

Application Number 17/00512/REM

Proposal	Reserved matters approval of appearance, landscaping, layout and scale pursuant to outline consent 15/00081/OUT (54 dwellings proposed)
Site	Former Oldham batteries site, Edward Street, Denton
Applicant	Wainhomes (North West) Ltd, Warrington
Recommendation	Refuse
Reason for report	A Speakers Panel decision is required because the application constitutes a major development.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks approval for the appearance, landscaping, layout and scale of development following the granting of outline planning permission under reference 15/00081/OUT for a development of up to 56 houses, in May 2015.
- 1.2 This application relates to land to the east of Edward Street. A parcel of land on the western side of Edward Street also has outline planning permission for up to 150 dwellings and is the subject of a separate reserved matters application, reference 17/00513/REM, which is also on this agenda.
- 1.3 The applicant has provided the following documents in support of the planning application:
 - Drainage Statement
 - Noise Assessment
 - Planning and Design and Access Statement

2. SITE & SURROUNDINGS

- 2.1 The application site is to the east of Edward Street and is located within Denton Town Centre. The site area is approximately 1.1 hectares. The site was part of the former Oldham Batteries factory site, which closed in 2002. The buildings have since been demolished and the application site consists largely of rubble and hardstandings awaiting redevelopment. The site is faced by the rear of the two storey housing fronting onto Osborne Road to the east, the M67 in a cutting to the north, Edward Street to the west and the rear of properties on Hyde Road to the south. The site will also have a part frontage onto Hyde Road.
- 2.2 The site is located to the east of the commercial element of Denton town centre and is allocated in the UDP as a Development Opportunity Area, emphasising its strategic importance as a regeneration site.
- 2.3 The principal point of access, as approved at the outline stage, would be taken from Edward Street on the western boundary of the site.

3. PLANNING HISTORY

- 3.1 15/00081/OUT - Outline proposal for residential development of up to 56 houses, including means of access, car parking and associated works – approved 07.05.2015.

- 3.2 15/00150/ENV - Request for screening opinion in accordance with Town and Country Planning (Environmental Impact Assessment) Regulations 2011 relating to a proposed residential development – not EIA development.

NB this Screening Opinion was assessed against the 2011 Environmental Impact Assessment Regulations (as amended). These regulations have since been superseded by the 2017 Regulations. The new Regulations have altered the thresholds in Schedule 2 and a Screening Opinion is no longer required for a development that is below 150 dwellings on a site below 5 hectares in area. This Reserved Matters application proposes less than 150 dwellings and the site area is below 5 hectares.

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Allocated under policy E2 (11) as a Development Opportunity Area

4.2 Part 1 Policies

1.3: Creating a Cleaner and Greener Environment.

1.4: Providing More Choice and Quality Homes.

1.5: Following the Principles of Sustainable Development

1.6 Securing Urban Regeneration

1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

E2: Development Opportunity Area

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density.

H10: Detailed Design of Housing Developments

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

T11: Travel Plans.

C1: Townscape and Urban Form

N7: Protected Species

MW11: Contaminated Land.

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016

Residential Design Supplementary Planning Document

4.5 National Planning Policy Framework (NPPF)

Section 1 Delivering sustainable development

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 8 Promoting healthy communities

4.6 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued, notices displayed on site and an advert published in the press, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. RESPONSES FROM CONSULTEES

- 6.1 Highways England – no objections to the proposals in terms of impact on the strategic road network.
- 6.2 Borough Environmental Health Officer – no objections subject to conditions requiring adherence to the contents of the submitted Air Quality Management Plan and a restriction on the hours of activity and deliveries during the construction phase of the development.
- 6.3 Borough Ecologist – no objections to the proposals. A number of conditions were recommended at the outline stage including securing biodiversity enhancements through the redevelopment of the site, control of invasive species and the timing of tree/shrub removal from the site. As a result of the content of the Bat and Great Crested Newt surveys submitted with the outline planning application, no further survey work or mitigation measures is required in relation to the preservation of these species.
- 6.4 Transport for Greater Manchester – no objections to the proposals. The principle of development for up to 56 dwellings was established at the outline planning application stage and the impact on the highway network in terms of trip generation was considered to be acceptable. The site is considered to be within close proximity to sustainable means of transport which would provide an alternative to making journeys via the private car. There are existing bus stops on the A57, within close proximity of the site, which are served by the regular service from Mottram to Manchester Piccadilly. Hyde Central Train Station is also within a bus journey and short walk from the site. The layout of the development should create a safe and attractive environment for pedestrians and cyclists and opportunities for connection through to surrounding streets should be provided. No further condition suggested as a condition requiring the submission and approval of a Travel Plan for the development was attached to the outline planning permission.
- 6.5 Local Highway Authority – no objection was raised to the principle of development at the outline stage.
- 6.6. Greater Manchester Archaeological Advisory Service – raised no objection to the principle of development at the outline stage, subject to the imposition of a condition requiring an archaeological investigation to be undertaken and any necessary mitigation measures implemented prior to the commencement of development. Such a condition was added to the outline planning permission.
- 6.7 United Utilities – did not object to the principle of development at the outline stage, subject to the means of drainage being laid out in accordance with the details submitted with that application.
- 6.8 Greater Manchester Police – raised no objection to the outline application indicating that a Crime impact Statement should be submitted and that the scheme should be designed to meet Secured by design standards.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Andrew Gwynne MP has raised concerns regarding the impact of potential ground contamination on the site on the future occupants of the development. A condition requiring the submission of an investigation into potential sources of contamination on the site, the agreement of a remediation strategy and the implementation of this strategy prior to the commencement of development was attached to the outline planning application. This matter does not therefore need to be revisited at this reserved matters stage.
- 7.2 3 letters of representation have been received from neighbouring residents. All acknowledge the potential benefits of the redevelopment of the site but also raise the following concerns (summarised):
- Parking is already a problem on Lupton Street, Nelson Street and Lime Grove. This will be made worse by the proposed development. Residents' only permits should be considered to address this issue.
 - How will the boundaries of the existing properties on Osborne Road (which back on to the eastern boundary of the application site) be protected?

8. ANALYSIS

- 8.1 The issues to be assessed in the determination of this planning application are:
- 1) The principle of development
 - 2) The proposed layout, design and scale of the development on the character of the site and the surrounding area)
 - 3) The impact upon the residential amenity of neighbouring properties
 - 4) The impact on highway safety
 - 5) The impact on flood risk and environmental health
 - 6) The acceptability of the proposed landscaping scheme

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of residential development and means of access to the site have already been approved by the grant of outline planning permission in 2015. The key issues for consideration now are detailed matters relating layout, scale, design and appearance of the proposed new homes and this is discussed in more detail below.

10. CHARACTER OF THE SITE AND SURROUNDING AREA

- 10.1 In overall terms, and following careful, it is considered that the proposed layout and design of the scheme is unsatisfactory, fails to take the opportunities presented by this key town centre site and as a result fails to achieve sustainable development as set out in the NPPF. As a result, officers are recommending that this reserved matters application is refused.
- 10.2 Whilst negotiations have taken place during the life of the application to try and resolve these issues, and an amended scheme submitted for formal determination, this scheme still does not address our concerns and falls well short of the standard needed to deliver successful urban design and in terms of creating a successful sense of place that would successfully regenerate this site and wider area.
- 10.3 In making a decision on this application, there are a number of planning policies and guidance documents that deal with, and set out the importance of, good design. These are

covered within the NPPF and associated Planning Practice Guidance and the adopted Tameside UDP and associated Residential Design Guide.

- 10.4 At section 7 of the NPPF, paragraph 56 recognises the importance of good design where it states that '*Good design is indivisible from good planning, and should contribute positively to making places better for people*'. The NPPF also emphasises the importance of new development effectively responding to the character of the surrounding area. In this respect, paragraph 58 of the NPPF sets out a number of criteria stating that decisions should aim to ensure that, amongst other things, developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping
- 10.5 Paragraph 64 of the NPPF is also clear that permission should be refused for developments of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Matters relating to design and our concerns are now discussed in more detail below.
- 10.6 As an application site that is located in a highly prominent location and in close proximity to the heart of the town centre, this site is of critical importance within Denton as a major regeneration opportunity. This is reflected in the 2004 UDP designation as a Development Opportunity Area where policy E2 states that in these areas 'the council will permit redevelopment or refurbishment schemes which include uses likely to create high levels or quality of... residential provision and bring about significant improvements in overall appearance.
- 10.7 In order to achieve the quality required by the NPPF, adopted UDP (including policy E2) and Residential Design SPD, it is considered that the scheme needs to be designed to connect to the wider regeneration of this part of Denton, recognising that the DOA extends beyond the boundaries of the application site.

These connections should be evidenced in the scale, density, siting and detailed design of the buildings, how public and private spaces are treated, how routes through the site are defined and using landscaping that supports these functions.

Having assessed the scheme, Officers consider that the scheme fails to achieve these objectives in a number of areas, key examples of which include:

- A. the approach to the layout results in the central part of the site being dominated by car parking spaces.
- B. there is a lack of a strong built form in a number of key areas and a lack of scale and presence to the development, which emphasises the failure of the scheme to acknowledge the wider significance of the site in regeneration terms and weakens the quality of the relationship between public and private spaces.
- C. the quality, size and accessibility of public open space within the development.
- D. the house types are considered to emphasise the suburban form and poor relationship between the development and the urban character of the surrounding area.

The following paragraphs assess each of these issues in turn:

Dominance of external car parking areas:

- 10.8 Parking courts and hardstanding dominate the central part of the development. On entering the development along the northern most access road, plots 120 and 121 are surrounded by access routes and communal parking areas. This results in a disjointed relationship between buildings and spaces. The fact that those units are set back from the back edge of the internal access road adds to the sense of isolation of these plots within the wider scheme, negatively contrasting with the enclosure provided by high density development that is typical in urban settings in the Borough.

Lack of strong built form to define the character of the development:

- 10.9 In relation to the scale of the proposed development, the maximum height of 2.5 storeys would fail to give the presence necessary to create a distinctive character on a site of this scale. Whilst some improvements have been made in terms of simplifying the treatment of the revised house types, the design approach of using standard house types in the first place is considered to be fundamentally flawed, given the designation of this site as an Opportunity Area. The objective can only be achieved by an approach that is design led, responding to the opportunities of the site and recognises the wider regeneration context. Increasing the height of the frontage to Edward Street for example would allow parking to be integrated into the dwellings. This would have the benefits of providing a stronger frontage along this key public view of the site, emphasise the connectivity of this parcel with the larger site on the western side of Edward Street and would free up a large part of the site as the need for parking courts would be negated.
- 10.10 A key element of a high quality development is legibility and having appropriate links to the surrounding area. Due to the siting and design of the apartment block on the frontage with Hyde Road, the parking area to the rear of those units would form the frontage along Taylor Street. This would form an inactive frontage to that street and produce a low quality environment for pedestrians moving to/from the development and connecting to Hyde Road.
- 10.11 Whilst it is acknowledged that an area of public open space between properties 135 and 136 is proposed, the effectiveness of this space is compromised for two key reasons. Firstly, the dominance of parking courts in the central part of the site weakens the permeability of the layout and the ease of movement to the open space, particularly from the northern and southern edges of the development. Secondly, the positioning of the open space within the development ensures that the properties at plots 135 and 136 are orientated to present a side gable to Edward Street, which weakens the strength of that key frontage. This open space could be relocated and take up a larger area of the site, if the house types were revised to reduce the reliance on parking courts.

Inappropriateness of the proposed house types:

- 10.12 In relation to the proposed house types, these are considered to re-enforce the suburban character of the layout of the scheme. As well as the height of the dwellings, the weakness in the ability to relate to a high density urban setting is emphasised by the proportions of the openings in a number of the house types, which lack vertical emphasis. The gable features on the principal elevation of a number of the house types are a further example of the lack of verticality to the design of the dwellings. These features emphasise the dominance of detached and semi-detached style units. The use of these house types across the development undermines the ability to create a clear definition of separate character areas across the scheme. This factor weakens the effectiveness of the terraced areas, which have been positioned with the intention of providing a strong frontage to Edward Street. Overall, the house types are considered to lack clear referencing to the style of surrounding development or introduce new and innovative features that would define the character of the scheme.

Design Summary:

- 10.13 To summarise the assessment of the design approach, it is considered that the proposal would not achieve the standards set in policy E2 of the UDP, as quoted above and would fail to meet the environmental and social elements of the definition of sustainable development in the NPPF. The scheme fails to define a strong sense of character, through a development that lacks scale and presence, with the proposed house types more typical of a suburban setting. The proposals are considered to fail to provide the height, vertical emphasis or variation in density that is required to create an identity to the development and allow it to connect to the surrounding area. These factors are considered to result in layout which fails to respect the density and grain of development in an urban setting. Whilst the scheme has improved through revision, due to the cumulative impact of the weaknesses outlined above, officers remain of the view that would not be of sufficient standard to improve the quality of the environment in the surrounding area. For these reasons, the scheme is also considered not to accord with policies in the Residential Design Guide SPD relating to the character and layout of development.

11. RESIDENTIAL AMENITY

- 11.1 The outline planning permission established the principle of development for up to 56 dwellings on the site. This reserved matters application proposes a slightly lower density of development and indicates that sufficient separation distances could be retained between the edge of the development and the neighbouring residential properties on the terraced streets to the south to achieve the space standards set out in the Residential Design Guide (RDG). The fact that Edward Street bisects the wider site previously occupied by Oldham Batteries ensures that sufficient separation would also be provided between the western edge of the site that is the subject of this application and the eastern edge of the scheme that this the subject of application ref. 17/00513/REM.
- 11.2 The arrangement of plots within the development would allow separation distances to be retained that would achieve the guidance within the RDG (21 metres between elevations with habitable room windows and 14 metres between blank elevations and elevations with openings.) There is no reason to suggest that the boundary treatments of the properties on Osborne Road would be affected by the proposals. Retention of the existing treatment along the eastern boundary of the site could be secured by condition, had the scheme been considered acceptable in all other regards.
- 11.3 Following the above assessment it is considered that the proposals would not have an adverse impact on the residential amenity of the neighbouring properties and would adequately preserve the amenity of future occupants of the development. Conditions relating to the location and design of boundary treatments and the treatment of glazing where necessary to preserve amenity would have been added to any decision if the application had been recommended for approval.

12. HIGHWAY SAFETY

- 12.1 At the outline stage, the Transport Assessment submitted with the application was considered sufficient to demonstrate that the number of trips generated by 56 dwellings would not have a severe impact on the capacity of the road network and would therefore not be prejudicial to highway safety. Given that this scheme proposes 8 dwellings less, it is considered that the same assessment would apply.
- 12.2 The proposed plans indicate that 2 car parking spaces would be provided for each property, which would meet the requirements of the RDG. As highlighted by the response from TfGM to the outline planning application, the site is considered to be within close proximity to sustainable means of transport which would provide an alternative to making journeys via

the private car. There are existing bus stops on the A57, within close proximity of the site, which are served by the regular service from Mottram to Manchester Piccadilly. Hyde Central Train Station is also within a bus journey and short walk from the site.

- 12.3 Given this context, despite the concerns expressed by local residents, it is considered that the level of parking to be provided within the development would not result in a reliance on on-street parking, ensuring that there would not be an unreasonable impact on highway safety in this regard. In terms of connectivity to the surrounding area, whilst the quality of the connectivity to Taylor Street is weakened by the proposed layout, pedestrian links would be provided via the footway connections to Edward Street, in the northern and southern sections of the development. These factors, alongside the information required to discharge the Travel Plan condition attached to the outline planning permission would ensure that the development would include provision for sustainable modes of transport.
- 12.4 Highways England has not objected to the application and did not object to the principle of development at the outline stage. Conditions requiring details of the surfacing of driveways, the provision of pedestrian visibility splays, requiring all car parking to be laid out prior to the occupation of the development, preventing direct access onto the motorway to the north and details of the boundary treatment along the northern boundary of the site could be added to the decision notice had the scheme been considered acceptable in all other regards.

13. FLOOD RISK

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have raised no objections to the proposals subject to the means of drainage being laid out in accordance with the details submitted with that application. Condition 4 of the planning permission requires a surface water drainage strategy to be submitted and approved prior to the first occupation of the development. The applicant confirmed on the application form at the outline stage that foul water would be drained from the development via a connection to the existing main sewer.
- 13.2 It is considered that the proposed development would not result in a harmful impact in relation to flood risk.

14. ENVIRONMENTAL HEALTH

- 14.1 The Borough's Environmental Health Officer has raised no objections to the proposals, subject to the imposition of conditions limiting the hours of operation and deliveries during the construction phase of the development and compliance with the mitigation measures detailed in the Air Quality Assessment submitted with the outline planning application. These conditions were imposed on the outline planning permission (conditions 7 and 11) and therefore would not need to be re-imposed on a reserved matters approval, had all other material considerations been satisfied.
- 14.2 The applicant has submitted a Noise Assessment with the reserved matters application. This report indicates that a number of plots would require mitigation to be installed in order to minimise the impact of the noise generated by the traffic on the M67 and Lance Corporal Andrew Breeze way to the north of the site, Edward Street to the east and Hyde Road to the south. Within the parcel to the east of Edward Street that is the subject of this application, the report suggests that 3 metre high acoustic fencing would be required along the northern boundary of the site, adjacent to the motorway. Furthermore, a number of the plots would need to be fitted with high specification glazing and mechanical ventilation systems that would allow air circulation without the need to open windows. Further details of the specifications of the glazing and the acoustic fencing could be required by conditions

had the scheme been considered acceptable in all other regards, to ensure that the residential amenity of the future occupiers of the development would be adequately preserved.

- 14.3 The MP has raised concerns regarding the history of ground contamination on the site and the impact that disturbance of the contamination may have on the living conditions of the future occupants of the development. A condition requiring the submission of an investigation into potential sources of contamination on the site, the agreement of a remediation strategy and the implementation of this strategy prior to the commencement of development was attached to the outline planning application. This matter does not therefore need to be revisited at this reserved matters stage.

15. OTHER MATTERS

- 15.1 As a result of the content of the Bat and Great Crested Newt surveys submitted with the outline planning application, no further survey work or mitigation measures is required in relation to the preservation of these species. A number of conditions were recommended at the outline stage including securing biodiversity enhancements through the redevelopment of the site, control of invasive species and the timing of tree/shrub removal from the site. These do not need to be repeated at this reserved matters stage.
- 15.2 In relation of the landscaping details, it is considered that the weaknesses in the layout of the proposals would undermine the ability to appropriately treat the site in terms of both hard and soft landscaping. The dominance of car parking in the central part of the development and the extent of hardstanding required to create access roads which could be avoided if the house types were revised to include integrated parking.
- 15.3 Likewise, the siting and limited extent of the public open space at the centre of the development would compromise the quality of the structural landscaping of the scheme.

16. CONCLUSION

- 16.1 The site plays a key role in the regeneration of Denton, as demonstrated by the designation of the site as a Development Opportunity Area. The proposal is considered to fall short of the type of development that would recognise this strategic importance through a design approach that is low density, suburban and does not reflect the character of the surrounding area.
- 16.2 The scale, layout and appearance of the proposals are considered not to achieve the high quality development required by policy E2 of the UDP. For the reasons set out in section 10 of this report, the scheme is considered to lack the layout, scale and form required on this urban site and the proposed house types are considered to be more appropriate for a suburban setting, undermining the wider regeneration initiative as a result. Whilst the scheme has been improved through amendments to provide terminating vistas to the access roads, the central spine of the site would remain dominated by parking courts, which weakens the overall quality of the layout and the ability to create a strong identity to the development.
- 16.3 The proposal is therefore considered to be contrary to the requirements of section 7 of the NPPF and the harm arising from the extent of the conflict with the objectives of policy E2 of the UDP. Whilst the scheme would deliver additional housing in the Borough, it would do so in a way that would compromise design quality on a key regeneration site.
- 16.4 This site is a suitable location for residential development as has been determined by granting outline planning permission. The same benefit could be achieved by a scheme that

would meet the design objectives of local and national planning policy however. It is therefore considered that the harm identified in relation to the layout, appearance and landscaping of the proposals would significantly and demonstrably outweigh the benefits of the proposals. As such, the proposal does not accord with the definition of sustainable set out within the NPPF in accordance with the guidance contained within paragraph 14 of that document, planning permission should therefore be refused.

17. RECOMMENDATION

Refuse planning permission for the following reason:

In the opinion of the Local Planning Authority, the proposed layout, appearance and landscaping of the proposals would fail to achieve a standard of design that would be acceptable on this prominent site. The proposals are considered to fail to provide the layout, scale or built form of development that is required to create an identity that would respond to the wider regeneration context and urban location of the site. Given this combination of factors, it is considered that the proposals would fail to comply with Section 7 of the NPPF (Requiring Good Design) policies E2, H10 and C1 of the Tameside Unitary Development Plan and policies RD2, RD7, RD11, RD12, RD13, RD17, RD20 of the adopted Tameside Residential Design Guide SPD. The harm arising from the detailed layout and appearance of the proposals would significantly and demonstrably outweigh the benefits of the scheme and therefore planning permission should be refused, in line with the guidance contained within paragraph 14 of the NPPF.