

**Application Number** 16/00767/OUT

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| <b>Proposal</b>          | Outline planning permission (for the means of access, layout, scale and appearance of the development) for the erection of 29 x 1 bedroom apartments (use class C3). The occupants of the development would be those over the age of 55 with care needs, along with their partner, spouse and dependents. |
| <b>Site</b>              | Land occupied by 1 and 2 Ralphs Lane, Dukinfield  |
| <b>Applicant</b>         | Mr J Meredith, The Lakes Care Centre, Lakes Road, Dukinfield  |
| <b>Recommendation</b>    | Approve, subject to conditions and the prior completion of a Section 106 Agreement  |
| <b>Reason for report</b> | A Speakers Panel decision is required because the application is a major and a Section 106 Agreement is required.   |

**REPORT**

**1. APPLICATION DESCRIPTION**

- 1.1 The applicant seeks outline planning permission for the erection of 29 x 1 bedroom apartments (use class C3). The only matter reserved is that of the landscaping of the development. The occupants of the development would be those over the age of 55 with care needs, along with their partner, spouse and dependents. Communal accommodation would be limited a small area of the ground floor of the building, adjacent to staff facilities.
- 1.2 The scheme has been amended from the 32 units original proposed (which included a mix of 1 and 2 bed apartments) to reduce the size of the building following concerns regarding the impact on the residential amenity of neighbouring properties.
- 1.3 The applicant has submitted the following documents in support of the application:
  - Arboricultural Report
  - Bat Scoping Survey
  - Design and Access Statement
  - Transport Statement
  - Sustainability Statement
  - Crime Impact Statement
  - Initial ground investigation

**2. SITE AND SURROUNDINGS**

- 2.1 The main entrance to the 0.34 hectare site, along Ralphs Lane, is via a tree-lined avenue. Further along this avenue is the existing care home, The Lakes. At the end of Ralphs Lane, to the east, are six properties, arranged in a cul-de-sac. The site currently contains 2 no two-storey family houses and gardens, with land to the north west the curtilage of no.1 Ralphs Lane also included within the application site. The 2 dwellings will be demolished to create the overall development site. The remainder of the development site is heavily wooded, backing onto adjacent residential gardens.

### **3. PLANNING HISTORY**

3.1 There is no relevant planning history on the site.

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

#### **4.1 Tameside Unitary Development Plan (UDP) Allocation**

Not allocated, within the settlement of Dukinfield

#### **4.2 Part 1 Policies**

Policy 1.5: Following the Principles of Sustainable Development

Policy 1.4: Providing More Choice and Quality Homes.

Policy 1.10: Protecting and Enhancing the Natural Environment.

Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### **4.3 Part 2 Policies**

C1: Townscape and Urban Form

H1: Housing Land Provision.

H2: Unallocated Sites (for housing)

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H6: Education and Community Facilities

H7: Mixed Use and Density.

H10: Detailed Design of Housing Developments

MW11: Contaminated Land

MW12: Control of Pollution

MW14 Air Quality

N3: Nature Conservation Factors

N4 Trees and Woodland

N5: Trees Within Development Sites

N7: Protected Species

OL4: Protected Green Space

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

T11: Travel Plans.

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

Trees and Landscaping on Development Sites SPD adopted in March 2007

#### **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 in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **6. RESPONSES FROM CONSULTEES**

- 6.1 Borough Tree Officer – no objection subject to replacement planting being secured by condition and protection of the trees to be retained.
- 6.2 Borough Environmental Health Officer (EHO) – no objections subject to conditions limiting the hours of work during the construction phase of the development, and requiring the submission and approval of bin storage details.
- 6.3 Greater Manchester Ecology Unit (GMEU) – no objections to the proposals subject to limitation on the removal of trees, protection of trees to be retained, biodiversity enhancements being secured by conditions.
- 6.4 National Grid – No objections. Apparatus owned by National Grid is located within the vicinity of the application site. An informative advising the applicant of their obligations as land owner can be attached to the decision notice should planning permission be granted.
- 6.5 United Utilities – no objections subject to the imposition of conditions requiring foul and surface water to be drained from the development via different systems and requiring the submission and approval of a sustainable surface water drainage strategy, including details of on-going management and maintenance.
- 6.6 Local Highway Authority – no objection to the proposals subject to the imposition of conditions requiring the parking provision to be laid out prior to the first occupation of the development, the approval of a Construction Environment Management Plan and the completion of a survey of the condition of the highway.
- 6.7 Borough Housing Growth Officer - Over the period 2014 to 2035, there is expected to be a 157% increase in the requirement for older persons' specialist provision. However, when the current (2014) supply of accommodation is compared with change in demand to 2035, data would suggest a need to increase the current level of provision for older people, particularly the provision of sheltered housing and Extra Care 24/7 support. The data also suggests there is no supply in Tameside of enhanced sheltered housing but a demand for 584 additional units.
- 6.8 Greater Manchester Police – no objections to the proposals on the basis that the development is carried out in accordance with the recommendations listed within Section 3.3 of the Crime Impact Statement submitted with the planning application.
- 6.9 Coal Authority – comments on the ground investigation report submitted as part of the application will be reported verbally at the Panel meeting.
- 6.10 Borough Contaminated Land Officer: Given the established use of the site is as residential, it is considered that the risk in relation to ground contamination is low and that the completion of intrusive investigation work in this regard prior to the commencement of development would not be necessary. A screening exercise should be undertaken and this can be secured by condition.

## 7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 29 letters of objection to the proposals have been received, raising the following concerns (summarised):
- The proposed 3 storey building would be taller than any of the existing buildings in the surrounding area and would be of a scale that would be detrimental to the character of the area.
  - Given the nature of the use, the whole building would be lit 24 hours a day and there will be additional external lighting to the parking and access areas. The illumination resulting from the development would be detrimental to the residential amenity of neighbouring properties.
  - Access to the site is via a single private road. This road will not be able to cope with the amounts of extra vehicles entering and leaving Ralphs Lane both during the demolition and construction phases and the traffic generated by the use once occupied.
  - Ambulances are called to the existing care home (opposite the site, also accessed from Ralphs Lane) on an almost daily basis, along with fire engines occasionally and regular deliveries are made to the site. All of these would intensify the use of the site and result in a highway safety hazard on Ralphs Lane.
  - The Socioeconomic Assessment section of the Design and Access Statement submitted with the planning application indicates that the proposed extra care accommodation would require staff for care, maintenance and activities that would result in local employment opportunities. The extent of job creation would appear to be overstated given that the proposal is not for a care home, simply sheltered accommodation.
  - The proposal would result in significant traffic increases at the junction between Lakes Road and Boyds Walk and this would result in a highway safety hazard.
  - Trees should not be removed from the site as these provide amenity and ecological value and their loss would reduce the level of privacy afforded to the residential amenity of neighbouring properties.
  - The claim that the design of the development has evolved through discussions with the local residents is disputed.
  - The noise and disturbance resulting from the construction phase of the development would have an adverse impact on the residential amenity of neighbouring properties.
  - The level of car parking proposed to serve the development is considered to be inadequate and would result in increased congestion on the adjacent roads. A minimum of 31 spaces should be provided for a development of 31 apartments.
  - Whilst there may be a need for sheltered accommodation for older people within the Borough, this is the wrong location for a facility on the scale proposed.
  - The scale and proportions of the proposed development are considered to be out of keeping with the character of this residential area.
  - Ralphs Lane is a private road and the occupants of the dwellings have to pay for its upkeep and would be unwilling to compensate for the damage caused by heavy vehicles accessing the site during the construction process.
  - The scheme would threaten the condition of trees on the site that are the subject of Tree Preservation Orders.
  - Ralphs Lane is not a through road, visitors to the existing care home opposite the site have caused congestion believing that it is a through route and this situation will be exacerbated by the proposed development.
  - The proposed development and associated impacts would result in a detrimental impact on house prices in the locality.
  - There is a lack of clarity over who would be occupying the apartments, if it people over 55 then not all will require care and it is not clear as to whether the properties would be owner occupied or rented.
  - The site location plan defining the extent of land within the ownership of the applicant is considered to be inaccurate.

- The traffic surveys submitted make reference to Lakes Road but does not fully consider the impact of traffic on Ralphs Lane. The data also indicates a speeding issue on these roads, with 25% of cars recorded exceeding the 30 mph legal speed limit.
- There is no mention of recent crime in the area, including houses being burgled and cars being broken in to.
- When planning permission was granted for the dwellings at no.1 and 2 Ralphs Lane, it was on the proviso that no further development would occur on the site.
- There is very little green space left in Dukinfield and development of this site would result in a further loss and erosion of character.
- There is an abundance of wildlife on the site and in the surrounding area and further development of this site would have a detrimental impact upon biodiversity.
- No management arrangements are included in terms of how the site will operate.
- There does not appear to be adequate provision for people with disabilities who may be occupying the development.
- A number of residents on Boyds Walk have not received notification of the planning application.
- Boyds Walk is a major route connecting the area to the M60 and Manchester. Since the care home that currently operates at the application site was opened, the level of traffic resulting from that use has resulted in a safety hazard, a factor that will be made worse by the proposed development.
- Traffic calming measures would need to be installed to mitigate the impact of the proposed use to ensure pedestrian safety.
- Visibility at the junction between Lakes Road and Boyds Walk is limited by parking immediately adjacent to the junction – a situation that will be made worse by the traffic generated by this scheme.
- The 3 storey height of the building would result in overlooking into and an overbearing impact on the residential amenity of neighbouring properties.
- The site is located on Lakes Road and not Ralphs Lane. The speed of the traffic passing through the 4.2M entrance between the junction of Ralphs Lane and Lakes Road is horrendous. The site entrance is not marked except for the sign advertising the home itself, there are currently no stop signs, no give way sign, recommended speed limits, speed inhibitors or road markings.
- At the consultation meeting the outline plans were discussed and it was stated the new property would not extend the boundaries of the existing 2 properties to be demolished. No's 1 & 2 Ralphs Lane. It is obvious from the plans that the proposals far exceed these boundaries.
- The scheme does not include a pedestrian walkway or pavement along a narrow entrance/exit to the site – this will present a further highway safety hazard.
- The removal of trees from the site will increase the rate of surface water run off from the site and as a result, the risk of flooding in the wider area.
- The amended scheme has not adequately addressed any of the above mentioned negative consequences of the proposed development.

## **8. ANALYSIS**

8.1 The issues to be assessed in the determination of this planning application are:

- 1) The principle of development
- 2) The impact on the residential amenity of neighbouring properties
- 3) The impact on the character of the site and surrounding area
- 4) The impact on highway safety
- 5) The impact on trees
- 5) The impact on the ecological significance of the site
- 6) The impact on flood risk and environmental health
- 7) Other matters

## 9. PRINCIPLE OF DEVELOPMENT

9.1 This section of the report is split in 2 parts. The first section deals with the partial loss of open space through the encroachment of the proposed development into the open land to the north west of the curtilage of no.1 Ralphs Lane. The second section deals with the principle of the use proposed by the application.

### **Principle of the loss of open space:**

- 9.2 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 6 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 Policy OL4 of the UDP seeks to retain areas of protected green space, including not only designated spaces (this site is not designated in this regard) but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the Proposals Map'.
- 9.4 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. Tameside has recently produced a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+).
- 9.5 There are a number of protected areas of open space within 10 minutes walking distance of the proposed development sites, which is the recommended walking distance threshold for Tameside. Dukinfield Park, which includes equipped play space as well as open space, is located to the north and there is a recreation ground on the junction between King Street and Dewsnap Lane to the south of the site.
- 9.6 Paragraph 77 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
  - Where the green space is demonstrably special to a local community and holds particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and
  - Where the green area is local in character and does not apply to an extensive tract of land.'
- 9.7 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2. The lands itself is not designated as a site of ecological or historic significance (either nationally or locally), with the only designation applying to the protected trees. These trees (located in the north western part of the open land) would be retained and the Borough Tree Officer is satisfied that adequate

replacement planting can be achieved within the development site to mitigate for the trees to be removed.

- 9.8 Following the above assessment, it is considered that the loss of the open space would not result in harm that would significantly and demonstrably outweigh the benefits of the scheme, including the need for this type of accommodation, which is discussed in detail below.

**Principle of the proposed development:**

- 9.9 For the avoidance of doubt, officers are of the view that the proposed residential units would fall within use class C3 of the Use Classes Order 1987 (as amended) as opposed to a C2 use, which would cover care and nursing homes. This is due to the fact that the proposed use would not involve the employment of full time employees to provide care, as would be the case for a facility falling within C2. Furthermore, the proposed scheme would provide individual self-contained units of accommodation with only one small area of communal space, as opposed to ensuite bedrooms with communal amenity areas forming a large proportion of the accommodation, which would be typical of a C2 use. The element of care would be provided by professional care staff visiting the site when required, as opposed to staff being employed on the site directly.
- 9.10 The 2017 Housing Needs Assessment (HNA), although not formally adopted at the time of writing this report, represents the most up to date evidence relating to housing need in the Borough. The report projects that the proportion of the population of Tameside over the age of 65 will increase by more than 40% between 2015 and 2035. The Household Survey used to provide the evidence base for the HNA indicated that 61% of people wish to stay in their own homes, receiving care when needed, 20% would consider sheltered accommodation and 14% would consider moving to an 'extra care' facility. Of the respondents to the survey aged 65 or over, approximately 11% indicated that they would like to move from their current accommodation in the next 5 years (to 2022), but were not able to, with 25% of those people stating the reason they could not was due to a lack of suitable accommodation. Of the 18% of people over the age of 65 who did want to move to alternative accommodation, almost 30% indicated that they wish to move to accommodation more suitable for older people and/or people wishing to downsize to accommodation more manageable.
- 9.11 The Housing Learning and Improvement Network has produced a 'Strategic Housing for Older People' tool which is a recognised formula for measuring demand for older persons (people aged 75 and over for the purposes of the modelling) accommodation in a particular area. In relation to extra care (which is defined as accommodation where residents have access to a registered carer 24 hours a day, although not necessarily based on site – which would be the case with the proposed use), there were 222 units of this type of accommodation in the Borough in 2014, with an identified need for 405 units in the same year. This demonstrates a clear undersupply at the point in time that the survey was undertaken and the projected need by 2035 for this type of accommodation is in excess of 700 units.
- 9.12 Paragraph 50 of the NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should (amongst other things) plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 9.13 It is clear from the evidence in the 2017 draft HNA that demand for the type of accommodation proposed far outstrips current supply and given the guidance in the NPPF quoted above, it is considered that the principle of development is acceptable, subject to all other material considerations being satisfied.

## **10. RESIDENTIAL AMENITY**

- 10.1 The scheme has been amended to improve the relationship between the proposed 3 storey building and the neighbouring residential property to the east. The reduction in the number of apartments from 32 to 29 has resulted in the eastern elevation of the building being pulled off the common boundary. This has resulted in a development that would retain a sufficiently oblique relationship with that neighbouring property to prevent unreasonable overshadowing of any of the habitable room windows of that dwelling.
- 10.2 In relation to overlooking of the neighbouring property to the east, pulling the building in from the common boundary has resulted in a separation distance of just over 18 metres being retained between the habitable room window at the eastern end of the rear elevation and the habitable room window at first floor level in the corresponding elevation of the neighbouring property. Given the length of the separation distance, the oblique relationship between the buildings and the obscuring of the direct line of site through the installation of a vertical screen (labelled as a 'fin' on the submitted plans) on the rear elevation of the proposed building, it is considered that the proposed development would not result in overlooking that could be considered harmful to the amenity of that neighbouring property.
- 10.3 None of the window openings in the eastern gable elevation (including the recessed rear element) of the proposed building would serve habitable rooms and therefore unreasonable overlooking could be avoided through the obscure glazing of these windows. This can be secured by condition.
- 10.4 The building would be aligned north west-south east across the plot, with the north western end closest to the northern boundary of the site. That corner of the building would be in excess of 21 metres from the southern gable of the neighbouring property at 13 Lakes Road. The first floor windows in the gable elevation of that neighbouring property do not appear to serve habitable rooms and direct overlooking would be prevented due to the orientation of the north east facing rear elevation and the gable end of the proposed building. The oblique relationship is considered sufficient to offset the fact that the separation distance would fall short of the 24 metres separation distance required by the Residential Design Guide in a situation where a 3 storey development directly faces 2 storey properties.
- 10.5 The rear elevation of the building would be approximately 30 metres from the rear elevation of 22 Boyds Walk to the north of the site. Due to the orientation of the building, the separation distance to the other neighbouring properties on Boyds Walk to the north east of the site would be greater. The separation distances to each of these neighbouring properties would exceed the minimum requirements by the Design Guide, with the situation further improved by the oblique relationship between the proposed development and those dwellings.
- 10.6 There would be no adverse impact on any other neighbouring residential properties in terms of overlooking or overshadowing from the proposed development due to the separation distances to be retained, the presence of the highway to the south and the dense tree coverage to the north west.
- 10.7 Whilst it is acknowledged that the north western corner of the building would be in close proximity to the northern boundary of the site, a significant number of the existing trees on that boundary would be retained and additional trees would be planted to the rear of the building. The landscaping of the development is an issue to be determined at the reserved matters stage but it is considered reasonable to attach a condition to this outline condition requiring the trees to be planted adjacent to that boundary to be semi-mature on planting. This, along with the planting to be retained, would provide relatively comprehensive screening of the development from the adjacent neighbours, particularly given that the



closest 'wing' of the building would be adjacent to the existing mature landscaping on the common boundary.

## **11. CHARACTER OF THE AREA**

- 11.1 It is acknowledged that the proposed building would be 3 storeys in height and the majority of buildings in the surrounding area are 2 storeys in height. However, on the approach to the site from the north, this development would be viewed within the context of The Lakes care home which includes a wing of 3 storey accommodation, with rooms in the roof. From this approach, the building would also be viewed as being sited at the entrance to Ralphs Lane and would be visually separated from the dwellings to the north by the open land to the north west of the site. The bulk and massing of the scheme from these views would also be reduced by the staggered nature of the building and the use of hipped roofs on the gable end of the development.
- 11.2 On that basis, the fact that the building is taller than surrounding development is considered not to result in harm to the character of the area from public views of the site from the north that would be sufficient to justify refusal of the scheme on these grounds.
- 11.3 The building would be viewed within relatively close proximity of the 2 storey dwellings on Ralphs Lane in views of the site from the south eastern corner. However, following the amendment to pull the eastern elevation away from the eastern boundary of the site, it is considered that the development would be viewed within the context of being on a corner plot, providing a distinction between the application site and the other plots on the cul-de-sac. From this view point, the building would also be viewed within the context of The Lakes care home on the opposite side of the road, which is both taller in height than the existing dwellings and a different character of development.
- 11.4 The siting and layout of the scheme within the plot is considered to respond to the constraints of the site. The step in the building line references the curved nature of the front boundary of the plot, presenting an active frontage whilst also being set back sufficiently from the highway to prevent the three storey height of the development resulting in an overbearing impact on the streetscene.
- 11.5 Following the above assessment, it is considered that the amended proposals would not be of a scale, massing or siting that would have an adverse impact on the character of the site or the surrounding area that would significantly and demonstrably outweigh the benefits of the scheme.

## **12. HIGHWAY SAFETY**

- 12.1 In relation to parking provision, the UDP includes a category for sheltered housing and indicates that 1 space per 3 units of accommodation should be provided, which would equate to 10 spaces for this scheme. The proposals would provide 17 car parking spaces to serve the development, 7 would be located in front of the entrance to the building and 10 on land within the ownership of the applicant to the west of Lakes Road (adjacent to the north western corner of the site).
- 12.2 The applicant has indicated that, beyond this level of provision, overspill parking associated with the proposed development would be accommodated within the grounds of The Lakes care home (also within the ownership of the applicant), immediately opposite the entrance to the proposed development. Given the assessment above, this overspill is not required to meet the UDP standards. However, even if 4 of the parking spaces within the curtilage of The Lakes were used by occupants of the proposed development, sufficient space would

remain to serve the 77 bed care home and meet the standards of the UDP for that development.

- 12.3 The Transport Statement submitted with the planning application includes a survey of the usage of the existing 30 car parking spaces associated with The Lakes care home. The survey was undertaken on each weekday for a month, recording the availability of spaces at 0900, 1200 and 1600 on a daily basis during that period. The highest recording indicated that 12 of these spaces remained available, with more spaces available on all but two occasions. On the majority of occasions, the car park was operating at less than 50% of capacity, indicating that overspill parking could be accommodated from the proposed development and a number of spaces would still remain vacant.
- 12.4 Whilst it is the case that the survey only demonstrates the situation at the care home over a 1 month period, it must also be considered that the overspill provision would exceed the requirements of the UDP for sheltered housing. Therefore, it is considered that even if the relatives and/or dependents living within the development had a car, the evidence suggests that the overspill parking within the curtilage of The Lakes care home would be sufficient to avoid any severe impact on highway safety arising from the proposed development.
- 12.5 In terms of the impact of the development on the capacity of the highway network, the Transport Assessment indicates that 28 trips are forecast to be made to the site and 26 from the site by private vehicle, with a total of 18 trips per day forecast to be made via public transport. Given that the scheme would cater for people with care needs and their relatives, it is considered reasonable to assume that trip generation would be lower than for a scheme of unrestricted dwellings, with trips to employment and education for example likely to be significantly less from this development. It is acknowledged that visitors to the site are likely to increase this number. However, even if the total number of trips were to double this anticipated level detailed in the Transport Statement, given the nature of the use, the impact during the AM and PM peak periods would not be as intense as for unrestricted dwellings. On that basis, it is considered that there is no evidence to suggest that the scheme would result in a severely adverse impact upon highway safety.
- 12.6 On the basis of the evidence provided through the Transport Statement, the Local Highway Authority has not raised any objections to the proposals, subject to conditions. Conditions requiring the car parking spaces to be laid out as indicated on the approved plans prior to occupation of any part of the development and the submission of a construction environment management plan for the construction phase of the development are considered to be reasonable. The submission of a highway condition survey is considered to be unreasonable as this would duplicate powers held by the Council under the Highways Act.
- 12.7 The provision of a new pedestrian footpath connection to Boys Walk along the western edge of the development would improve the connectivity of the site to the bus services operating from that road, enhancing the environmental sustainability of the scheme. Details of the construction of this element of the scheme, along with the proposed vehicular access can be secured by condition. Taking into account the cul-de-sac nature of Ralphs Lane and the anticipated level of trip generation arising from the proposed development, it is considered that the proposed vehicular access arrangements are acceptable, with sufficient visibility splays achieved.
- 12.8 The Transport Statement submitted with the application confirms that the speed limits on the roads within the vicinity of the site is 30 mph. The Statement includes data which indicated that, during a 1 day survey, traffic approaching the junction between Ralphs Lane and Lakes Road slightly exceeded the speed limit on the westbound approach (average of 31 mph) and was within the speed limit on the eastbound approach. The Statement follows the guidance contained within Manual for Streets, with visibility splays required for 38 metres to the west and 43 metres to the east from Ralphs Lane. In relation to comments

made by objectors to the development in relation to the speed of traffic on the local road network, it is acknowledged that cars may well exceed the 30 mph speed limit on these roads.

- 12.9 However, this matter can be dealt with through the enforcement of powers under legislation separate from the planning system. The Local Planning Authority is required to assess the impact of the proposed development on highway safety in terms of additional traffic, traffic flows and visibility splays. Existing issues around traffic calming and the enforcement of speed limits are not material planning considerations.
- 12.10 The site is considered to be located in a sustainable location, close to regular bus services on Boyds Walk, which would provide a sustainable alternative means to the private car for journeys to and from the site.
- 12.11 On the basis of the above assessment, it is considered that the proposals would not result in a severe impact upon highway safety. As such, in accordance with the guidance contained within paragraph 32 of the NPPF, it is considered that planning permission should not be refused on these grounds.

### **13. IMPACT ON TREES**

- 13.1 In relation to the impact of the development on trees, a number of the trees within the site are the subject of Tree Preservation Orders. The trees of highest value on the land are located to the north west of the application site and would not be affected by the proposed development. The proposed plans indicate that the development would be sited so as to ensure that no part of the building itself would fall within the crown spread of the trees on the western edge of the site which are also protected and considered to be of high amenity value. Areas of hardstanding would be located within the crown spread of a number of the other protected trees, although the plans indicate that these would all be retained.
- 13.2 Whilst some trees of amenity value would be removed, the Tree Officer is satisfied that space would remain for replacement trees to be planted that would adequately mitigate for the loss. The landscaping of the development is to be determined at the reserved matters stage. However, it is considered reasonable to condition at this outline stage that the trees to be planted should be semi mature specimens, to ensure that the character of the area is maintained, along with minimising the impact on the amenity of neighbouring properties.
- 13.3 Protection measures meeting the requirements of BS 5837:2012 'Trees in relation to design, demolition & construction' will need to be installed around the protected trees and the other trees to be retained. This requirement, along with details of a 'no-dig' method of construction for the installation of hardstanding areas within the crown spread of the trees can be secured by condition.

### **14. ECOLOGY**

- 14.1 The applicant has submitted a Bat Survey with the application. The existing buildings to be demolished at 1 and 2 Ralphs Lane comprise two storey detached brick built residential properties with pitched slated roofs. The surrounding habitat was considered in the survey to have a moderate potential to support foraging and commuting bats. There is a known maternity colony of Pipistrelle bats roosting in the locality, however it is not considered that there is the potential for any indirect impact on this known roost by development. The inspection of the buildings was undertaken in the month of February, and comprised an internal and external inspection. No bats or signs of bats were found during the inspection

and the buildings were considered to have a negligible potential to support roosting bats given that they were both found to be well sealed with no visible external gaps or crevices.

- 14.2 No further surveys are therefore considered necessary for bats and the buildings can be demolished with a negligible potential to roosting bats. If bats are found at any time during works, work should cease immediately and advice sought from a suitably qualified person. An informative to this effect can be attached to the decision notice if permission is granted.
- 14.3 A condition restricting the removal of trees and vegetation on the site to outside of the bird nesting season is considered reasonable to prevent any loss of habitat that may affect protected species.
- 14.4 Details of biodiversity enhancements to be secured as part of the mitigation of the environmental impact of the development can be secured by condition.

## **15. FLOOD RISK**

- 15.1 The site is located in flood zone 1 and is therefore considered to be at a lower risk of flooding.
- 15.2 United Utilities have raised no objections to the proposals subject to the imposition of conditions. Given the scale of the development, it is considered necessary to condition the submission and approval of a sustainable surface water drainage strategy to serve the development. The strategy will need to investigate alternative means of draining surface water from the site to the mains drainage network, including soakaways and attenuation measures to reduce the rate of run off, compensating for the intensification of development on the site.
- 15.3 The scheme will also need to details of the on-going management and maintenance of the system to be installed. The requirement for surface water and foul water to be drained via different mechanisms is considered to be reasonable.
- 15.4 It is considered that the proposed development would not result in a harmful impact in relation to flood risk, subject to compliance with necessary conditions.

## **16. ENVIRONMENTAL HEALTH**

- 16.1 Given the established use of the site is residential, it is considered that the risk in relation to ground contamination is low and that the completion of intrusive investigation work in this regard prior to the commencement of development would not be necessary. A condition can be added to the decision notice requiring a screening exercise in relation to potential sources of contamination to be submitted and approved and implementation of any necessary remediation prior to the commencement of development.
- 16.2 The site is located in a higher risk in relation to coal mining legacy. The applicant has provided a Phase I investigation, which includes reference to coal mining legacy on the site. Given that a significant part of the site is occupied by the two existing dwellings and their curtilage, it is considered reasonable to condition the completion of an intrusive site investigation into coal mining legacy prior to the commencement of development. This condition will also require any necessary mitigation to be undertaken before construction works commence. The comments of the Coal Authority on this matter will be reported verbally at the Panel meeting.
- 16.3 The EHO has recommended conditions limiting the hours of works during the construction phase of the development and details of the refuse storage arrangements be attached to

the decision notice. The plans indicate the location of an enclosed area sufficient to store 6 large communal bins and details of the means of enclosure. This space would also be sufficient to provide 2 smaller food waste bins. As such a compliance condition would suffice in in this regard. A limit on the hours of work during the construction phase of the development is considered to be reasonable given the residential nature of neighbouring uses.

## **17. OTHER MATTERS**

- 17.1 The applicant has submitted a Crime Impact Statement in support of the planning application. The statement lists a number of positive design features of the scheme, including the definition of the entrance to the site from Ralphs Lane via a boundary wall, which defines the public-private interface and the control of access to the building via the two sets of doors (outer and inner lobby).
- 17.2 In addition, windows within the development would overlook the car parking area to provide surveillance. A number of recommendations are made in Section 3.3 of the report to improve security, including security mechanisms on the entrance doors and self-closing and self-locking of escape doors. Compliance with these measures can be secured by condition and on that basis, Greater Manchester Police has raised no objections to the proposals.
- 17.3 The applicant has proposed restriction on the occupants of the development, to those over 55 and in need of care or by the partner, spouse or dependant(s) of such a person. These restrictions are considered necessary given the basis on which the level of car parking and overall infrastructure impact of the development has been assessed. The occupancy restriction can be included as a clause within the Section 106 Agreement.
- 17.4 A development for open market dwellings on the scale proposed would be required to contribute £37,083.82 towards the upgrading of off-site open space, £6,517.71 towards the upgrade of the highway network within the vicinity of the site and would also be required to make a contribution in relation to education/community facilities, in order to mitigate the impact of the development.
- 17.5 Given that the occupation of the development would be restricted to those in need of care and their relatives/dependents, it is considered reasonable to assume that the number of trips generated (as discussed previously in this report) and the impact on the capacity/quality of off-site open space facilities would be less than an unrestricted residential development. The proposed age restriction would also limit the additional demand on education and other community facilities to an extent that it is considered that a contribution in this regard would not be required to mitigate the impacts of the development.
- 17.6 On that basis, it is considered reasonable that the above figures be halved, resulting in a combined contribution of £21,800.52. The additional traffic movements associated with the development are considered to result in a more significant impact than the impact on public open space, given the nature of the proposed use. It is therefore considered reasonable to allocate a higher proportion of the funds to mitigating the impact of the development on highway safety.
- 17.7 On that basis, £14,000 is to be allocated to improving pedestrian crossing facilities on Boyds Walk and King Street, to improve accessibility to the bus services which run along that road and £7,800.52 is to be allocated towards enhancing the formal play space provision at Dukinfield Park and Dewsnap Lane.
- 17.8 These contributions are considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the extent of the amenity

space to be provided on site and the additional traffic to be generated), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.

- 17.9 Objectors have referred to the status of Ralphs Lane as a private road and questioned how this will be maintained as a result of the additional impact of the proposed development. As the road is not maintainable at public expense, this is a private matter which falls to be determined under civil law, it is not a material consideration in the assessment of this planning application. Likewise, property values are not a material planning consideration – the potential impact of the development on the residential amenity of neighbouring properties has been assessed previously in this report.
- 17.10 In relation to questions regarding how the site will be managed, it is considered appropriate to include a clause in the Section 106 Agreement requiring the submission and approval of these details. The management scheme shall apply to the operation of the facilities as well as the management and maintenance of the amenity space and the surface water drainage system to be installed.

## **18. CONCLUSION**

- 18.1 There is considered to be an identified need for extra care accommodation within the Borough and the requirement of the NPPF to boost the supply of housing to meet a variety of needs is considered to weigh in favour of the proposals. The site is in a sustainable location, close to public transport links. On the basis of these factors the principle of development is considered to be acceptable.
- 18.2 The amended scheme is considered to preserve the residential amenity of neighbouring properties, with the eastern gable of the building pulled further away from the common boundary with the adjacent neighbouring property. The amended scheme is considered to present a development that would not be of a scale, siting or design that would have an overbearing impact on the character of the surrounding area, despite being 3 storeys in height, for the reasons set out in the main body of the report.
- 18.3 There are no objections to the proposals from any of the statutory consultees (subject to no objection being raised by the Coal Authority) and given that the scheme does not propose unrestricted dwellings, it is considered that the development would not result in a severe impact upon highway safety. The impact upon trees and all other material considerations can be adequately mitigated through the use of appropriate conditions.
- 18.4 In weighing up all of the material planning considerations, officers consider that the proposals accord with the relevant national and local planning policies quoted above.

## **19. RECOMMENDATION**

That, subject to no objection being raised by the Coal Authority following review of the Phase I report submitted with the application, outline planning permission be granted, subject to a Section 106 Agreement to secure the following:

Financial contribution towards off-site green space - £7,800.52 towards enhancing the formal play space provision at Dukinfield Park and Dewsnap Lane

Financial contribution towards Highway works – £14,000 is to be allocated to improving pedestrian crossing facilities on Boyds Walk and King Street

Defining Management arrangements for the building, the public space within the site and the surface water drainage system to serve the development

Limiting the occupation of the development to those over 55 and in need of care or by the partner, spouse or dependant(s) of such a person and providing a definition of 'in need of care;'

And the following conditions:

1. Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any development is commenced approval shall first be obtained from the Local Planning Authority with respect to the reserved matters, namely the landscaping of the development.
3. The development hereby approved shall be carried out in accordance with the following approved plans:
  - 1:1250 site location plan
  - Proposed site plan (ref. 819 A 002 Rev. C)
  - Proposed elevations plan (ref. 819 A 006 Rev. C)
  - Proposed Ground Floor plan (ref. 819 A 003 Rev B)
  - Proposed First Floor plan (ref. 819 A 004 Rev. B)
  - Proposed Second Floor plan (ref. 819 A 005 Rev. B)
  - Proposed Refuse Store plan (ref. 819 A 009)
4. The landscaping scheme to be submitted as part of the reserved matters application shall include details of the number, species and location of trees to be planted, their size on planting and details of the means of protection. The scheme shall include planting of mature specimens (meeting the dimensions of 'extra heavy standards' as per BS8545:2014 on first planting) within the site, including adjacent to the northern boundary of the site.
5. No development shall commence until details of the tree protection measures (meeting the requirements of BS5837:2012) to be installed around the trees to be retained within and adjacent to the boundaries of the land and details of the method of construction to be employed within the Root Protection Area of the trees to be retained have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be implemented in accordance with the approved details prior to the commencement of development and shall be retained as such for the duration of the construction phase of the development. Construction works within the Root Protection Areas of the trees shall be carried out in accordance with the approved details.
6. 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.
7. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to

Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

8. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases;
- Details of on-site storage facilities;

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

9. The bin storage arrangements to serve the development hereby approved shall be installed in the location indicated on the approved site plan (ref. 819 A 002 Rev. C), in accordance with the details shown on the approved proposed Refuse Store plan (ref. 819 A 009) prior to the first occupation of any part of the development hereby approved and shall be retained as such thereafter.
10. The driveways to serve the development hereby approved shall be constructed from a bound material and on a level that prevents displacement of material or surface water on to the highway and shall be retained as such thereafter.
11. The development hereby approved shall be carried out in accordance with the measures detailed in section 3.3 of the Crime Impact Assessment submitted with the planning application and shall be retained as such thereafter.
12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run off rates. The strategy shall include measures to control the flow of surface water from the development. The strategy shall also include details of on-going management and maintenance arrangements (in accordance with the information required under the relevant clause of the Section 106 Agreement). The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
13. Prior to the commencement of development, details of the means of draining foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. In the event that the proposal does not include connection to the mains sewerage network, technical specifications of the infrastructure to be installed (including details of the capacity) shall be submitted. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
14. No development, other than site clearance and site compound set up, shall commence until such time as the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
  - i) A preliminary risk assessment to determine the potential for the site to be affected by coal mining legacy issues shall be undertaken and approved by the Local Planning Authority.



Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation.

iii) Any additional or unforeseen contamination and/or coal mining legacy issues encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

15. No works other than the excavation of the foundations and/or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land Screening Form has been submitted to, and approved in writing by, the Councils Environmental Protection Unit (EPU). Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.
16. 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 part of the development and shall be retained as such thereafter.
17. 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.
18. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan prior to the first occupation of any part of the development hereby approved and shall be retained free from obstruction for their intended use thereafter.
19. Prior to the first occupation of any part of the development hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development and shall be retained as such thereafter.
20. Notwithstanding the details shown on the approved plans, no development shall commence until scaled plans detailing the existing and proposed ground levels on the site and the finished floor and ridge levels of the building (with reference to a fixed datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Prior to the first occupation of any part of the development hereby approved, details (including scaled elevation plans of the structure and details of the construction material and external finish) of the fin (as described on the approved plans) to be installed at the eastern end of the rear elevation of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The fin shall be constructed in accordance with the approved details and shall be retained as such thereafter.

21. No development shall commence until scaled plans detailing the construction of the pedestrian link to Boyds Walk and the vehicular access, including vehicular swept paths and visibility splays to be maintained free from obstruction on both sides of the access to serve the development hereby approved and details of the materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
22. The windows in the eastern elevation of the development hereby approved shall be fitted with obscured glazing (meeting Pilkington standard Level 3 in obscurity as a minimum) and shall be fixed shut below 1.7 metres above the internal floor level of the room that they serve. The development shall be retained as such thereafter.

Reasons for conditions:

1. Required to be imposed by Section 92 (as amended) of the Town and Country Planning Act 1990.
2. This approval relates to outline planning permission only.
3. For the avoidance of doubt.
4. To ensure that the landscaping scheme presented at the reserved matters stage is sufficient to preserve the character of the surrounding area and the residential amenity of neighbouring properties.
5. To ensure that the trees to be retained are adequately protected during the construction phase of the development.
6. To ensure that the development respects the character of the site and the surrounding area.
7. To ensure that the construction phase of the development does not result in an adverse impact on the residential amenity of neighbouring properties.
8. To ensure that the construction phase of the development does not result in an adverse impact on the residential amenity of neighbouring properties or highway safety.
9. To ensure that the development is served by adequate refuse storage arrangements
10. To ensure that the development maintains highway safety.
11. To ensure that the development is designed to reduce the risk of crime.
12. To ensure that adequate provision is made for draining surface water from the development and that any adverse impact in relation to flood risk is appropriately mitigated.
13. To ensure that adequate provision is made for draining foul water from the development.

14. To ensure that any risk associated with coal mining risk is adequately mitigated prior to the commencement of development.
15. To ensure that any risk associated with contaminated land is adequately mitigated prior to the commencement of development.
16. To ensure that biodiversity enhancements are incorporated into the development, in accordance with the guidance within paragraph of 109 the NPPF.
17. In order to prevent any habitat disturbance to nesting birds in accordance with the National Planning Policy Framework.
18. To ensure that adequate provision is made for car parking to serve the development.
19. To ensure that the development preserves the residential amenity of neighbouring properties.
20. To ensure that the development preserves the residential amenity of neighbouring properties respects the character of the surrounding area.
21. To ensure that the development preserves the residential amenity of neighbouring properties respects the character of the surrounding area.
22. To ensure that the development maintains highway safety.
23. To ensure that the development preserves the residential amenity of neighbouring properties.

Informatives:

Planning permission is subject to a Section 106 Agreement

Outlining the applicant's responsibilities in relation to protected species

National Grid Infrastructure within close proximity of the site