

**Application Number** 17/00943/REM

<b>Proposal</b>	Application for the approval of reserved matters (landscaping, layout, scale and appearance) relating to the residential phase of development approved under outline planning permission 13/01045/OUT. Approval is sought for 78 dwellings.
<b>Site</b>	Former Frank Hoyle Transport Ltd, Broadway, Hyde SK14 4QQ
<b>Applicant</b>	Bellway Homes Ltd (Manchester Division)
<b>Recommendation</b>	Grant planning permission subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because the application constitutes major development.

**1. APPLICATION DESCRIPTION**

- 1.1 The application seeks reserved matters approval for a scheme for 78no. dwellings. Outline planning permission was granted for up to 87no. units on the part of the site to which this application relates.
- 1.2 Following discussion with officers the application has been amended to improve the layout of the scheme. These amendments are discussed in detail in the main body of the report.
- 1.3 The applicant has provided the following documents in support of the planning application:
  - Air Quality Assessment;
  - Crime Impact Assessment;
  - Design and Access Statement;
  - Planning Statement;
  - Ecology Report;
  - Transport Statement; and,
  - Preliminary ground investigation.

**2. SITE & SURROUNDINGS**

- 2.1 The application site is previously developed land accessed from Broadway in Hyde. A row of terraced dwellings facing on to Dukinfield Road back on to the eastern boundary of the site, with the properties on Nicholson Road backing on to the northern boundary. The land to the west of the application site formed part of the wider outline site and is currently being developed out for commercial use. There are currently four points of access from Broadway along the southern boundary of the site.

**3. PLANNING HISTORY**

- 3.1 13/01045/OUT - Outline planning consent including means of access for a mixed use development comprising demolition of any remaining structures, residential development comprising 90 units (Use Class C3) including children's play area and employment use of 3,300 square metres comprising light industrial (Use Class B1c), general industrial (Use Class B2) and storage and distribution (Use Class B8) – appeal allowed.

- 3.2 13/00938/ENV - Request for a screening opinion for the purpose of Environmental Impact Assessment for a mixed residential and employment development comprising 91 dwelling houses and 3,345 square metres of B1, B2 and B8 uses – no EIA required

#### **4. RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)

- 4.2 Planning Practice Guidance (PPG)

- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**  
Not allocated, within the settlement of Hyde

#### **4.4 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

#### **4.5 Part 2 Policies**

- H2: Unallocated sites
- 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

#### **4.6 Other Policies**

- Greater Manchester Spatial Framework - Publication Draft October 2016;  
Residential Design Supplementary Planning Document; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### **4.7 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
- Section 11: Conserving and enhancing the natural environment

#### **4.8 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 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.

## **6. RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – No objections to the revised proposals subject to conditions requiring the parking to be laid out as shown on the approved plans prior to the commencement of development and the construction of the driveways on a level that prevents displacement of surface water and materials onto the highway.
- 6.2 United Utilities – No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.3 Greater Manchester Ecological Unit - No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.4 Borough Contaminated Land Officer - No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.5 Borough Environment Health Officer - No objections to the proposals subject to conditions. Relevant conditions were also attached to the outline planning permission.
- 6.6 Borough Tree Officer – No objections to the proposals. The proposed landscaping scheme is considered to be appropriate.
- 6.7 Lead Local Flood Risk Authority – No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.8 Environment Agency - No objections to the proposals. Highlight the presence of 3 former landfill sites within relatively close proximity of the site. Relevant conditions were attached to the outline planning permission requiring ground investigations.
- 6.9 Greater Manchester Police (Design Out Crime Officer) – No objection subject to compliance with the measures detailed in the Crime Impact Assessment.
- 6.10 Transport for Greater Manchester (TFGM) – No objections to the proposals but would suggest that if possible, Tameside Council encourage the developer to provide some form of cycle parking at the development, particularly if Tameside parking standards have some provision for cycle parking for developments of this kind.
- 6.11 Coal Authority – No objections to the proposals following the completion of the additional on site investigations.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 12no. letters of objection have been received from neighbouring residents, raising the following concerns (summarised):
- Concerns regarding the impact of vehicular and pedestrian traffic on Nicholson Road as a result of the proposed development;
  - Reservations about the effectiveness of the bollards to be placed across the emergency access;

- The proposed access onto Nicholson Road will require consent for vehicles to cross private land;
- Noise and disturbance during the construction phase of the development would result in a highway safety hazard and have an adverse impact on the residential amenity of the properties on Nicholson Road, therefore access during the construction process should only be taken from Broadway;
- In order to preserve highway safety, access to the development should only be taken from Broadway, with no access from Nicholson Road;
- Reassurances are required about the methods to be employed to safely remediate sources of ground contamination on the site; and,
- If the existing metal fence is removed on the application site side of the boundary, consideration needs to be given as to how the boundary treatment of those neighbouring properties would be preserved.

## **8. ANALYSIS**

- 8.1 The issue to be assessed in the determination of this planning application are:
- 1) The principle of development;
  - 2) The impact of the 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;
  - 6) The appropriateness of the proposed landscaping scheme; and,
  - 7) Other matters

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 There principle of the development of the site for residential use was established at the outline stage. The site area is slightly over 2 hectares and the proposed scheme represents 38 dwellings per hectare. The density of development approved at the outline stage was 43 dwellings per hectare. Whilst this reserved matters application proposes approximately 10 dwellings less than the density established at the outline stage, the design approach taken in the revised scheme is considered to represent a relatively efficient use, given the constraints provided by neighbouring uses of the site. It would also result in a significant improvement to the frontage along Broadway. The principle of the number of units proposed is therefore considered to be acceptable in this case.

## **10. CHARACTER OF THE SURROUNDING AREA**

- 10.1 The revised scheme represents a significant improvement on the original submission in terms of the layout of the scheme. The revised proposal now includes an active frontage to Broadway. This is considered to be a positive element of the scheme which results in a development that faces out towards public views. As a result, the revised proposals would positively contribute to the regeneration of the wider area as well as securing the redevelopment of a brownfield site.
- 10.2 Whilst the units facing Broadway would be set back from the front boundary of the site the continuity of the frontage would ensure sufficient activity. Furthermore, it is recognised that the commercial units on the opposite side of the Broadway would compromise the outlook from these units if pushed further forward. The siting of these units also allows the re-use of the existing access points on the southern boundary of the site, which reduces the extent of hard surfacing required within the site.

- 10.3 The dominance of frontage parking was one of the concerns officers raised in relation to the original submission. The re-alignment of the internal access road following the creation of an active frontage onto Broadway has been reduced across the development has allowed for more space to be provided between the units, allowing parking to be provided to the side of the dwellings. This amendment, combined with pulling some of the units forward, would help to reduce the presence of parking on the street scene. This amendment would also allow the soft landscaping to the front of the units to be more effective in softening the impact of the development through reducing the extent of hardstanding required at the front of the dwellings.
- 10.4 In relation to the proposed house types, some of the larger detached units include integrated parking, which further aids the reduction on the extent of frontage parking. A number of the house types include gable features which provide an element of variety, referencing the fact that there is variation in the character of the surrounding area. Whilst the properties that front Dukinfield Road to the east of the site are terraced, the dwellings on Nicholson Road to the north of the site are more modern semi-detached units. Overall, the proposed dwellings are relatively considered to be relatively simple in form, with porches and bay windows (where applicable) restrained, retaining a uniformity to the plots across the scheme which is characteristic of development in an urban setting.
- 10.5 Following the above assessment, it is considered that the proposals would not result in an adverse impact on the character of the site or the surrounding area, subject to a condition requiring the submission and approval of the brick to be used in the construction of the dwellings (the materials identified on the submitted plans in relation to the other external surfaces are considered to be appropriate.)

## **11. RESIDENTIAL AMENITY**

- 11.1 The rear elevations of the dwellings running along the eastern edge of the development would be at least 21 metres from the rear elevation of the existing neighbouring dwellings which front onto Dukinfield Road. This would meet the requirements of the Residential Design Guide and given the 2 storey height of the proposals, it is considered that the scheme would not have an adverse impact on the residential amenity of those properties through unreasonable overlooking or overshadowing.
- 11.2 The proposed dwelling at plot 64 would be in excess of 21 metres from the rear elevation of the property to the east (facing Dukinfield Road) and would be a minimum of 14 metres from the rear elevations of the properties on Nicholson Road to the north of the site. Given that the northern gable elevation of that property would not contain any openings, and the oblique relationship between that dwelling and the neighbouring units on Nicholson Road, it is considered that the proposal would not result in an adverse impact on the residential amenity of the affected neighbouring properties or the future occupants of the development.
- 11.3 In relation to plot 39, the first floor windows to be installed in the north facing side elevation would serve bathrooms and therefore could reasonably be fitted with obscured glazing, preventing unreasonable overlooking into the property at 23 Nicholson Road. The remainder of the proposed units along the northern edge of the site would back onto the rear gardens of the corresponding properties on Nicholson Road, retaining a separation distance of a minimum of 21 metres. This ensures that the proposals would prevent unreasonable overlooking or overshadowing of any of the neighbouring properties.
- 11.4 A condition requiring windows on the side elevations of a number of the plots to be obscurely glazed would prevent any unreasonable overlooking between the units within the development. Separation distances between the units where they are back to back and where side elevations face neighbouring elevations would be sufficient to preserve the

amenity of the future occupants of the development, avoiding any unreasonable overshadowing.

- 11.5 Following the above assessment, it is considered that the proposed development would not have an adverse impact on the amenity of neighbouring residents, subject to a condition securing the details of the means of enclosure of the balconies on the rear elevation of the building. The proposals would therefore accord with policy H10 of the UDP, the Residential Design Guide and the NPPF in this regard.

## **12. HIGHWAY SAFETY**

- 12.1 The scheme has been amended to include the utilisation of the two existing access points onto Broadway to serve the units that would front onto the highway on the southern boundary of the site. These access points would not allow access into the wider part of the site, which would be obtained via an access point in the south eastern corner of the site. The access proposed in the north western corner (linking to Nicholson Road) is also in the location approved at the outline stage. That access would be restricted to pedestrian and emergency access only through the installation of bollards. Condition 8 of the outline planning permission required details of the emergency access point to be submitted and approved and condition 9 of that consent stipulated that this access should be used by emergency, pedestrian and cycle traffic only. Further controls do therefore not need to be added at this reserved matter stage.
- 12.2 The Local Highway Authority has raised no objections to the proposed layout. The access road to those dwellings would not be sufficient to allow refuse vehicles to serve those plots. However, there would be sufficient space within each of the plots to store the required number of bins and these could be collected from the Broadway frontage. This is acceptable to the Highway Authority as the majority of the dwellings would be served from the main access point, which would meet the requirements for safe operation of refuse vehicles.
- 12.3 Conditions requiring the laying out of the parking indicated on the approved plans prior to the commencement of development and the construction of the driveways on a level that would prevent displacement of materials and surface water onto the highway can be attached to the decision notice.
- 12.4 The scheme proposes a minimum of 2 parking spaces per property (units with integral parking also have driveway space) for each property, meeting the requirements of UDP policy T10 and the Residential Design Guide in this regard. Conditions requiring the laying out of the parking spaces prior to the first occupation of any of the dwellings and that the driveways are constructed on a level and of a material which prevent displacement into the highway can be added to the decision notice. TFGM have stated in their response that cycle parking should be considered as part of the proposals. There are no specific standards in the UDP although the Residential Design Guide does require provision to be made, where garages are not provided. Approximately 25% of the units would have integral garages but it is considered reasonable to attach a condition requiring details of cycle storage provision for the other units. This would enhance the environmental sustainability of the scheme, given that the facilities in Hyde town centre are approximately 1 mile from the site.

## **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 and condition 11 of the outline planning permission required the submission and approval of the means of draining foul

and surface water from the site. Such a condition does not need to be re-applied at this reserved matters stage.

#### **14. LANDSCAPING**

- 14.1 A landscaping plan detailing the location and species of soft landscaping to be installed as part of the development. The details indicate the height of the specimens on planting and the depth and spacing between the specimens. The trees to be planted include evergreen varieties of oak and privet. These species would provide amenity value and the additional planting would represent a biodiversity enhancement as part of the redevelopment of this former industrial site. Hedges would be used to define the edges of the green space, softening the impact of the 1.8 metre high brick walls/screen fences and piers beyond, which would bound the garden areas of the dwellings. Post and rail fencing would be used to divide the rear gardens of the plots, with taller close boarded fencing demarcating rear boundaries. The tallest treatment would be 2.4 metre high acoustic fencing, but this would be limited to the western boundary where properties back onto the service yard area and vehicle delivery points of the adjacent commercial use.
- 14.2 The Borough Tree Officer has raised no objections to the proposals. Conditions can be attached requiring the landscaping scheme to be implemented prior to the occupation of any part of the development and ensuring that the planting is adequately maintained.

#### **15. OTHER MATTERS**

- 15.1 The applicant has submitted an updated Air Quality Assessment with the reserved matters application, as the proposed layout is definite at this stage. The assessment indicates that the A627, which is in relatively close proximity of the site, is a source of significant vehicle pollution. However, tests were conducted in a number of locations on the application site indicated that the concentration of pollutants across the site above ground level were minimal and therefore the overall impact would be negligible. On that basis, air quality is considered not be a constraint on development of the site, subject to the remediation of any below ground investigation.
- 15.2 Conditions requiring the approval of a construction environment management plan and an investigation into sources of contamination on the site were attached to the outline planning permission and therefore do not need to be re-imposed at the reserved matters stage. Further investigation into coal mining legacy on the site has been undertaken and the Coal Authority has confirmed that it has no objections to the proposals on the basis of the further survey work.
- 15.3 An updated Ecological Assessment has been submitted with the application. The report considers that there is no significant risk to protected species (the potential impact on amphibians, reptiles, badgers, nesting birds and bats all considered to be minimal), subject to a condition limiting the timing of the removal of trees and vegetation from the site to outside of the bird nesting season. The Assessment also suggests that biodiversity enhancements are secured, in line with the guidance contained within the NPPF in relation to mitigating the environmental impacts of development. As these elements relate to the landscaping and layout of the development, it is considered reasonable to impose the respective conditions at this reserved matters stage.
- 15.4 In relation to designing out crime, the Crime Impact Assessment submitted with the reserved matters application indicates that the layout has been informed by the principles of Secured by Design. The layout ensures active frontages to the internal access roads within the development, plots are enclosed to the sides and rear by fencing and rear boundaries are either back to back or onto the site boundaries. Access to the rear gardens of

properties would be gated and parking would be provided to the side or front of units, in areas that would be well surveyed. Greater Manchester Police have not raised any objections to the proposals in regards to creating opportunities for crime.

## **16. CONCLUSION**

- 16.1 The principle of development on the site is considered to be acceptable given the predominantly residential character of the surrounding area and the close proximity of public transport links into the centre of Hyde and neighbouring towns.
- 16.2 Following amendments to improve the layout of the scheme, it is considered that the scheme would effectively regenerate the site and would not result in an unreasonable impact on the residential amenity of neighbouring properties. The level of parking provision is considered to be acceptable and measures to address residents concern regarding the use of the emergency access were covered by conditions attached to the outline planning permission. .
- 16.3 There are no objections to the proposals from the statutory consultees in relation to highway safety, flood risk/drainage, landscaping, contaminated land or any of the other material considerations.
- 16.4 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

## **17. RECOMMENDATION**

Grant planning permission, subject the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans received on 2 March 2018:  
  
Drawing number: BHM107/PL01 Rev P25 – Planning Layout;  
Drawing number: BHM107/BT01 Rev E – Boundary Treatment Plan;  
Drawing number: BHM107/ML01 Rev E – Materials Layout Plan;  
Drawing number: BHM107/HS01 Rev E – Hard Surfacing Plan;  
Drawing number: BHM107/WM01 Rev E – Waste Management Plan;  
Drawing number: BHM107/HT – House Type Range;  
Drawing number: LDS426-01F – Landscape Planting Plan; and,  
Drawing number: 17140/02/1 – Rev E – Drainage Feasibility Plan.
2. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces 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.
3. The car parking spaces to serve the development hereby approved shall be laid out as shown on approved the approved proposed site plan (dwg. no. BHM107/PL01 Rev. P25.), prior to the first occupation of any of the dwellings or the retail unit hereby approved and shall be retained free from obstruction for their intended use thereafter.



4. Boundary treatments to be installed in accordance with the details as shown on drawing number: BHM107/BT01 Rev E prior to the first occupation of any of the dwellings hereby approved.
5. Soft landscaping to be installed in accordance with the details as shown on drawing number LDS426-01F prior to the first occupation of any of the dwellings hereby approved.
6. The approved scheme of landscaping scheme shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
7. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
8. No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
9. All ensuite and bathroom windows identified on the floor plans and elevations to all of the dwellings hereby approved shall be permanently fitted with obscure glazing to meet the requirements of Pilkington Level 3 as a minimum and shall be retained as such at all times thereafter.
10. The openings in the following elevations of the development hereby approved (as identified on the approved Planning Layout drawing – dwg. no. BHM107/PL01 Rev. P25) shall be fitted with obscured glazing (to meet the requirements of Pilkington Level 3 as a minimum) and shall be fixed shut below a height of 1.7 metres above the internal floor level of the rooms that they serve:

**TO BE CONFIRMED**

The development shall be retained as such thereafter.

11. None of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.
12. None of the dwellings hereby approved shall be occupied until details of the provision of secured storage for bicycles within each of the plots (minus those with integral garages) of the development hereby approved have been submitted to and

approved in writing by the Local Planning Authority. The cycle storage shall be provided for each dwelling in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

**Reasons for conditions:**

1. For the avoidance of doubt.
2. To ensure that the appearance of the development reflects the character of the surrounding area.
3. To ensure that the development is served by adequate parking provision.
4. To ensure that the development would preserve the residential amenity of the occupants of neighbouring properties.
5. To ensure that sufficient hard and soft landscaping are implemented to ensure that the overall development respects the character of the surrounding area.
6. To ensure that the approved landscaping scheme is adequately maintained.
7. To ensure adequate protection of the trees to be retained on the site as part of the development.
8. To ensure biodiversity enhancements are secured to mitigate the environmental impacts of the scheme.
9. To ensure that the residential amenity of neighbouring properties and the future occupants of the development is preserved, in accordance with policy H10 of the Tameside UDP and the NPPF
10. To ensure that the residential amenity of neighbouring properties and the future occupants of the development is preserved, in accordance with policy H10 of the Tameside UDP and the NPPF
11. To provide adequate secure bin storage to serve the development and to safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.
12. To ensure cycle storage is provided to enhance the environmental sustainability of the development.

**Informatives**

This application is linked to outline planning permission 13/01045/OUT

Detailing the applicant's obligations in relation to avoiding harm to Protected species during the construction process.