a landscaping scheme, alongside planting to be retained, would provide some screening of the development from the adjacent neighbours, particularly given that the closest 'wing' of the building would be adjacent to the existing mature landscaping on the common boundary. The Inspector in the appeal decision noted similar; that a number of valuable mature trees located around the site would be retained to further soften the impact of the scheme.
- 9.4 The applicant has submitted a landscape plan which demonstrates the retention of mature trees and hedging throughout the site, particularly to the northern and eastern boundaries. To the frontage, a hedgerow is proposed around part of the car park area, and shrubbery planting is proposed around the building in sections, and to the frontage of the site separating the car park from the highway. The development is set in turfed grounds, all of which softens the impact of the proposed building. Greater Manchester Ecology Unit (GMEU) reviewed the submitted information, and although welcomed the retention of the majority of mature trees, noted that initially the landscaping was proposed as ornamental with no native trees or shrubs proposed. Amendments were sought to the landscaping plan, to include native and wildlife attracting species, and GMEU considered the updated plan to be an improvement and acceptable. The Council's Arborist has reviewed the submitted information, and considers that the landscape proposals provide sufficient and appropriate landscape features and planting. A condition is recommended which requires the landscaping to be provided and maintained for at least 5 years, until it is hoped the planting would be mature.

- 9.5 Condition 5 of the outline consent required that this application include details of all tree and root protection measures, in order to provide adequate protection to those trees to be retained within the site, particularly during construction. The applicant has submitted an Arboricultural Impact Assessment (AIA), which the Council's Arborist has reviewed, and noted that the proposed root protection measures would meet the requirements of the appropriate British Standard, as per the wording of condition 5. A condition is thereby recommended which states the measures within the AIA shall be followed.
- 9.6 GMEU did note the requirements of condition 6 of the outline consent, which requires that biodiversity enhancement measures be submitted for approval, and considered that this may overlap with the landscape scheme to be approved. It is however not a requirement that the developer submits biodiversity enhancement measures at this stage, with the trigger for this condition requiring details to be submitted pre-commencement of development.
- 9.7 The landscaping and tree protection measures proposed as part of this reserved matters application are considered to be acceptable, subject to conditions ensuring they are implemented. The proposals accord with the outline consent, appeal decision, and Policies N4, N5 and N7 of the Unitary Development Plan.

## **10. CONCLUSION**

- 10.1 The redevelopment of the site as a 29no. unit building for extra care use has been established on the previous outline planning permission, which was allowed at appeal. The principle of this redevelopment of the site was established at outline stage, and it is considered that the reserved matters conforms to the parameters which were established within the outline planning consent.
- 10.2 The application proposes a landscape scheme which retains existing trees within the site, and proposes new landscaping features, further assisting with screening the development from surrounding areas. Essential tree protection measures are also proposed, as was required through the outline consent.
- 10.3 There are no objections to the proposals from any consultees, namely the Greater Manchester Ecology Unit and the Council's Arborist.
- 10.4 Taking into account the relevant development plan policies and other material considerations, subject to the identified conditions, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission.

## **RECOMMENDATION**

Grant reserved matters planning permission subject to the following conditions:

- 1) 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.
  - Planting proposals (dwg no. 0110-PP-01, rev. P1);
  - Proposed site plan (dwg no. 819 A 002. rev. C).

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

- 2) The submitted Planting Proposals (dwg no. 0110-PP-01, rev. P1) shall be implemented prior to the occupation of the development hereby approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the use of the building or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Policies C1 and OL10 of the adopted Tameside UDP.

- 3) The development hereby approved shall be undertaken in accordance with the submitted Arboricultural Impact Assessment (AIA) (undertaken by Urban Green, dated May 2022).

Reason: In order to ensure adequate protection for trees to be retained, in accordance with Policies N4 and N5 of the adopted Tameside UDP.