

**Application Number** 19/00067/FUL

**Proposal** Demolition of existing buildings and erection of 8 houses

**Site** Hill Street Works, Hill Street, Hyde.

**Applicant** D Woodman Developments Ltd

**Recommendation** Refuse

**Reason for report** A Speakers Panel decision is required because, in accordance with the Council's Constitution, the applicant has requested the opportunity to address the Panel before a decision is made. Accordingly, an objector, or their agent, has been given the opportunity to speak also.

## **1. APPLICATION DESCRIPTION**

- 1.1 The application seeks full planning permission to demolish and remove all of the existing buildings and to redevelop the site to provide a terrace of eight houses. The houses at either end of the terrace would be two-storey and those in-between would rise to three storeys. Although the road rises from north-west to south east, so that the ridge heights of the houses would be staggered, the terrace would have a symmetrical appearance: the two end houses would have the same design; the next two, on either side, would be the same as each other; and, the two houses in the middle, rising to a forward facing gable, would correspond with each other. The houses would be brick-built with tiled roofs.
- 1.2 The two end houses would both have an integral garage and driveway in front with a garden at the side. The houses in-between would each have a driveway, with space enough to park two cars, and gardens in front. Each house would have a rear garden. Discreet bin stores would be provided or else provision would be made to store bins at the rear and to transport these to the front for collection.

## **2. SITE & SURROUNDINGS**

- 2.1 The site comprises approximately 0.18ha of land that is occupied currently by a number of disparate but connected buildings that together form the factory premises owned and operated by Newton Sports Ltd, manufacturers of sports kits. The factory is set within an established, primarily-residential area approximately 200m to the north-west of Gee Cross village centre.
- 2.2 The site is situated behind and, as the land rises, at a higher level than terraced houses in Stockport Road to the north-west. To the south-west the site abuts a pair of semi-detached houses, at the junction with Stockport Road, in Baron Road and then a public car park, before a terrace of two-storey flats. There are terraced houses on the opposite side of Baron Road that face towards the site. To the south-east there are more recently developed detached and semi-detached houses that are at a higher level as the land rises. There is a scout hut in an elevated position on the north-eastern side of Hill Street.

## **3. RELEVANT PLANNING POLICIES**

- 3.1 **Tameside Unitary Development Plan (UDP) Allocation**  
Unallocated

### 3.2 **Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment;  
1.4: Providing More Choice and Quality Homes;  
1.5: Following the Principles of Sustainable Development;  
1.6: Securing Urban Regeneration;  
1.9: Maintaining Local Access to Employment and Services; and,  
1.12: Ensuring an Accessible, Safe and Healthy Environment.

### 3.3 **Part 2 Policies**

H2: Unallocated Sites;  
E3: Established Employment Areas;  
H4: Type, Size and Affordability of Dwellings;  
H7: Mixed Use and Density;  
H10: Detailed Design of Housing Developments;  
T1: Highway Improvement and Traffic Management;  
T10: Parking; and,  
MW11: Contaminated Land.

### 3.4 **National Planning Policy Framework (NPPF)**

Section 2. Achieving sustainable development;  
Section 5 Delivering a sufficient supply of homes;  
Section 9. Promoting sustainable transport;  
Section 11. Making effective use of land; and,  
Section 12. Achieving well-designed places.

### 3.5 **Other Policies**

Employment Land Supplementary Planning Document.

Residential Design Supplementary Planning Document.

It is not considered there are any local finance considerations that are material to the application.

### 3.6 **Planning Practice Guidance (PPG)**

3.7 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.

## 4. **PUBLICITY CARRIED OUT**

4.1 As part of the planning application process 30 notification letters were sent out to neighbouring properties and a notice was posted at the site on 1<sup>st</sup> February 2019. A notice was published in a local newspaper on 7<sup>th</sup> February 2019.

## 5. **RESPONSES FROM CONSULTEES**

5.1 The Head of Environmental Services (Environmental Protection) has raised no objection and has suggested that a condition restricting the hours of work during the demolition and construction be attached to any permission.

- 5.2 The Head of Environmental Services (Highways) has raised no objection and has suggested that conditions regarding car parking and cycle storage provision, a highways survey, street lighting and temporary vehicle facilities, and informative notes: regarding postal addresses; the construction, alteration or removal of a pavement crossing; and, working near to a highway, be attached to any permission.
- 5.3 United Utilities has no objection and suggested a number of conditions to ensure a sustainable system of drainage be attached to any permission.
- 5.4 The GM Archaeological Unit has no record of any features of archaeological interest on the site.
- 5.5 The GM Ecology Unit has no objection and suggests that informative notes regarding disturbance to bat roosts and nesting birds be attached to any permission.

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

- 6.1 Representations have been received from six neighbours. In two instances the principle of the proposed redevelopment of the site for residential purposes is welcomed but concerns are expressed about the impact on views over the valley, that on-street parking that is available currently in Hill Street would be lost, and disturbance during demolition and construction. Concerns about loss of views, the on-street parking that is available currently, and disturbance during demolition and construction are reiterated in the other representations received.

## **7. ANALYSIS**

- 7.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development and the loss of the existing employment site;
- 2) Design and appearance;
- 3) Impact on existing residential amenities;
- 4) Residential environment created;
- 5) Impact on highway safety and the road network; and,
- 6) Other Matters.

## **8. Principle of development**

- 8.1 The applicant's stated reason for making the application is that the premises are unsuitable to sustain the continued operation: the premises are too large for the current needs of the applicant and, being multi-levelled, the movement of goods is difficult, and maintenance and heating of the poorly insulated building are costly. The sale of the site for residential purposes would then facilitate the relocation of the applicant's operations to new premises.
- 8.2 Although not allocated specifically as an established employment area the premises remain in use for employment generating purposes and so the proposal is subject to consideration with regard to UDP policy E3 which aims to retain employment generating sites in such use unless a number of factors indicate otherwise. These factors include: the benefits arising from new residential development; the quantity, type, evidence and demand of employment sites and premises in the area; the suitability of the site in its present form for further employment; and, the opportunity which may be presented for new forms of employment. Such an approach is consistent with the NPPF (paragraph 121) which states that:

Local planning authorities should ... take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites.

- 8.3 Additionally, in order to reduce the need to travel longer distances from outlying areas and to help create vitality and diversity in predominantly residential areas, according to UDP policy 1.9, opportunities will be taken wherever possible to retain and increase the availability of local employment.
- 8.4 The Council's estimated supply of land available for employment use across the borough has reduced considerably over several years which means that the further release of land for non-employment uses should be considered carefully to ensure that the opportunity for retained or replacement employment opportunities has been fully considered. Many manufacturing and commercial sites have been lost to residential and retailing uses and the much higher land values associated with these uses are putting pressure on remaining sites. The Council wants to encourage employment development in sustainable locations to enable more enterprise and job opportunities.
- 8.5 When considering proposals for the release of employment land to alternative uses the starting point is to determine the need to retain sites in employment use and the supply of employment land. Given the reduction in land available for employment development within the borough, this consideration weighs heavily against the release of sites to alternative uses.
- 8.6 The policy is supported by the Employment Land Supplementary Planning Document (SPD) that provides more detail on the Council's approach towards proposals that involve the loss of employment land and premises. The application site is less than 2ha which may not be considered significant in terms of overall scale for employment purposes but nevertheless it is important to fully judge the implications and the individual merits of the proposal. Cumulatively, the increasing loss of employment sites across the borough would cause significant harm to the Council's strategy to provide a sufficient supply of employment land. The burden of proof is on the applicant to demonstrate why a site is no longer suitable for continued employment use and a properly-argued justification is required which details the reasons why the site could be released.
- 8.7 The Employment Land SPD acknowledges that in certain cases an applicant may be able to demonstrate that buildings are unsuitable for continued employment use due to their current state of repair. Consideration must then be given to other options that would enable the site to remain in employment use. Before considering release the Council will need to be satisfied that either refurbishment of the buildings for employment uses or redevelopment of the site for further employment use are not viable. A statement appraising the extent and nature of options for the site must be submitted with the planning application including a development appraisal or residual valuation for each option. Viability Assessments submitted with the application explore various options for the application site. These are described below and it is considered that each is unsound.

#### **Option A: Redevelopment to Provide Modern Commercial Premises:**

- 8.8 An indicative scheme has been considered so as to provide an option of redevelopment of the application site for further employment uses. The option includes a building that is smaller than the existing and includes car parking provision that exceeds the maximum standards that are applied normally with reference to UDP policy T1 and the Employment Land SPD. The applicant's assessment of this option envisages the new premises being made available for rent. The build cost included in the assessment [£85/sqft (or £909/sqm)] is considered excessive. What is considered a more realistic estimate of build cost

(£770/sqm) would reduce the overall cost by approximately £130,000. It is therefore considered that the build cost is over-estimated.

**Option B: Redevelopment to Provide Modern Commercial Premises and Applicant to Remain on Site:**

- 8.9 The option envisages redevelopment to provide a single building sub-divided so as to accommodate two units, one of which would be occupied by the applicant. As in the case of Option A, the building envisaged is smaller than the existing and includes car parking provision that exceeds the maximum standards that are applied normally with reference to UDP policy T1 and the Employment Land SPD. The applicant's assessment of the cost of this option includes a bank loan to finance the redevelopment and the price of the new build. One or the other should be included; if a bank loan was obtained to finance the redevelopment it would cover the price of the new build. The inclusion of both constitutes double counting. It is therefore considered that the overall cost of the redevelopment is over-estimated

**Option C: Redevelopment to Provide a Mixed Use Development, including new build commercial premises and 2 semi-detached houses:**

- 8.10 The estimated purchase price of the land included in this option is increased by £25,000 above the value included in Option A. The applicant's justification for this increased valuation is the residential aspect of this option. As is the case in Option A, the applicant's assessment of this option envisages the new premises being made available for rent and the build cost included in the assessment [£85/sqft (or £909/sqm)] is considered excessive. It is therefore considered that the build cost is over-estimated.

**Option D: Refurbishment of the Existing Building:**

- 8.11 The option considers the purchase of the site and the refurbishment and sub-division in to two units that would be available for rent. Whilst the cost of refurbishment is considered too great, the option of the premises being refurbished by the applicant for their continued use is not explored. The option of refurbishment is therefore considered incomplete.
- 8.12 In each case the options assessed are for redevelopment or refurbishment and then the leasing of the premises. The option of the site being redeveloped or refurbished by a prospective new end user is nowhere explored.
- 8.13 The premises have not been actively marketed as available for rent or purchase for employment generating purposes and so it is not possible therefore to substantiate a robust conclusion that every reasonable attempt has been made to secure a suitable business use; whether there is any market demand for the site for these purposes has not been tested. Instead, it is considered that the application falls short of a persuasive case to demonstrate that the premises or site are no longer required, nor that there is a reasonable prospect of these being used for employment generating purposes in the future.
- 8.14 The Council cannot currently demonstrate a 5 year housing land supply and this is a material planning consideration in respect of the application of Policy E3 referred to in paragraph 8.2. This is also relevant for the purposes of applying the requirements of paragraph 11 of the Framework which requires that applications should only be approved in such circumstances where any adverse impacts of doing so would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.15 It is acknowledged that the proposal would make a contribution, albeit limited to eight dwellings, to the borough's housing supply. There would also be limited economic, social

and environmental benefits that would accrue from the provision of jobs and spending during the construction phase. However, due to the site's relative inaccessibility and restricted access to services, there would be more limited benefits through spending in the local economy by future occupants. There would be improvements to the residential environment and amenities enjoyed by neighbouring residents in Baron Road and, particularly, Stockport Road, but these might be achieved by an alternative scheme that retains employment opportunities on the site. The improvements would not be wholly dependent upon the site being redeveloped for residential purposes.

- 8.16 Given the above it is considered that the limited contribution the proposal would make to meeting the borough's housing requirements would not outweigh the potential of the site in its present form for further employment use that would contribute to the economic growth objectives of the borough. It therefore conflicts with the economic aims of Policy E3 of the UDP and the Framework and, therefore, the principle of the proposed development is unacceptable.

## **9. Design and appearance**

- 9.1 There is no distinct vernacular beyond the nearby buildings being predominantly 2-storey. The majority of nearby houses are terraced; mostly brick-built but some are stone. The newer houses to the south-east, being brick-built, are a mixture of detached and semi-detached and the two houses immediately adjacent to the application site rise to 3 storeys.
- 9.2 The proposed houses would be of a traditional design and appearance, and would be brick-built with tiled roofs, which, despite rising to 3-storeys, would not appear out-of-keeping the setting within the established residential area. Windows in the fronts of the houses would be constructed with heads and sills. Not appear out-of-keeping in their setting and so not causing undue harm to the local area, the proposal is considered acceptable in terms of the design and compliant with: Section 12 of the NPPF; policies 1.3, H10(a) and C1 of the UDP; and, policy RD2 of the SPD.

## **10. Existing residential amenities**

- 10.1 In order to prevent undue over-shadowing and over-looking of neighbouring properties the Residential Design SPD requires that minimum distances, measured from habitable room windows, be maintained. In relation to 2-storey buildings, the normal standard is that 21m be maintained between directly facing habitable room windows and that 14m be maintained between a habitable room window and a blank wall. The distances should be increased by 1m for every 1m difference in levels.
- 10.2 The distance between the blank, 2-storey gable in the proposed development and windows in the rear of houses in Stockport Road to the north-west would increase slightly from the 8.4m that exists currently between the existing houses and the 2-storey factory wall. The garage on the side of the new house would encroach to a distance of approximately 5.8m from the rear of the existing houses.
- 10.3 There is currently a distance of approximately 12m between the rear wall of the existing factory building and windows in the rear of houses that front on to Baron Road and back on to the north-eastern corner of the site. Albeit that these are glazed with frosted glass, there are windows in the wall of the factory wall facing towards the houses in Baron Road. There would then be a distance of approximately 18m between windows in the rear of the proposed houses and windows in the rear of the existing houses.
- 10.4 There would be a distance of approximately 13m between the blank, facing gable in the proposed terrace and habitable room windows in the existing neighbouring house in

Orchard Rise to the south-east. The garage on the side of the new house would encroach to a distance of little more than 10m from the rear of the existing houses.

- 10.5 The Planning Statement submitted with the application contends that the siting of the proposed houses conforms in the main to the Residential Design SPD in terms of the relationship with existing houses. This contention is based on the assumption that variations, or relaxation, of the spacing distances required normally can be considered appropriate where there are differences in levels and where existing buildings are closer to existing houses than would be proposed houses.
- 10.6 Whilst the distances involved are sub-standard, the spacing between the proposed houses and the existing houses in Stockport Road and Baron Road is considered acceptable because the impact on the existing houses would be significantly less than that of the existing factory. This is particularly the case in respect of the impact on the houses in Stockport Road where windows in the factory wall over-look the rear of the houses and the existing building forms a continuous wall along the boundary.
- 10.6 In relation to the existing houses in Orchard Rise, the contention in the Planning Statement that the siting of the proposed houses conforms in to the spacing required by the Residential Design SPD assumes that because the development site is approximately 1m lower than the existing houses a 1m reduction in the normal standard (14m) can be applied. In fact, the SPD does not allow for such instances and the proposed spacing is sub-standard.

## **11. Residential environment created**

- 11.1 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. The proposal would provide a minimum single-bedroom size of 8sqm and a minimum double-bedroom size of 13sqm. Providing total useable internal areas of 109sqm in the 2-storey houses and 127sqm in the 3-storey houses achieves the requirements of nationally prescribed Technical Housing Standards. Each house would be provided with commensurate private amenity space. In terms of the amount of living accommodation that would be provided the proposal is therefore considered of an adequate size to comply with policy H10(a) of the UDP and Section 12 of the NPPF.

## **12. The impact on highway safety and the road network**

- 12.1 Although there are bus routes along Stockport Road close to the site services cease in the early evening. Local services in Gee Cross centre are limited. Each house would then be provided with 2 off-street parking spaces and cycle stores. Despite the location not being considered particularly accessible by modes of transportation other than motor car it is accepted that the impact of the proposed development on highway safety and the road network would not be severely detrimental over and above that of the existing industrial use and the traffic this generates and so it is accepted that the proposal is compliant with policies H10(b), T1 and T10 of the UDP and Section 9 of NPPF.

### **13. Other issues**

- 13.1 Views from existing houses and opportunities to park on-street are not safeguarded. The impact on views over the valley, and that on-street parking that is available currently in Hill Street would be lost, are not a material considerations in determining the application. Whilst there is bound to be some disturbance during the period of demolition and construction this is controlled by other legislative requirements and, again, not a material consideration.

### **14. Conclusion**

- 14.1 Constituting the redevelopment of a brownfield, or previously-developed site, the proposal is, in this respect, considered a sustainable development and compliant with the core principles and Section 2 of the NPPF and policy 1.5 of the UDP. There is, however, a clear need to retain productive employment sites and there is a quantitative need to resist proposals for alternative uses on these sites unless a case for redevelopment can be demonstrated.
- 14.2 That fact the Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 74 of the NPPF, is not disputed. For decision-taking this means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is not considered that the application proposals achieve such benefits for the reasons identified above.
- 14.4 The principle of the release of the land for alternative, non-employment generating uses is considered to not to have satisfied the requirements of UDP policy E3 and so cannot be accepted. Instead, in the absence of a sufficiently robust appraisal of the extent and nature of options for retaining the site in employment-generating use, the harm to the provision of employment land to support the local economy would significantly and demonstrably outweigh the benefits that would arise, and the does not comprises sustainable development defined by the NPPF.

### **15. RECOMMENDATION**

Refuse planning permission for the following reason.

The application fails to demonstrate in a sufficiently robust manner that the benefits that would arise from the development would significantly outweigh the harm that the release of the land for alternative, non-employment generating uses would have to the provision of employment land to support the local economy. For this reason, it not being demonstrated that the benefits would outweigh the harm, including the impact on the neighbouring house on Orchard Rise, the proposal is contrary to policies H10, 1.9 and E3 of the Tameside Unitary Development Plan and the Council's Employment Land Supplementary Planning Document and fails to comprise sustainable development as is required by the National Planning Policy Framework.