

## **Application Number 19/00786/FUL**

<b>Proposal</b>	Full planning permission for variation of condition 1 of planning permission 19/00011/REM to re-position plots 6 and 8 of the development, add a double garage to plot 6, render some of the elevations of the buildings and add Velux rooflights to the Hartford house type.
<b>Site</b>	Carrfield Mills, Newton Street, Hyde
<b>Applicant</b>	Eccleston Homes
<b>Recommendation</b>	Grant planning permission subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because the proposal constitutes major development.

### **1.0 APPLICATION DESCRIPTION**

- 1.1 The applicant seeks to vary condition 1 of planning permission 19/00011/REM in order to make relatively minor revisions to the layout of the development and the appearance of the dwellings. This application proposes to re-position plots 6 and 8 of the development, add a double garage to plot 6, render some of the elevations of the buildings and add Velux rooflights to the Hartford house type.
- 1.2 The proposals would result in the western boundary of plot 6 moving further westwards in order to create a larger plot in order to accommodate an extension on the eastern gable of the property, to allow the incorporation of a double garage within that property. The realignment of that plot has also facilitated the reposition of plots 7 and 8 further west, with the result being that the gap between the eastern gable of plot 8 and the corresponding western elevation of plot 9.
- 1.3 The proposed amendments also include the introduction of render to the elevations of some of the properties. The projecting front gables on the Willaston, Whalley and Tarleton house types, some of the Hartford house type units and the full front elevation of the Culcheth house type would be rendered in the revised scheme, having been approved as exposed brickwork in the extant scheme.

### **2.0 SITE & SURROUNDINGS**

- 2.1 The application relates a parcel of land measuring 2.75 hectares which was the site of a cotton mill. The site has now been cleared of buildings although significant areas of hardstanding remain. The site is irregular in shape and lies on one side of a valley with an open watercourse, Godley Brook, running through it, and three derelict mill ponds, at the bottom, southern edge of the site. To the north and east of the site is a modern residential development. Because of the sloping nature of the site, this is at a higher level than the proposed development. To the south of the site, beyond the mill ponds, is a steep embankment, with dense vegetation, up to industrial properties on Clark Way. To the west, beyond the brick wall on the boundary, is Newton Street with established housing and woodland beyond.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 19/00011/REM - Reserved matters approval for the erection of 60 no. dwellings following the granting of outline planning application ref. 16/00897/OUT (permission sought for the layout, scale, appearance and landscaping of the development) – approved.

- 3.2 16/00897/OUT - Residential development comprising up to 127 dwellings (C3), access, public open space, landscaping and associated recreation facilities, together with the provision of related infrastructure. Outline - all matters reserved for subsequent approval apart from vehicular access into the site – approved.

## **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**

Allocated as an Establishment Employment Area

#### **4.4 Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment.

1.4: Providing More Choice and Quality Homes.

1.5: Following the Principles of Sustainable Development

1.6 Securing Urban Regeneration

1.12: Ensuring an Accessible, Safe and Healthy Environment

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

H2: Unallocated sites

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density (Density being relevant to this proposal)

H10: Detailed Design of Housing Developments

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

T11: Travel Plans.

C1: Townscape and Urban Form

N7: Protected Species

MW11: Contaminated Land.

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

#### **4.6 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 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,

Tameside Playing Pitch Strategy (July 2016).

#### **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 Environmental Health Officer (EHO) – no objections to the proposals. Appropriate conditions were attached to the outline planning permission.
- 6.2 Local Highway Authority – no objections to the proposals subject to the re-imposition of the conditions attached to the original planning permission.
- 6.3 Environment Agency – awaiting comment on the bridge section plan which has been submitted to ensure that the levels satisfactorily accommodate the higher risk of flooding along Godley Brook in the southern part of the site.
- 6.4 Coal Authority – no objections to the proposals. A condition requiring an intrusive investigation in relation to the impact of coal mining legacy was attached to the outline planning permission.
- 6.5 United Utilities – no objections to the proposals. Appropriate drainage related conditions were attached to the outline planning permission.

#### **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 No representations received.

#### **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 19/00011/REM and is therefore not being revisited in the assessment of this variation of

condition application. The issues to be assessed in the determination of this application are the impact of the alterations to the location of 2 of the plots and the proposed design changes on:

- the residential amenity of neighbouring properties;
- the character of the development and the surrounding area; and
- any flood risk implications

## **9.0 RESIDENTIAL AMENITY**

9.1 The proposed replacement house type at plot 6 would have an upper floor window in the eastern gable elevation, facing plot 7. That window serves a bathroom and could therefore be required to be obscurely glazed to prevent overlooking across the common boundary into the ground floor window in the corresponding gable elevation of the house type at plot 7. The relevant condition attached to the extant permission has been revised in the recommendation on this application to reflect this situation. The amendments to the positions of plots 7 and 8 would not result in any adverse impact on the amenity of the future occupiers of the development and the affected plots are not in a location that would adversely affect the residential amenity of any existing neighbouring properties.

## **10.0 CHARACTER OF THE AREA**

10.1 The introduction of render as a treatment of the elevations/part elevations of a number of the plots is considered to add an element of interest to the streetscene within the development without resulting in a development that conflicts with predominance of brick buildings in the locality. The properties fronting onto Newton Street and the main gable elevations of plots 6 and 60 would remain as exposed brick, ensuring that the western edge of the development would continue to present predominantly traditional materials to public views of the development.

10.2 The rendering of the projecting gables of those plots would provide definition to the entrance to the development and the other plots that would include render on the front elevations would provide variety to the central parts of the streets and define the edges of the development.

10.3 The alteration to include 4 rooflights on the single storey rear extension on the Hartford house type would not result in a detrimental impact on the character of the development or the surrounding area given the limited public views that would be afforded of the affected elevations.

10.4 The proposals would not result in an increase in the height or footprint of any of the properties or the position of any of the plots other than the dwellings at plots 6 to 8 as mentioned above. The approved separation distances to the properties to the north and east of the site would be unaltered from the previously approved scheme.

10.5 The proposed revisions to the extant scheme are therefore considered not to be detrimental to the character of the development or the surrounding area.

## **11.0 FLOOD RISK**

11.1 The Environment Agency (EA) requested the submission of section plan details of the bridge which is proposed to cross Godley Brook in the southern part of the site as the water course falls within a high risk flood zone. The applicant has provided a plan indicating that the culvert soffit level would be 600mm above the level required to accommodate the higher risk of flooding, as per the EA's requirements.

- 11.2 The EA has been consulted on the details and has not yet commented at the time of drafting this report. A verbal update will be provided by officers at the Panel meeting. Given that the changes proposed in this application do not affect the location of the bridge or the layout of the road in that part of the site, if the EA has not replied to the consultation by the meeting, the officer recommendation would be to grant officers delegated powers to grant planning permission subject to the EA expressing no objection to the proposals. In the event that the EA object to the proposals and that cannot be resolved, the application would be referred back to Panel.

## **12.0 OTHER MATTERS**

- 12.1 The proposals would result in a minor alteration to the alignment of the access road to serve plots 1 to 5 where it passes plot 6. Other than that, the internal road layout and the access arrangements remain unchanged from the extant scheme. There are no objections to the proposals from either the Local Highway Authority or the Borough Environmental Health Officer, subject to the re-imposition of the conditions attached to the original reserved matters application and compliance with the conditions attached to the outline planning permission.

## **13.0 CONCLUSION**

- 13.1 Following the assessment in the main body of this report, is considered that the proposed amendments to the position of 3 of the plots and revisions to the elevational treatments of a number of the dwellings would not result in an adverse impact on the residential amenity of any of the neighbouring properties or the future occupiers of the development, the character of the development or the surrounding area or any other material considerations.
- 13.2 There are no objections to the proposed amendments from the statutory consultees and the proposals are therefore considered to be acceptable.
- 13.3 The proposals are therefore considered to comply with the national and local planning policies quoted earlier in this report.

## **RECOMMENDATION**

Grant officers delegated powers to grant planning permission subject to the Environment Agency expressing no objections to the proposals, subject to the following conditions:

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

1:1250 Site location plan;  
Amended proposed layout plan (drawing 102 Rev. D);  
Amended materials and enclosures plan (Drawing no. 103 Rev. C);  
Hartford house type plans and elevations (drawing no. HT-P-01 Re. A);  
Hartford house type plans and elevations (drawing no. HT-P-01-1);  
Single garage plans and elevations (drawing no. SG-P-01);  
Twin double garage plans and elevations (Drawing no. Tdg-P-01);  
Culcheth house type plans and elevations (Drawing no. CU-P-01);  
Culcheth house type (render version) plans and elevations (Drawing no. CU-P-01-1);  
Frodsham house type plans and elevations (drawing no. FR-P-01);  
Windle house type plans and elevations (drawing no. WI-P-01);  
Willaston house type plans and elevations (drawing no. WN-P-01);  
Willaston house type (render version) plans and elevations (drawing no. WN-P-01-1);

Willaston double garage house type plans and elevations (Drawing no. WNDG-P-01-1 Rev. A)  
Whalley 2 house type plans and elevations (drawing no. WH2-P-01);  
Whalley 2 house type (render version) plans and elevations (drawing no. WH2-P-01-1);  
Tarleton house type plans and elevations (drawing no. TA-P-01);  
Tarleton house type (render version) plans and elevations (drawing no. TA-P-01-1);  
Clitheroe house type plans and elevations (drawing no. CL-P-01);  
Buckley house type plans and elevations (drawing no. BU-P-01);  
Knee rail fence detail plan (Drawing no. F09);  
Estate rail fence detail plan (Drawing no. F07); and,  
1800mm close boarded fence (Drawing no. F02).

2. No development shall commence until details of the construction of the vehicular and pedestrian access arrangements to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the access (including sections and existing and proposed ground levels) indicating the visibility splays to be achieved on either side of the proposed access into the existing highway.

3. The materials to be used in the construction of the external elevations of the buildings, boundary treatments and areas shall be carried out in accordance with the details shown on the following approved plans:

Amended materials and enclosures plan (Drawing no. 103 Rev. C).

4. The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site layout plan (drawing 102 Rev. D) prior to the first 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 on each of the plot within the development hereby approved shall be installed in accordance with the details as shown on drawing number 103 Rev. C prior to the occupation of that dwelling. The development shall be retained as such thereafter.

6. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:

A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting

The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

7. The approved scheme of soft landscaping shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved. 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.

8. The window openings on the elevations of the following plots of the development hereby approved shall be fitted with obscured glazing to meet Pilkington Standard level 3 in obscurity as a minimum, prior to the first occupation of that plot:
  - first floor openings in the eastern elevations of plots 2 and 19
  - first floor opening in the eastern elevation of plot 6

The development shall be retained as such thereafter.
9. Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for the blocking up of the existing accesses on the western boundary of the site that are not to be used as the access into the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location and extent of the areas to be blocked and details of the material to be used in the construction of the new treatments. The existing access points shall be blocked up in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
10. Prior to the installation of the pumping station to be erected as part of the development hereby approved, details (include scaled elevation plans and details of the construction material and finish) of the substation shall be submitted to and approved in writing by the Local Planning Authority. The substation shall be erected in accordance with the approved details and shall be retained as such thereafter.
11. Prior to occupation of any of the dwellings hereby approved, samples of the materials to be used in the construction of the surface of the private roads/driveways of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The private roads/driveways shall be constructed in accordance with the approved details prior to the occupation of any of the dwellings and shall be retained as such thereafter.
12. Prior to the first occupation of each dwelling of the development hereby approved, the security measures detailed in Section 4 of the crime impact assessment submitted with the planning application shall be implemented in accordance with the submitted details and the development shall be retained as such thereafter.
13. Prior to the first occupation of any of the dwellings hereby approved, a structural survey of the existing retaining structures adjacent to the Brook in the southern part of the site shall be submitted to and approved in writing by the Local Planning Authority. The survey shall assess the potential impact of the highway crossing over the Brook on the structural integrity of these structures and shall detail any mitigation measures considered to be necessary. The development shall be carried out in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.