

Application Number 19/00600/FUL

Proposal	Full planning permission for variation of condition 1 (approved plans) of planning permission 17/01063/REM.
Site	Site of former Clarendon College Sixth Form Centre, Clarendon Road, Hyde
Applicant	Taylor Wimpey Manchester
Recommendation	Grant planning permission subject to conditions
Reason for report	A Speakers Panel decision is required because the application constitutes major development.

1.0 APPLICATION DESCRIPTION

- 1.1 The applicant seeks to vary the approved plans condition imposed on the original planning permission (ref. 17/01063/REM) to allow alterations to the originally approved landscaping scheme. The revised proposals include the removal of an early-mature Ash tree in the south western corner of the site, on the Clarendon Road frontage.
- 1.2 The three trees that it is proposed to plant in compensation for the loss of this tree would also be located in the south western portion of the development and on the Clarendon Road frontage. The three specimens would be small leaved Lime trees and would be semi-mature on planting.

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to the site of the former Clarendon Sixth Form Centre in Hyde. There is currently one main vehicular access point to the site, taken from Clarendon Road at the western end of the site where the former school buildings are located. An additional two points of access from Clarendon Road (on the southern boundary of the site) were approved at the outline stage and would be utilised in this reserved matters proposal. Site levels drop down from Clarendon Road into the site and fall away sharply again along the northern boundary, beyond which a dense tree belt separates the site from Hyde Park.
- 2.2 The pre-commencement conditions of the original planning permission have been discharged and work has commenced. The development is therefore under construction during the consideration of this application. The condition that is the subject of this application requires compliance prior to occupation and as such the application is not retrospective.

3.0 RELEVANT PLANNING HISTORY

- 3.1 17/01063/REM - Application for the approval of reserved matters for the erection 79 dwellings with associated landscaping, open space, and car parking (scale, layout, appearance and landscaping).
- 3.2 15/00986/OUT – Outline planning permission for redevelopment of the site, including demolition of existing buildings, for approximately 96 new dwellings and associated works - approved
- 3.3 15/01020/ENV - Request for screening opinion in accordance with Town and Country Planning (Environmental Impact Assessment) Regulations 2011 relating to a proposed residential development – EIA not required.

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

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

Unallocated, within the settlement of Hyde.

4.4 Part 1 Policies

1.3: Creating a Cleaner and Greener Environment.

1.4: Providing More Choice and Quality Homes.

1.5: Following the Principles of Sustainable Development

1.6: Securing Urban Regeneration

1.10 Protecting and Enhancing the Natural Environment

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

H10: Detailed Design of Housing Developments

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

C1: Townscape and Urban Form

N3: Nature Conservation Factors

N4: Trees and Woodland.

N5: Trees Within Development Sites.

N7: Protected Species

MW11: Contaminated Land

MW14 Air Quality

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018;

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,

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

4.7 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11: Making efficient use of land
Section 12: Achieving well designed places
Section 15: Conserving and enhancing the Natural Environment

4.8 Planning Practice Guidance (PPG)

4.9 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 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice and press notice.

6.0 RESPONSES FROM CONSULTEES

6.1 Borough Tree Officer – no objections to the revised landscaping scheme following amendments to position the 3 trees to be planted outside of the visibility splays from the access points into the development.

6.2 Local Highway Authority - No objections to the revised proposals, subject to the re-imposition of the conditions attached to the original permission relating to highways matters.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

7.1 1 letter of objection and 1 of clarification have been received to the proposals, raising the following concerns:

- The proposals should not result in any adverse impact on the residential amenity of the properties on Foxwood Drive (on the opposite side of the railway to the north east of the site.)
- The tree to be removed is of amenity value and prevents overlooking from the site into neighbouring properties. The tree also supports nesting birds and therefore contributes to the biodiversity value of the site.
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8.0 ANALYSIS

8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.

- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application'. The original planning permission will continue to exist.
- 8.3 The principle of development was established through the granting of planning permission for the erection of 79 dwellings on the land under application ref. 17/01063/REM, which followed the granting of outline planning permission ref. 15/00986/OUT. The plans submitted with this variation of condition application do not propose to alter the number of dwellings, the position of the dwellings within the site or the means of access as approved under the original planning permission.
- 8.4 As this application relates to conditions on an extant reserved matters permission, the proposals do not have any bearing on the contents of the Section 106 Agreement which was attached to the outline planning permission. The issue of contributions is therefore not to be revisited in this application.
- 8.5 The issues to be assessed in the determination of this planning application are the impact of the proposals on the quality of the soft landscaping scheme to serve the development and on any other material considerations.

9.0 REVISED LANDSCAPING SCHEME

- 9.1 The proposal to replace one existing early mature tree with three semi-mature trees of native species in the locations proposed is considered to maintain the integrity of the soft landscaping scheme to be planted in order to reduce the visual impact of the development. Small leaved Lime trees are considered to be an appropriate species to plant in this location and would strengthen the previously approved landscaping scheme overall. This assessment is corroborated by the lack of objection to the revised proposals from the Borough Tree Officer. A condition can be attached to any approval of a variation to the original consent requiring the trees to be semi-mature on planting to ensure that the mitigation is adequate.
- 9.2 in relation to the neighbour representation received, the proposals would not result in any changes to the approved landscaping scheme (or any other element of the extant permission) in the north eastern part of the site. As such, the proposed amendments to the landscaping scheme are considered not to materially affect the relationship between the plots within the development and the neighbouring properties on Foxwood Drive.

10.0 OTHER MATERIAL CONSIDERATIONS

- 10.1 The original submission proposed the planting of a new tree on the north eastern side of the southern-most vehicular access serving the development. The Local Highway Authority expressed concerns regarding the impact of these specimens on the visibility splays from the proposed access road in the south western part of the site. Following revisions to the scheme, the three trees to be planted are now shown in locations that are outside of the required visibility splays and as a result, the Local Highway Authority has withdrawn its initial objection.
- 10.2 As the proposals would not result in a revision to the number of units, their height, footprint or position within the development from the extant permission, it is considered that the proposals would not result in an adverse impact on any other material planning consideration.

11.0 CONCLUSION

- 11.1 Following the assessment in the main body of this report, it is considered that the proposed amendments to the landscaping scheme would not result in a detrimental impact on the integrity of the soft landscaping scheme associated with the development, highway safety or any other material consideration.
- 11.2 There are no objections to the proposed amendments from the statutory consultees and the proposals are therefore considered to be acceptable.
- 11.3 The proposals are therefore considered to comply with the national and local planning policies quoted earlier in this report.

RECOMMENDATION

Grant planning permission, subject to the prior completion of a variation to the original Section 106 Agreement and the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans:

Unreferenced 1:1250 site location plan;
Drawing number 01, Rev H - Planning Layout;
Drawing number UG_11679_LAN_GA-DRW_01 Rev. P07- General Arrangement;
Drawing number UG_11679_LAN-SL1_DRW_02, Rev.P07 - Soft Landscape Plan 1;
Drawing number UG_11679_LAN_SL2_DRW_03, Rev.P07 - Soft Landscape Plan 2;
Drawing number UG_11679_LAN_SL3_DRW_04, Rev.P07 - Soft Landscape Plan 3;
Drawing number UG_11679_LAN_LSN_DRW_05, Rev.P01 - Landscape Supporting Notes;
Drawing number PT310 - Milldale;
Drawing number PA42 - Lydford;
Drawing number PT42 - Kentdale;
Drawing number PD49V - Downham;
Drawing number PB35-G - Alton G; and,
Drawing number PA34 - Gosford.

2. The three trees annotated 'TIL GRE SM' on the approved landscaping plan Drawing number UG_11679_LAN-SL1_DRW_02, Rev.P07 shall meet the definition of heavy stock as outlines in British Standard BS 3936-1 on first planting and shall be retaining in accordance with the requirements of condition 6 of this planning permission.
3. The materials to be used in the construction of the external surfaces of the development hereby approved shall be as follows (as approved under discharge of condition application ref. 18/00393/PLCOND):

Clarendon frontage (as identified on Drawing no. 09 Rev. B):

- Ibstock Brick – Audley Red Mixture Stock Facing Brick
- Smooth red brick below DPC level
- Black rainwater goods
- White Upvc windows
- Russell Grampian Rooftiles – slate grey
- IG Composite doors – anthracite grey (RAL 7016) (garage doors to match)
- Meter boxes to be painted black

Green edge (as identified on Drawing no. 09 Rev. B):

- Ibstock Brick – New Sandhurst Stock Facing Brick

- Smooth red brick below DPC level
- Black rainwater goods
- White Upvc windows
- Russell Grampian Rooftiles –Pearl Brown
- IG Composite doors – Willow (RAL 12B17) (garage doors to match)
- Meter boxes to be painted black

The development shall be retained as such thereafter.

4. The car parking spaces to serve each of the dwellings hereby approved shall be laid out as shown on the approved proposed site plan (Drawing number 01, Rev H - Planning Layout), prior to the occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.
5. The boundary treatments to be installed within each of the plots within the development hereby approved shall be installed on the boundary of each dwelling in accordance with the details as shown on drawing number 01, Rev H - Planning Layout prior to the occupation of that dwelling.
6. The approved scheme of landscaping works, shown on the approved drawings listed in condition no.1, shall be implemented before the first occupation of any part of the development or in accordance with a programme to be first approved in writing by the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
7. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
8. The biodiversity enhancement measures detailed on plan refs. 11716.BEP Rev. 01 and 11716.BEPa Rev. 01 (both entitled Biodiversity Enhancement Plan)(approved under discharge of conditions application ref. 18/00393/PLCOND) shall be installed in accordance with the approved details, prior to the occupation of any of the dwellings hereby approved and shall be retained as such thereafter.
9. All ensuite and bathroom windows identified on the floor plans and elevations to all of the dwellings hereby approved shall be permanently fitted with obscure glazing (to meet the requirements of Pilkington Level 3 as a minimum) and shall be fixed shut below a height of 1.7 metres above the internal floor level of the room that they serve. The development shall be retained as such at all times thereafter.
10. The secure bin storage arrangements for each dwelling shall be provided, in accordance with the approved details shown on Drg no. 01 Rev. H, prior to the first occupation of that dwelling and shall be retained as such thereafter.
11. The secured cycle storage for each dwelling shall be installed in accordance with the details shown on drawing no. 01 Rev. L (approved under discharge of conditions application ref. 18/00393/PLCOND) prior to the occupation of that dwelling. The development shall be retained as such thereafter.
12. The noise attenuation measures detailed in the following documents (approved under discharge of conditions application ref. 18/00393/PLCOND) shall be installed in accordance with the approved details prior to the occupation of any of the dwellings:

- Noise Impact assessment by Hepworth Acoustics (which includes specification of the glazing to be installed in a number of plots and a specification and the location of the acoustic fencing to be installed (as identified on the plan included within the document).
- SF Xtra Sound Attenuator ventilator – a ventilation system to be installed on the windows in then locations detailed in the Hepworth Acoustics report

The development shall be retained as such thereafter.