

**Application Number** 18/00259/FUL

<b>Proposal</b>	Residential development of 33No. houses and associated works.
<b>Site</b>	Land Part of Dukinfield Golf Course, Yew Tree Lane, Dukinfield.
<b>Applicant</b>	Bardsley Construction Group
<b>Recommendation</b>	Members resolve to grant subject to recommended conditions and completion of section 106 agreement.
<b>Reason for report</b>	A Speakers Panel decision is required because the application constitutes a major development.

## **ADDENDUM REPORT**

### **1.0 UPDATE TO THE PREVIOUS REPORT**

- 1.1 Members will recall that this application was presented previously to the Speakers Panel at the March 2019 meeting. During the meeting Members resolved to grant planning permission as per the recommendation within the Planning Officer report contained within Appendix I.
- 1.2 In summary it was agreed that planning permission should be awarded for the redevelopment of a portion of Dukinfield Golf Club to support 33 residential dwellings. The recommendation was that planning permission be approved subject to the conditions as detailed within the submitted report and prior completion of a Section 106 Planning agreement to secure the following:
  - Green Space £23,206.74 – To be allocated towards improvements Cheetham Park / Connections to Yew Tree Lane.
  - Education £42,039.95 – To be allocated towards Classroom improvements at Rayner Stevens High School.
  - Highways: £26,340.85 – To fund Cycling /pedestrian improvements between Yew Tree Lane and Matley Lane.
  - Provision of an off-site affordable contribution equivalent to 15% of the total units.
- 1.3 It was previously proposed that the affordable housing would be provided offsite as part of a separate residential development at Flowery Field. The Flowery Field site is no longer being progressed but it remains that the affordable housing requirement still needs be addressed on this application.
- 1.4 The adopted affordable housing policy (H4) is informed by the Housing Needs Assessment and applies to major developments, it requires the provision of 15% of units on an affordable basis. With reference to the scale of the development proposed this equates to 5 units.
- 1.5 To date the section 106 agreement has not been completed and therefore it remains that a planning decision has not been released from the Authority. Further assessment by the applicant has identified that meeting the 15% affordable housing provision would undermine the viability of the development. In line with both NPPF and RICS guidance, a viability appraisal has been submitted on the basis that the section 106 obligations in relation to Green Space, Education and Highways (detailed above) are fully provided, but that a reduced affordable housing provision in the form 3 onsite units (10%) is provided. These dwellings would be made available on a discounted Open Market Value basis (80%) as per the affordable housing definition within Annex 2 of the NPPF.

- 1.6 It is asked that this report is treated as an addendum to that presented at the March Speakers Panel meeting and contained within Appendix I. Albeit for the affordable housing requirement all aspects of the development as previously reported to Members remain unchanged. For the avoidance of doubt there would be no changes to the obligations and conditions as previously requested and reported to Panel.
- 1.7 Further to the above it is noted that there has been no changes in circumstances at the site which would be material to the consideration of the application. Likewise there have been no changes to either National or Local planning policy which would warrant further consideration. No further publicity has been undertaken on reflection of this.

## **2.0 RELEVANT PLANNING POLICY TO SECTION 106**

- **National Planning Policy Framework – NPPF (June 2019)**
- **Planning Practice Guidance – PPG (May 2019)**

- 2.1 NPPF Paragraph 57 advises: 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.
- 2.2 NPPF Paragraph 59 advises: 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'.
- 2.3 NPPF Paragraph 64 advises: 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership<sup>29</sup>, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups'.

## **3.0 ASSESSMENT**

- 3.1 Policy compliant in decision making means that the development fully complies with up to date Development Plan policies. Section 106 obligations may be challenged where it can be suitably demonstrated that they would undermine delivery of a site. The NPPF is clear that significant weight should be attributed to delivery of housing particularly during periods of under-supply. It remains that the Authority cannot demonstrate a 5 year supply of housing.
- 3.2 When challenging planning obligations the circumstances will be dependent on the individual characteristics of a particular site, and its particular development costs. Where viability can be genuinely demonstrated it is right that obligations should be considered in the context of wider planning benefits. It may therefore be reasonable to reduce or even waiver contributions in their entirety in such circumstances.
- 3.3 The developer has agreed to meet the financial contributions towards Highways, Education and Green Space infrastructure which equates to a total of £91,587.55, in addition to this

they are willing to provide 3 affordable dwellings onsite at a discounted market value. The affordable housing offer equates to 10% which is consistent with the minimum NPPF guidance. Having regard to the assessment of the viability appraisal, and in the knowledge of the local housing market, it is accepted that in order to secure the delivery of the site there needs to be a degree of flexibility with the overall section 106 package. The reality of pursuing a 15% affordable housing contribution is that this would need to be offset by the other infrastructure contributions, the delivery of which the developer has committed to in their entirety, on this basis the proposals are considered to represent an attractive offer which is also, and most importantly, viable to deliver.

- 3.4 The applicant has submitted a viability report which has been reviewed by an independent consultant to provide an objective assessment. The report provides comment on the site's financial viability taking into account current market conditions. It includes assessment of a series of viability appraisals to assess the impact of the section 106 contributions. The result of this exercise has identified that viability is a material consideration. There are site specific abnormal works relating to site levels and drainage. The independent assessment has concluded that a full commitment to the suite of section 106 requirements would undermine the deliverability of the site. It has been confirmed that the developer's offer to meet with infrastructure requirements and provide 10% affordable units is reasonable and cannot be improved without undermining the delivery of the development.

#### **4.0 CONCLUSION**

- 4.1 It remains the principle of development is acceptable as per the recommendation presented to Members at the Speakers Panel Meeting held in March. Section 106 contributions may be challenged where it can be demonstrated that compliance would undermine the viability of the delivery of a development.
- 4.2 A full and robust viability appraisal has been provided by the applicant and this has been subject to a full and independent assessment. This process has been undertaken in accordance with National Policy Guidance. The provision of 10% onsite affordable units is at odds with the Local Housing needs Assessment but would be compliant with NPPF policy guidance relevant to minimum contributions. The provision of onsite affordable units would add to the overall housing mix and tenure that the site can deliver.
- 4.3 Overall when considering the proposal against the policies of the NPPF, taken as a whole, the collective benefits associated with the proposal are persuasive, and in this instance would significantly and demonstrably outweigh consideration to the reduction of the affordable housing provision. A reduction to the affordable units can be tolerated on the basis of the economic case presented by the development.
- 4.4 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the prevailing policies of the Development Plan as a whole and the advice in the NPPF; accordingly Section 38(6) requires that the application be granted.

#### **5.0 RECOMMENDATION**

- 5.1 That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:
- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure onsite provision of 3 affordable dwellings on a discounted

open market value and the secure off Highways Improvements, Open Space and Education Contribution to the satisfaction of the Borough Solicitor;

- (ii) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within six months of the resolution to grant planning permission; and,
- (iii) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the recommended conditions.

# APPENDIX 1

## 1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for a residential development of 33 dwellings. The proposals comprise 23no. 3 bedroom and 10no. 4 bedroom two storey properties. A total of 5 house types are proposed including 20 semi-detached and 13 detached properties. Access to the site is taken from the Fairways residential development which was a development completed by the applicant. The road would extend in a southern direction serving two cul-de-sacs to the west. The proposed accommodation ranges from 85sqm to 141sqm. The site area is approximately 0.9 ha equating to a density of a 36.6uph.
- 1.2 The application has been supported with the following documents:
- Planning Statement;
  - Design & Access Statement;
  - Open Space Assessment;
  - Ecological Appraisal;
  - Statement of Community Involvement;
  - Sustainability Statement;
  - Drainage Summary;
  - Crime Impact Statement;
  - Arboricultural Statement;
  - Transport Statement;
  - Open Space Assessment;
  - Full Plans Package.
- 1.3 As a major planning application the site meets the qualifying criteria for developer contributions towards offsite infrastructure improvements. These contributions would be secured within a section 106 agreement.

## 2.0 SITE & SURROUNDINGS

- 2.1 The application relates mainly to a land within the demise of Dukinfield Golf Course but also includes land last used as a garage site to the rear of properties on Sandringham Drive. The land is located on the northern boundary of the golf course. The site is roughly rectangular in shape covering an area of approximately 0.9ha. It is bounded by the rear of properties on Yew Tree Lane to the North, Sandringham Drive to the west, a PROW to the east, and the golf course to the south. Levels fall across the site to the south-east, the site includes the golf tee to the 3<sup>rd</sup> hole the majority of the area is overgrown grassland, but there is a copse of pine trees located centrally within the site. The Fairways residential development is located across the north-western boundary, a small stub road from this development adjoins the boundary.

## 3.0 PLANNING HISTORY

- 3.1 There have been no applications recorded within the redline boundary.
- 3.2 06/01836/FUL - Demolition of existing Golf Club House, construction of 42 houses and associated works and landscaping on site of existing club house, construction of new golf club house with associated car parking and landscaping and extension of golf course and redesign of existing golf course layout – Approved 01/06/2007.

## **4.0 RELEVANT PLANNING POLICIES**

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation:**  
Protected Green Space.

### **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

H6: Education and Community Facilities

H7: Mixed Use and Density.

H10: Detailed Design of Housing Developments

OL4: Protected Green Space.

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

T11: Travel Plans.

C1: Townscape and Urban Form

N4: Trees and Woodland.

N5: Trees Within Development Sites.

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 January 2019

Residential Design Supplementary Planning Document

Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

Section 2 Achieving sustainable development

Section 6 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

### **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.

## **5.0 PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development which also Affects a Public Right of Way. This has involved:

- Neighbour notification letters to 124 addresses
- Display of site notices
- Advertisement in the local press

5.2 Neighbour notification letters have been issued on 3 occasions to reflect amendments with the development.

## **6.0 RESPONSES FROM CONSULTEES**

6.1 Local Highway Authority – No objections, comment that the proposals are compliant with accessibility standards. Recommend that sec 106 monies are directed towards cycle/walking improvements as part of the Greater Manchester Beelines project (see PROW comments)

6.2 United Utilities – Recommends inclusion of Informatives on any decision notice and a condition relating to drainage in agreement with the LLFA.

6.3 Greater Manchester Ecological Unit – No objections to the mitigation strategy submitted within the ecological appraisal

6.4 Borough Contaminated Land Officer – No objections subject to recommended conditions.

6.5 Borough Environment Health Officer – No objections raised subject to a condition relating to the implementation of noise mitigation measures.

6.6 Borough Tree Officer – Considers that the proposed landscaping plans indicates appropriate levels of new tree, hedge and shrub planting and therefore raises no objection.

6.7 Lead Local Flood Risk Authority – Any comments to be reported.

6.8 GMP (Design for Security) – Initial comments raised concerns to the design and layout of the proposed dwellings. Note that rear boundaries to Yew Tree lane and the adjacent PROW were exposed. Comment that security could be improved by revisiting the layout and constructing to perimeter block principles.

6.9 Education – Rayner Stephens High School requires remodelling to increase admission numbers from 150-180 pupils per annum. Section 106 monies should be secured and allocated to these works.

6.10 GMAAS - Having reviewed our records and the Greater Manchester Historic Environment Record GMAAS are satisfied that there is no need to seek to impose any archaeological requirements upon the applicant.

6.11 PROW – It does not appear that the development will affect the alignment of footpath DUK/17. There are cycle/walking improvements as part of the 'Beelines' project within the area. The route along Yew Tree Road and connecting to Matley Lane would form a key link within this network. Recommend that it would be worthwhile for any developer contributions in this area be allocated to this scheme. It is unlikely that the contributions

would cover the full cost of the works, but they would form an important part of a match funding bid under the Mayors Walking and Cycling Challenge Fund which would hopefully secure us the remaining money for the scheme.

- 6.12 SPORT ENGLAND – Identify that the proposed development does not fall within either their statutory or non-statutory remit and accordingly raise no objections. Recommend that the design responds to the principles of active design.

## 7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 44 letters of objection have been received from neighbouring residents, raising the following concerns (summarised):

- The development of brownfield land should be prioritised over the use of protected greenfield sites.
- Yew Tree Lane is subject to heavy congestion at peak times there is no capacity for further dwellings
- Object to the location of the access road immediately to rear of Yew Tree Lane Houses.
- Whilst privacy distances have been increased these are still very close to the detriment of Yew Tree Lane Residents
- The applicant makes comparisons to developments elsewhere in Tameside this is irrelevant
- Increase in noise disturbance and light pollution
- Loss of the Green space will have adverse environmental impact
- Loss of important trees and wildlife habitat
- Increase in crime, development responds poorly to the PROW
- School capacity
- Flooding
- There are no affordable dwellings within the development
- Residents of Sandringham Drive would benefit from the site being used for garaging
- There needs to be improved signage advising of the location of the Golf Club in relation to the Fairways development
- Routine maintenance is not being undertaken with the Fairways development the same instances will occur in the new development
- The description of the land as scruffy and fly-tipped is not recognised at all. The land is certainly overgrown; a situation that has been deliberately engineered to allow the golf course management to sell it off for development.
- There is no evidence of fly-tipping or other antisocial behaviour.
- This whole plan is proposed for the benefit of the golf course, Tameside Council and for Bardsley Construction and absolutely not for the local community.
- Trees need to be retained and incorporated into the development.
- Will add to speeding vehicles on Yew Tree Lane
- The original 'public consultation' meeting was 13 days before Xmas and very few people were informed by letter prior to this. Very few affected residents were actually given the notification letter.
- The access onto the Fairways is dangerous
- Increase in vehicle traffic will be significant Yew Tree lane is already Gridlocked around the schools.
- Should be building on Brownfield First
- The GMSF identifies that the Golf Course should be allocated Green Belt
- Loss of views from properties on Yew Tree Lane
- The plans show a wall/fence which would make the public footpath enclosed and no longer visible by the surrounding houses which means it would become 'muggers alley', a place for drug taking and anti-social behaviour. This will be detrimental to local residents.
- Encroachment of further development within areas of Green Space

- Back gardens are regularly water logged due to the rainwater running off the golf course. With the proposed removal of the trees will result in additional flooding to surrounding properties.
- The developers should be looking at building much smaller properties if housing shortage no need for 3 or 4 bed properties.
- Disturbance from construction.
- Loss of privacy to residents.

1 comment in support of the application

- This looks to be the type of development that should be being developed in Tameside, I don't understand why the approval should take so long.

## **8.0 ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
    - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - o specific policies in the Framework indicate development should be restricted.

## **9.0 PRINCIPLE OF DEVELOPMENT**

- 9.1 In terms of emerging policy the Greater Manchester Spatial Framework (GMSF) is at the initial consultation stage and therefore does not form part of the adopted Development Plan. Accordingly, references to the possible inclusion of the site as Green Belt as part of the wider Green Space allocation cannot be afforded weight as a material consideration to the proposals which must be assessed against the requirements of the current land use policy.
- 9.2 With the exception to the former garage site area which is previously developed land the site is allocated as Protected Green Space. Policy OL4 of the UDP seeks to retain areas of protected green space. It states that the development of such will not be permitted, the only exceptions to this approach include (summarised):
- a) the proposed development is ancillary to the principal use of a playing field/green space for recreation or amenity and does not adversely affect its use;
  - b) redevelopment of part of the playing field or green space provides the only means of upgrading them to the required standard and local recreation/greenspace function will continue to be met

- c) The playing field / Green space which will be lost as a result of the proposed development would be replaced by a playing field /green space of equivalent or better quality/quantity
- d) The retention of the site is not necessary and the site has no special significance to the interests of sport and recreation

This wording of Policy OL4 is consistent to the provisions within paragraph 97 of the NPPF.

- 9.3 The application is supported by an Open Space Assessment which frames a case for the release of the site against the provisions of criterion d. The assessment identifies that the site is within private ownership of Dukinfield Golf Club and is therefore exclusive to the use of members of the club with no formal access for members of the public. As such it is suggested that it should be treated as incidental open space, in that it is not 'demonstrably special to the local community which does not hold a particular local significance', as defined by paragraph 97 of the NPPF. The retention of the site solely for the purpose of limited visual amenity value for residents would therefore represent the inefficient use of land within the urban area and would not comply with the Core Principles of NPPF
- 9.4 The applicant's case also identifies that the site is part of a much larger Protected Green Space allocation and that there are a number of protected areas of open space within 10 minutes walking distance of the proposed development site. It notes that the remaining area of the Golf Club is also allocated as Protected Green Space and this would remain unaltered, albeit for the relocation of the 3<sup>rd</sup> Tee the remainder of the land is out of bounds from the courses playing areas. The proposals would not have an adverse qualitative impact upon the recreation facilities/capacity of the golf club. The site's location and relationship to existing residential properties means that it would not be practical to support an alternative recreation function. The public access in the form of designated PROW across the course would continue to serve the general public access arrangements across the course and to peripheral areas of open space. The nearest formal Sport facilities can be found at Astley Sports College and Waldorf Playing Fields.
- 9.5 In considering the planning balance it is of some significance that no objections have been raised from either the Borough Tree Officer or GMEU. It is accepted that the development would result in only partial encroachment of the existing Golf Course, this would not undermine its overall formal recreation function. Locally there would remain an adequate supply of Open Space and it cannot be demonstrated that the need of the local community would be undermined when public rights of way over the larger area of Golf Course remain unaffected. The amenity function is limited to local public views. The overall area of loss represents a small portion of the much larger golf course.
- 9.6 Housing Supply:
- 9.7 Paragraph 59 of the NPPF identifies the Government objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policy H2 confirms that the Council will not permit the development of Greenfield sites unless there an adequate five year supply is no longer available.
- 9.8 In terms of housing development, the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified in the footnote of paragraph 11 should be applied to the consideration of planning applications.
- 9.9 The site is located within an established residential area. It is within the catchment of local schools, services and public transport are on hand. The location is considered sustainable for planning purposes. The proposals are therefore considered to achieve the three

dimensions of sustainability through the contribution to the supply of housing within a sustainable location.

## **10.0 DESIGN AND VISUAL AMENITY**

- 10.1 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 130). Policy RD22 of the adopted SPD applies specifically to infill development it advises that:
- Plot and boundary widths should align with the surrounding street.
  - Scale and mass of dwellings should align with their surroundings.
  - Architectural styles and materials should generally align with the existing.
  - Development must follow an existing building line and orientation, particularly at road frontage.
  - Ensuring privacy distances are achieved.
  - Proposals should not land lock other potential development sites.
  - Retaining and providing appropriate outdoor amenity space, parking & access.
- 10.2 The layout has been amended following concerns raised by Officer and Consultees. The subsequent layout responds more positively to the site constraints. The layout works to 'perimeter block' principles which would see the dwellings arranged in a 'back to back' formation to those on Yew Tree Lane. Access is taken from an existing spur located on the western boundary with the Fairways, the proposed housing would appear as a natural continuation to these properties. The layout also offers good levels of passive surveillance across all public areas including the adjacent PROW.
- 10.3 The properties would take a traditional layout with them being sited with an active frontage to the highway carriageway based on two cul de sacs. The cul-de-sacs terminate at private drives and would be designed to provide a pedestrian friendly traffic calmed environment. The layout and form mirrors that of the established pattern of development of the existing housing stock which includes clearly defined linear streets. Crucially the development maintains an open aspect to the Golf Course which will enhance the setting of the properties and add character of the development.
- 10.4 The layout has also been designed to reflect the standards of relevant separation distances to existing dwellings, there would be some minor encroachment on internal spacing between the proposed properties but this would not have an influence on existing residents. Further to spacing recommendations garden sizes would all be well proportioned across the site.
- 10.5 There would be a housing mix of 5 different house types which would create visual interest. The elevations are traditional in appearance and draw upon those constructed by the applicant as part of the Fairways development. They would be constructed from brick, details are provided to elevations in the form of feature ground floor bays, as a rule all properties located on corner plots are dual aspect. Plot 2 would be dual aspect and would provide surveillance across the site's entrance. Overall there is considered to be sufficient variety within the housing stock, the design and choice of materials is also considered to be of a desirable quality.
- 10.6 The development would constitute a density of approximately 36uph, this is considered to be an efficient use of the land recognising the constraints associated with the sites levels. It would not be desirable to see this increased given that any additional numbers would be at a loss to landscaping and car parking. All of the properties would be 2 storey in height

therefore of a directly comparable scale to existing properties on the Fairways but subservient to the 3 storey properties on Yew Tree Lane. Overall it is considered the scale of the development, both in terms of the numbers and heights is appropriate to the local context.

- 10.7 With regard to parking arrangements the layout does not appear to be overly car dominated, parking is provided both in front and to the side of dwellings, their dominance/impact is offset by soft landscaping within front gardens as well as communal planting areas. Provision is also made within the layout to accommodate appropriate levels of visitor parking within the street. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain.
- 10.8 Within the development, boundaries would consist of a mixture of treatment with all public facing boundaries being of a suitably robust design. The aim being to create private defensible space and also provides a suitable finish to the public areas that ensures relevant privacy standards are achieved. Where space allows, frontages would support planting in the form of trees and shrubs, this in turn provides a visual benefit by softening the site's overall appearance.
- 10.9 Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of housing within the locality. Overall it is considered that the design and layout should successfully assimilate with the existing housing stock, whilst providing good quality family housing. It is therefore, considered that the proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11.0 DESIGN & RESIDENTIAL AMENITY**

- 11.1 The policies of the adopted Residential Design Guide strive to raise design standards, they should be applied along with the criteria of Building For Life (BFL). Good design is aligned to the delivery of high residential amenity standards, this should reflect equally on the environment of existing residents as well as that of future residents. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) promote Natural Surveillance at street level (policy RD4). BFL states that basic principles should be observed when designing layouts, the use of strong perimeter blocks is advocated and specific reference is made to avoiding houses which back on to the street and create what is effectively a 'dead edge'.
- 11.2 Representations have made clear objections to the location of the proposed access road and its relationship to the Yew Tree Lane properties. The majority of these properties stand at 3 storeys in height; they occupy a lower level to the site and have relatively short depths to their rear garden. The amendments to the layout work to perimeter block principles with the houses orientated with their rear elevations to Yew Tree Lane for all but one property no.57. The access road would turn immediately from the rear boundary with no.57 which also has a side boundary to the Fairways. The use of planting would screen the road and the level of activity would be comparable to that of existing vehicle movements using The Fairways.
- 11.3 The development would maintain sufficient space around and adequate visual separation from neighbouring residential properties. The overall design approach is considered

sympathetic in terms of siting, scale, massing, design, roofline, and materials and would be broadly in keeping with the character and appearance of the immediate surroundings.

- 11.4 Subject to the safeguarding of the recommended conditions it is considered that levels of amenity and overall privacy of existing residents would be acceptable.
- 11.5 It is considered that the occupants of the dwellings would be served with a good level of amenity. The design of the properties is such that they have well-proportioned room sizes which exceed the technical standards. Rear gardens are also of a size which is suited to family occupation. Nevertheless it is recommended that householder permitted development rights should be withdrawn from plots to ensure that levels of amenity can be retained.
- 11.6 The close proximity of the site to a bus service, nearby local amenities and schools would serve future residents' needs.
- 11.7 The design approach would be sympathetic in terms of its siting, scale, massing, design, roofline, materials and landscaping, it would build upon local distinctiveness of the street scene. The density of development reflects that which prevails within the locality and strikes the correct balance between the need to protect residential amenity, local character, and the efficient use of land. The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of policy H10 and the adopted SPD.

## **12.0 HIGHWAY SAFETY**

- 12.1 Vehicular access to the development would be provided from an existing spur within the Fairways development. The presence of this spur suggests that development of the site has been previously anticipated. The proposal would be a traditional a 5.5m wide carriageway served with 2m wide pedestrian footways. The road would terminate as a cul-de-sac off which private drives would serve several individual plots.
- 12.2 Levels fall across the site to the west of the site, the entrance would achieve a 1:20 gradient with the highways then extending to a maximum of 1:15 across the site. These levels are conducive to meeting accessibility requirements for vehicles and pedestrian users alike, this detail would be secured by condition
- 12.3 The Highways Authority comment that the access arrangements are suitable to protect all road users. The road within the development is designed to ensure that vehicle speeds are low on the approach to the site access. Adopted roads within the development would be treated with Tarmac with private driveways block paved. In line with the maximum standards of the adopted SPD on parking all of the properties have 2 off street parking spaces. The position and orientation of the properties ensures that these parking spaces are accessible and also have good surveillance.
- 12.4 Traffic movements to and from the site would be acceptable in terms of local capacity. With regard to connectivity, the site, in addition to properties within the wider area is somewhat isolated owing to the topography of Yew Tree Lane. There is however, a local bus service on hand and there are services and amenities available within the Dukinfield area. It is considered in highway terms to be an appropriate location for a residential development. The highways objections raised within the representations are therefore not supported. Therefore subject to the recommended conditions, it is considered that the development adheres to the provisions of policies T1 and T10.

### **13.0 LANDSCAPING & ECOLOGY**

- 13.1 Policy RD13 'Design of the Public Realm' supplements UDP policy H10. It states that the quality of the public realm is integral to achieving good development. The proposals would result in the development of a greenfield site which would also include the removal of a substantial copse of pine trees.
- 13.2 The development would compensate for the removal of existing trees through replacement planting of native species. The addition of trees within garden frontages would provide a sense of structure to the street scape. The development would open onto Golf Course the landscaping features of which would frame the setting of the development.
- 13.3 With respect to biodiversity value then an extended Phase 1 habitat survey has been undertaken. The survey was carried out by a suitably experienced ecologist and in accordance with best practice guidance. No further surveys are deemed necessary and this approach has been supported by the consultation response from GMEU. The report identifies that overall biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. It would be controlled through a condition that planting comprises of native species to benefit and maintain wildlife connectivity.

### **14.0 DRAINAGE**

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have confirmed that the foul water drainage flows from the development can be accommodated into the existing network the apparatus for which is located within the surrounding highway to the site. .
- 14.2 Whilst the loss of the greenfield site would increase runoff there would be large area of the site that would be undeveloped and laid to landscaping. The site would be positively drained and the attenuation of surface water would ensure that greenfield run-off rates can be achieved.
- 14.3 Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

### **15.0 GROUND CONDITIONS**

- 15.1 A Phase 1 geo-environmental investigation into possible contamination on the site has been carried out and submitted with the application. This identifies that there have been previous landfill activities within the area of the site.
- 15.2 It is recommended that a further Phase 2 Investigation and Risk Assessment is undertaken. Once the level of contamination is revealed, a remediation strategy should be submitted and approved together with a Verification Report confirming that the remediation measures have been carried out. The EHO identifies that the development is acceptable in this respect and conditions as requested can be imposed.

### **16.0 AFFORDABLE HOUSING**

- 16.1 Paragraph 64 of the NPPF states that on major developments, planning decisions should secure a minimum of 10% of the proposed homes on an affordable home ownership basis.

This policy should be applied unless it would exceed the level of affordable housing required within the Local Authority area. The Tameside Housing Needs Assessment was updated in September 2019. Prior to its adoption the Council's approach was to not apply the requirements of the policy on major development. The Assessment identifies that all development should seek to secure 15% of units on an affordable basis (As defined in Annex 2: Glossary of the NPPF) which would equate to approximately 5 units.

- 16.2 The submission of the application pre-dates the implementation of the affordable housing policy. It was expected that there would be a transitional period with the assessment of applications which were validated prior to the adoption of the Housing Needs Assessment. There is therefore some flexibility with the application of the policy which it was intended would be applied to all applications validated post adoption.
- 16.3 The Housing Needs Assessment supplements UDP policy H4. This states that in exceptional circumstances affordable housing can be provided off site either at another location or via a commuted sum. Concurrent with this application the applicant is partnering Jigsaw Homes with the development of 20 affordable homes on the former Flowery Field school site which is being considered under application ref 18/00247/FUL. On reflection of the transition arrangement and an understanding of the local housing market it is accepted that the affordable housing contribution can be met off-site in this instance through the development of the Flowery Field site. This offer is above the policy requirement and would reflect a balanced approach to housing provision. And in recognition of other financial contributions, necessary infrastructure and overall quality of the homes, it is considered to be acceptable. As a safeguard to the delivery of the off-site affordable housing it is considered that the section 106 agreement includes a caveat that the affordable housing be constructed prior to the open market housing or in the event of non-delivery the equivalent payment of a commuted sum towards affordable housing is secured. The delivery of offsite housing on this basis is considered to be a very attractive offer given that it maximises housing delivery in accordance with the aspirations of the NPPF

## **17.0 CONTRIBUTIONS**

- 17.1 In accordance with the adopted contributions calculation the following contributions would need to be secured with the developer to fund offsite improvements in the locality.
- Green Space £23,206.74 – To be allocated towards improvements Cheetham Park / Connections to Yew Tree Lane.
  - Education £42,039.95 – To be allocated towards Classroom improvements at Rayner Stevens High School.
  - Highways: £26,340.85 – To fund Cycling /pedestrian improvements between Yew Tree Lane and Matley Lane.

Total £91,587.55

- In order for this to be adequately addressed payment should be secured through a Section 106 agreement of the Town and Country Planning Act 1990. In the absence of such an agreement being entered the development fails to adequately mitigate its impacts contrary to the requirement of policies H5 'Open Space Provision', H6 'Education and Community Facilities' and T1 'Highway Improvement and traffic Management'.

## **18.0 CONCLUSION**

- 18.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved

without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

18.2 The application site is not designated Green Belt nor is it designated as residential use, as such, a decision as to whether or not it is suitable for development must be made balancing the social, economic and environmental benefits of the proposal and taking into consideration the need to protect Green Open space versus the need for the Council to deliver housing.

18.3 In terms of the loss of Protected Green Space this would not be prejudicial to overall levels of local provision. The land to be developed is a surplus area of Golf Course, which is in private ownership and not publicly accessible. The loss would not have a qualitative impact on sport/recreation provision. The development would result in the loss of only a small proportion of a much larger Protected Green Space Allocation which has a limited environmental quality.

18.4 The redevelopment of the site would bring about a number of benefits including;

- Contribution to housing need in the borough
- Economic contributions by future occupants
- Mitigation through Section 106 contributions
- Short term employment
- Design which meets Secure by Design standards

18.5 The proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies. Having thoroughly assessed the proposals against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the significant benefits (subject to securing the necessary mitigation sought within the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable

**19.0 RECOMMENDATION:** Approve subject to the completion of a section 106 agreement and the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:

Location Plan 2064-PL-100-01 REV 2  
Proposed Site Plan ref 2064-PL-700-01 Rev 3  
House Type W 2064-WTH - PL-200-00 Rev 2  
House Type C 2064-CTH-PL-200-00 Rev 2  
House Type D 2064-DEN-PL-200-00  
House Type E 2064 - EST-PL-200-00 Rev 2  
House Type K 2064-KET-PL-200-00 Rev 2  
Retaining Wall Section 2064 - SE-100-01  
Arboricultural Statement CW/8906-AS February 2018  
Transport Statement Ref LB/17490/TS/1  
Ecological Appraisal November 2017

3. Development shall not commence until 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 contaminated 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 shall be approved by the Local Planning Authority prior to implementation.
  - iii) Any additional or unforeseen contamination 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.
  - iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

4. 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.
5. The car parking indicated on the approved plan ref 2064-PL-700-01 Rev 1 shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. Parking areas or driveways must be at least 3.1 metres wide and 6 metres long where in front of house doors or 5.5 metres long where in front of a garage. The areas shall be maintained and kept available for the parking of vehicles at all times.
6. Prior to commencement of work on site the applicant shall undertake a condition and dilapidations survey of the highway fronting the site and giving access to the site and prepare and submit a report to the Engineering Operations Manager. The developer will be responsible for making good any damage caused to the highway by the development works or by persons working on or delivering to the development. Any damage caused to the street during the development period shall be reinstated to the full satisfaction of the Highway Authority prior to the occupation of any part of the development.
7. The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to any shared private driveway or parking court have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.
8. Vehicular and pedestrian gradients within the site shall be as stated on the approved drawing Proposed Site Plan ref 2064-PL-700-01 Rev 1 received 22/02/2019

9. No development shall commence until tree protection measures to meet the requirements of BS5837:2012 have been installed around all of the trees on the site to be retained (including the trees protected by Tree Preservation Orders within the site and adjacent to the boundaries of the land.) These measures shall remain in place throughout the duration of the demolition and construction phases of the development, in accordance with the approved details.
  10. Foul and surface water shall be drained on separate systems.
  11. 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s.
  12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall include all surface treatments and shall be implemented prior to the occupation of the dwellings.
  13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
  15. 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.
  16. 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.

17. A scheme for the Biodiversity Enhancement Measures, as set out in section 4 of the Ecological Appraisal dated November 2017 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
18. No development shall commence until tree protection measures to meet the requirements of BS5837:2012 have been installed around all of the trees on the site to be retained (including the trees protected by Tree Preservation Orders within the site and adjacent to the boundaries of the land.) These measures shall remain in place throughout the duration of the demolition and construction phases of the development, in accordance with the approved details.