

Application Number:	23/00317/FUL
Proposal:	Two-storey building, with internal roof space and dormers, to provide 19 apartments, including car parking and landscaping, and clearance of existing site.
Site:	1 Syddall Street, Hyde, SK14 1LB
Applicant:	Mr Nitin Sethi
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 application relates to a site containing a two-storey building, and a large cleared surfaced area. The building is situated at the corner of Syddall Street and Oldham Street, and previously operated as a children's play centre, but has been vacant since August 2022. Prior to use as a children's play centre, the building operated as a cash and carry facility.
- 1.2 It is understood that terraced housing previously stood on the remainder of the site, but was demolished in the past.
- 1.3 The site is situated outside of Hyde town centre, but within walking distance of it. The site is unallocated land within the Council's Unitary Development Plan.

2. PROPOSAL

- 2.1 This application seeks planning permission for the demolition of the existing building, and the erection of a new two storey building, with roofspace, for 19no. apartments at all three levels. Dormer extensions are proposed to the rear, with rooflights to the front.
- 2.2 In terms of external appearance, the building is designed in a similar character to a row of terraced properties. It would have additional windows and doors to its front elevation than would typically be expected from a traditional terraced property, in order to allow access and outlook/light to the apartments. Some features are proposed to the front elevations, including the windows containing headers and cills, and a porch canopy atop the entrance doors.
- 2.3 The building would measure approximately 8.6m to the ridge, and 5.4m to the eaves. Externally, a courtyard for amenity purposes is proposed to the rear of the building, alongside a cycle and bin store. 4no. car parking spaces are proposed.
- 2.4 In terms of the proposed apartments, 17 would be two bedroomed, and two would be one bedroomed. Each would be self-contained. All would include outlooks to the front over either Syddall Street or Henry Street, or to the rear of the building over the proposed courtyard area.

3. PLANNING HISTORY

- 3.1 18/00163/FUL - Proposed Change of Use from Class A1 Shop to Class D2 Children's Indoor Play Centre, with associated external alterations/installation of ramp (part-retrospective) – Approved August 2018

19/01040/FUL - To vary conditions 2 (specifying approved plans), 4 (bin storage facilities) and 6 (requiring parking provision) of planning permission ref. 18/00163/FUL: Change of Use from Class A1 Shop to Class D2 Children's Indoor Play Centre, with associated external alterations/installation of ramp (part-retrospective), to allow for amendments to the car parking arrangements – Approved February 2020

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

- C1: Townscape and Urban Form
- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings

- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- N3: Nature Conservation Factors
- N7: Protected Species
- OL10: Landscape Quality and Character
- MW11: Contaminated Land
- MW12: Control of Pollution
- S4: Retail Dominance and Shopping Frontages
- S9: Detailed Design of Retail and Leisure Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- 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 have been 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 of the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It 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 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.10 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.11 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.

- 4.12 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

- 4.13 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.
- 4.14 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 publicity carried out, there were two letters of objection submitted. The concerns raised within the letters of objection are summarised below:
- The development proposes an insufficient amount of parking;
 - The development would cause overlooking of neighbouring properties;
 - The proposal would cause a loss of light to neighbouring properties
 - The development would result in disturbance during construction works;
 - The scheme represents an overdevelopment of the site.
- 6.2 One letter of support has been submitted. The main points raised within that letter is summarised below:
- The development would provide valuable affordable housing provision.

7. RESPONSES FROM CONSULTÉES

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a condition survey of highways to be used for construction traffic; car parking and cycle parking to be implemented; a surface water drainage scheme; submission of a construction environmental management plan; submission of a travel plan; provision of visibility splays to be maintained; and provision of a lighting scheme.
- 7.2 Transport for Greater Manchester – No objections. Provides guidance regarding access to the site, visibility splays and travel plan contents.
- 7.3 United Utilities – Recommends a condition requiring a surface water drainage scheme to be submitted.

- 7.4 Lead Local Flood Authority – Recommends a condition requiring a surface water drainage scheme to be submitted.
- 7.5 Environmental Health – No objections, subject to conditions requiring restrictions on construction working hours and bin storage provisions.
- 7.6 Contaminated Land – No objections, subject to conditions which require submission of a site investigation strategy, followed by options appraisal and remediation strategy, and a verification plan alongside any long term monitoring and maintenance arrangements.
- 7.7 Coal Authority – No objections. Notes that the site lies within the defined Development High Risk Area, but considers that there is no undue risk from coal mining to future occupiers.
- 7.8 Waste Management – No objections.
- 7.9 Arborist – No objections, no significant trees are on the site.
- 7.10 Greater Manchester Ecology Unit – No objections.

8. ANALYSIS

- 8.1 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Policy H2 (Unallocated Sites) states that unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan. 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, and given the sites location within a built-up residential area, close to a town centre and with links to services, the proposals would meet these policy objectives.
- 8.2 There is no doubt that the site constitutes previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. The Council does not have a 5 year housing supply, where the NPPF is clear that contribution to housing supply is a material consideration in the assessment process. The opportunity to make a positive contribution to housing supply by the redevelopment of a brownfield site is considered to be highly sustainable and is afforded significant weight in the determination of the application. The site is situated outside of a town centre, but close to that of Hyde. As per the above policies, residential development would be in-keeping with this built-up urban area, located close to the town centre, bus services, shops and other services. This development thereby represents an appropriate re-use of previously developed land. In light of the above, the application is acceptable in principle.
- 8.3 The applicant has indicated that the development would include some element of supported living for future occupiers. The proposals demonstrate that each of the apartments would be self-contained, and self-sufficient per se, all including bedroom, bathroom, kitchen/dining and living space facilities. Whilst this layout would allow occupiers to live within their own homes, it would allow some element of care to be provided to some residents, when required and as their care needs may change. It has been assumed from the submitted information that care to be provided would range from occasional to more intensive. Use Class C3, under Article 2 of the Use Classes Order 1987 (as amended) involves use as a dwelling house (whether or not as a sole or main residence) either: by a single person or by people to be regarded as forming a single household; or by not more than six residents living together as a single

household where care is provided for residents; or by not more than six residents living together as a single household where no care is provided to residents. The submitted floor plans show that staff facilities, including a staff office, meeting room, training/activity room and toilets, would be provided. On the basis of this, the building would not be utilised as a residential care facility (under Use Class C2). The staff facilities make up a small proportion of the overall apartment development, and is proportionate and incidental to the apartments.

- 8.4 The site is located within a highly accessible area close to a town centre, connected to public transport, local services and employment uses within Hyde. In light of the above, the principle of residential development in this location is considered to be acceptable.

9. DESIGN & LAYOUT

- 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 current building, which occupies part of the site, is two storey and is part brick built, part rendered. The building previously housed a children's play centre, and prior to that a cash and carry premises. Demolition of the building is not considered as an issue visually, given its commercial and relatively utilitarian appearance.
- 9.3 The immediate surroundings, including along Syddall Street to the front of the site, and both Henry Street and Oldham Street which run to the east and west of the site, are characterised by reasonably high density housing in a terraced form. The proposed development seeks to similarly replicate this type of housing. Although apartments internally, the building would have the appearance of a two storey terraced block, fronting Syddall Street and situated at the back of pavement, similar to those existing dwellings opposite.
- 9.4 Although of a more modern appearance, and with a greater number of windows and less doors to their front elevation, the apartment building would be of a slightly lower height to the existing dwellings. The elevations would have a simple form, with a consistent roof and eaves line. To the front elevation, windows would include a header and cill feature which would add interest to the building. Entrance doors would include a small sloping canopy, which would break up the mass of the front elevation.
- 9.5 To the rear elevation, the building would feature dormers within the roof space. These would be of a flat-roofed design, but would be set below the ridge line, and therefore not unduly visible from public vantage points.
- 9.6 In light of the above, it is considered that the proposed development would be appropriate in appearance, similar to the terraced character of the immediate street and those surrounding the site. The removal of proposed front dormers has alleviated initial concerns raised with the applicant. The visual amenity of the development is thereby considered to be acceptable in this location.

10. RESIDENTIAL AMENITY

- 10.1 Windows which would serve habitable rooms would be positioned within both the front and rear elevations of the building. Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14m apart on street frontages, and at least 21m apart in other circumstances. For buildings of three or more storeys in height, this should be increased by an additional three metres for each additional storey.

- 10.2 The proposed building would measure two storeys in height, with additional space within the roof. This in turn would be served by dormers positioned to the rear elevation of the building. Neighbouring properties positioned to the south east of the site, fronting Church Street, are also two storey in height, but are situated at a higher land level than the host site. The distance between the rear elevation of the properties on Church Street and that of the proposed development would be 15.3m in most cases, but 12.7m in the case of one existing property which benefits from a two storey outrigger (the outriggers serving other properties do not appear to have rear facing windows within those spaces), and 10.9m in the case of one property which would face the side elevation of a section of the building. Although these distances are below that recommended within the SPD, on balance the immediate area is characterised by closely spaced terraced properties, with similar distances between nearby properties to those now proposed.
- 10.3 Neighbouring properties to the northern side of Syddall Street would face the front of the proposed apartments, with a distance of approximately 10.7m separating the two. Although this is below the 14m as recommended above for facing buildings on street frontages, again this is similar to the relationship on adjacent streets, with closely spaced terraced properties directly facing, situated at back of pavement. The proposed development would follow the established pattern and character of existing development within the area, and would achieve acceptable levels of privacy and amenity for both future and existing occupiers.
- 10.4 The proposed development would benefit from an outdoor amenity space within the rear yard area, to consist of pathways, grassed areas and landscaping. Although the rear upper floor windows of neighbouring properties along Church Street would overlook this area, the relationship would be similar to neighbouring properties, whereby external yard areas are overlooked by neighbouring properties. As a shared space, it would be valuable for future occupiers, and a condition is recommended which would require this to be completed prior to first occupation of any of the proposed units.
- 10.5 With regard to the amenity of future occupiers, it is noted that both the one and two bedroom apartments would exceed each of the required floor space internally, as outlined within the Government' Technical Housing Standards document (nationally described space standard), in order to achieve a reasonable standard of amenity. On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 10.6 The site lies within a primarily residential location, with some commercial units fronting Church Street and Oldham Street. The site is well suited to residential development due to these surroundings. The Council's Environmental Health Officers have raised no objections to the development, subject to a condition recommending the hours of construction of the development be limited to daytime only. Such a condition is necessary to protect the amenities of neighbouring properties.
- 10.7 In light of the above, the development is acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, and not causing undue noise and disturbance to residential uses.

11. HIGHWAY SAFETY & ACCESSIBILITY

- 11.1 The site is situated in a sustainable location, close to the town centre of Hyde and therefore within walking distance of shops, services and public transport provision operating close to the site. The Local Highways Authority (LHA) initially requested that an on-street car parking survey be carried out, which the applicant submitted and which demonstrated that there is sufficient capacity to accommodate additional parking for vehicles on the highway close to the application site. 4no. off-street spaces are proposed. The level of parking required on-street is unlikely to be above that which was required for the previous use of the site as a

children's play centre. The LHA also notes that cycle parking provision would be required within the development, and a travel plan is recommended to encourage future occupiers to use more sustainable transport modes than the private car.

- 11.2 The travel plan to be submitted would seek to raise awareness of opportunities for reducing travel by car and including a range of measures and initiatives promoting a choice of transport mode. The plan should also include a clear monitoring regime with agreed targets. Such a condition is therefore recommended.
- 11.3 The submitted plans demonstrate that cycle storage would be provided within the outdoor space to the rear. The LHA considers that at least 19no. spaces should be provided for use by cycles. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 11.4 The LHA further recommend that adequate visibility splays be provided, at the junction between the development and Oldham Street. Similarly, they recommend that the existing structural condition of the highway be assessed prior to works commencing, in order that any damage undertaken during construction works could be rectified. They also recommend that a construction environmental management plan be provided, to ensure that the construction of the development would have no undue impacts upon highway safety. This is considered reasonable and relevant conditions are recommended.
- 11.5 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a travel plan would encourage use of sustainable transport methods for future users of the development, with cycle parking also provided. The site lies close to the town centre, within walking distance. Subject to the recommended conditions, the proposals would not result in a detrimental impact upon highway safety.

12. DRAINAGE AND FLOOD RISK

- 12.1 The site lies within flood zone 1, at the least risk of flooding. The site is a previously developed site, previously operating as a children's play centre and previous to that as a retail cash and carry premises.
- 12.2 United Utilities has reviewed the submitted information, and they consider that further information should be submitted with regards to drainage, including surface water management. Similarly, although raising no objections to the scheme, the LLFA has concurred with United Utilities in the request for further information concerning drainage including surface water.
- 12.3 In light of the comments from both drainage bodies, it is appropriate to recommend a condition which requires a sustainable drainage scheme to be proposed and implemented. This would be submitted to the drainage bodies for their comment before implementation, and would ensure that the development is adequately drained and flood risk reduced.
- 12.4 Subject to imposition of the condition as set out above, the proposals would be adequately drained, subject to an acceptable scheme being agreed. The proposals would therefore not result in a detrimental impact upon flood risk or drainage capacity, in line with the provisions of national and local planning policy.

13. GROUND CONDITIONS

- 13.1 The Coal Authority has noted that the site lies within the defined Development High Risk Area, and their records indicate that within the application site and surrounding there are coal

mining features and hazards which need to be considered in relation to the assessment of the application. The submitted information references probable shallow coalmine workings associated with a thick coal seam outcrop, and both voids and broken ground associated with these workings can pose a risk of ground instability and may result in emission of mine gases. The Coal Authority considers however, based on a review of appropriate coalmining and geological information, that the seam is not recorded to have been worked in the local area, and accordingly no specific remedial measures are considered necessary. Other contamination risks may be relevant, however these are considered further by the Council's Environmental Protection Unit (EPU) below.

- 13.2 The EPU have reviewed the submitted information. Potential sources of contamination and ground gas identified at the site includes infilled basements associated with the former terraced housing on the site, asbestos containing materials (ACM) from any construction and demolition materials present and made ground. The EPU recommend that site investigations be undertaken in order for the assumptions made in the submitted preliminary site conceptual model to be confirmed. The EPU note that historical mapping for the mid-late 1800's appears to identify a brickfield on site which extends further to the north towards Chapel Street, and dependent on the type of materials used to infill this feature, it may pose both a contamination and ground gas risk. In addition, the former use of the commercial/industrial building could have included the use of potentially contaminating materials and substances (including volatile contaminants) and potentially contaminating processes or activities. Both the brickfield and the former commercial/industrial building should therefore be identified as specific sources of contamination/ground gas with the preliminary conceptual site model and appropriately investigated. Therefore, a condition is recommended which requires a site investigation strategy to be undertaken, followed by an options appraisal and remediation strategy setting out details of any required remediation works, and measures to address any unacceptable risks posed by contamination. Finally, a verification plan would be required to be submitted in order to demonstrate that the works and measures set out in the remediation strategy have been implemented, alongside any requirements for long term monitoring and maintenance. It is also required that a verification/completion report be submitted, in order to demonstrate that all remedial works and measures have been undertaken.
- 13.3 The condition recommended by the EPU is 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.

14. ECOLOGY

- 14.1 Consultation has taken place with Greater Manchester Ecology Unit, who have confirmed that they have no objections to the proposed development. They note that the site is largely cleared, and consider that the development would not raise any ecological concerns or harm to protected species.
- 14.2 The application is therefore acceptable in this regard.

15. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS

- 15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

- 15.2 The proposal is for a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and education contributions as per the requirements of policies H4, H5 and H6 of the UDP.
- 15.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units. The Housing Needs Assessment identifies an expectation of provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.
- 15.4 Policy H5 of the UDP identifies provision of open space and facilities, where there is a deficiency of children's play areas, informal local recreational open spaces or sports pitches in an area. Where it is not practical or desirable to accommodate some or all of the required open space and facilities as part of the development itself, the Council will seek an equivalent payment for the remainder or all of the provision.
- 15.5 With regard to open space facilities, there is an outdoor area proposed to the rear of the building, which would be landscaped and would be available to future occupants. This would ensure that an area of outdoor amenity space is available for occupants to enjoy outside of their individual apartments. It is considered that no further contribution to open space, off-site, is therefore warranted. Noting that the apartments would be one and two bedroomed, it is considered unlikely that the development is family accommodation. Contributions towards education facilities would therefore not be warranted.
- 15.6 Paragraph 64 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The National Planning Practice Guidance (NPPG) provides further guidance regarding this. It states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
- 15.7 The NPPG goes on to state that where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.
- 15.8 The NPPG states that vacant building credit applies where the building has not been abandoned. It may also be appropriate to consider whether the building has been made vacant for the sole purposes of re-development; and whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development. The building was granted planning permission in 2019 for change of use from retail unit to children's play facility (ref: 18/00163/FUL, followed by 19/01040/FUL). The applicant has provided supporting information stating that the building has been vacant since August 2022, and due to market conditions, it has not been possible to re-let the building to an alternative tenant. It is not considered that the period of time elapsed since the building was in use leads it to being abandoned, and the proposed development would allow a comprehensive redevelopment of the site for viable purposes.

- 15.9 The submitted supporting information notes that the existing building (gross) internally consists of a ground floor (295sqm), with a partial mezzanine floor above. Combined, this floorspace totals 426sqm. The proposed development, providing 19no. apartments, measures an overall gross internal floorspace of 1156sqm. An on-site affordable housing contribution of 15% would be sought as the policy requires, explained above. This would ordinarily present a requirement of 2.85 affordable dwellings (to be rounded up to 3 dwellings). However, the credit proportion as a result of the floorspace of the existing building allows the affordable contribution to be reduced by 37% - from 2.85 to 1.80 affordable dwellings as a requirement. Rounded to the nearest whole number as per the requirements of the policy, this means that 2 dwellings are required to be provided for affordable housing purposes.
- 15.10 In light of the above, based on the case put forward by the applicant in demonstrating vacant building credit would apply in this case, a contribution towards 2 (rather than 3) affordable units is sought, for the provision to be made on-site. This is recommended to be controlled via condition and is compliant with national guidance regarding re-use of vacant buildings. The case for vacant building credit is accepted, resulting in a lower affordable housing contribution than would be sought if no credit were applied.
- 15.11 The application therefore accords with Policies H4, H5 and H6 of the UDP, and the NPPF.

16. OTHER MATTERS

- 16.1 The submitted plans demonstrate that a bin store would be provided as part of the proposals. The Council's Waste Management officers note the intention of the applicant for the development to be served by a regular waste contract. The Council's Environmental Health officers have reviewed the submitted plans, and consider that the size of the bin store is sufficient for the proposed development, aside from the food waste facilities. A condition is therefore recommended requiring further details of the bin store to be provided pre-occupation of the development, in order that adequate waste storage provision is provided. Assuming the condition is attached should the application be approved, it is considered that the proposals would meet the requirements of the National Planning Policy for Waste (NPPW).

17. CONCLUSION

- 17.1 The application proposes the demolition of a children's play centre, and new build apartments to be constructed on the site. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 17.2 The site is situated within close proximity of Hyde town centre, and therefore within walking distance of shops, services and public transport links, which provide sustainable connections to surrounding areas. Re-use of a brownfield site such as this accords with local and national policy, introducing residential development to an area primarily characterised by existing housing.
- 17.3 The design and scale of the development is appropriate for this location. Although apartments, the building would appear similar in style and scale to the two storey terraced properties which neighbour the site. Previously proposed dormers to the front elevations have been removed, and are now only proposed to the rear, not widely visible from public vantage points and therefore considered acceptable.
- 17.4 The proposal is considered not to be detrimental to residential amenity, given the proposing distances between residential uses, similar to those within the vicinity of the site.

- 17.5 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 17.6 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.
- 17.7 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 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.

- Existing site location plan block plan (dwg no. 0100 3 01, rev. A);
- Flats proposed section (dwg no. 0100 3 15);
- Flats proposed site plan proposed block plan (dwg no. 0100 3 100, rev. E);
- Flats proposed elevations (dwg no. 0100 3 12, rev. B);
- Flats proposed plans (dwg no. 0100 3 11, rev. D);
- Flats proposed exterior views (dwg no. 0100 3 13, rev. B).

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

- 3) Notwithstanding any description of materials in the application form and shown within the Design & Access Statement no above ground works shall take place until samples and/or full specification of materials to be used externally on the building have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with policies OL10: Landscape Quality and Character and C1: Townscape and Urban Form

- 4) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A site investigation strategy based on WML Consulting's Phase 1 Desk Study and Preliminary Geoenvironmental Assessment dated February 2023 (ref: 10489G-WML-XX-ZZ RP-G-0001) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the

risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

2. The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil/water analysis and ground gas/groundwater monitoring data.
3. Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in point (3) have been fully implemented including any requirements for long term monitoring and maintenance.

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 184 of the National Planning Policy Framework.

- 5) Prior to the first occupation of the development hereby approved, and upon completion of any approved remediation scheme(s), a verification/completion report demonstrating all remedial works and measures detailed in the scheme(s) have been implemented shall be submitted to and approved in writing by the Local Planning Authority. 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 the Local Planning Authority shall be informed and no further development (unless otherwise agreed in writing by the Local Planning Authority) 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 Local Planning Authority. The remediation strategy shall be fully implemented and verified as approved.

For the avoidance of doubt, the discharge of this planning condition will be given in writing by the Local Planning Authority 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 Local Planning Authority.

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 184 of the National Planning Policy Framework.

- 6) Prior to the commencement of the development hereby approved, a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;

- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The schemes shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

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 Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 7) Prior to the first occupation of the apartments hereby approved, details of secured cycle storage to be installed to serve the apartments shall be 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 shall be installed in accordance with the approved details prior to the first occupation of the apartments and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 8) Prior to the first occupation of the development hereby approved, full details of the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be implemented in conjunction with the approved method statement prior to the first use or occupation of the development and shall be retained as such thereafter.

Reason: In the interests of encouraging recycling and visual amenity in accordance with Policies C1 and H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy for Waste.

- 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 and 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 10) Prior to the first occupation of the development hereby approved, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the submitted plan; and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a travel plan coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan. The Travel Plan shall thereafter be implemented as per a timetable agreed within the approved details.

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 and T11 Travel Plans.

- 11) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:-
- Arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases; and
 - Details of on-site storage facilities.

The development shall be carried out in accordance with the approved Construction and Environmental Management Plan.

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

- 12) Prior to the first occupation of the apartments hereby approved, the car parking indicated on the approved plans shall be implemented and thereafter kept unobstructed for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: In the interests of highway safety in accordance with policy T1 Highway Improvement.

- 13) No development shall commence until a condition survey (including structural integrity) of the highways to be used by construction traffic has been submitted to and approved in writing by 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 submitted to and approved in writing by 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, including timescales, to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 14) A clear view shall be maintained at the junction of the site access and Oldham Street, measuring an area 2.4m along the centre of the access road and 43m along the edge of the highway on Oldham Street. The area shall be kept clear of anything higher than 0.6m along the edge of the adjoining carriageway and access, on land within the control of the site and shall be maintained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 15) No development shall commence until a lighting scheme to provide lighting on the driveways and car parking and servicing areas off the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be completed prior to first occupation of the development.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 16) No development, other than site clearance, demolition and site compound set up, shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location within the block of the affordable housing provision to be made which shall consist of not less than 2no. of the housing units;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and,
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with UDP Policy H4 Type, Size and Affordability of Dwellings.