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## SPEAKERS PANEL (PLANNING)

**Day:** Wednesday  
**Date:** 5 October 2016  
**Time:** 10.00 am  
**Place:** Lesser Hall - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Council.	
3.	<b>MINUTES</b> The Minutes of the meeting of the Speakers Panel (Planning) held on 7 September 2016, having been circulated, to be signed by the Chair as a correct record.	1 - 6
4.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>49 WILSHAW GROVE, ASHTON-UNDER-LYNE OL7 9QT</b>	7 - 10
5.	<b>PLANNING APPLICATIONS</b> To consider the schedule of applications.	
a)	<b>16/000610/FUL - LAND ADJACENT TO 124 MOTTRAM OLD ROAD, HYDE</b>	11 - 20
b)	<b>15/00063/FUL - SITE OF FORMER CONSERVATIVE SOCIAL CLUB, VERNON STREET, ASHTON</b>	21 - 40
c)	<b>16/00054/OUT - NEWTON BUSINESS PARK, CARTWRIGHT STREET, HYDE</b>	41 - 58
d)	<b>16/00386/FUL - 699 WINDMILL LANE, DENTON</b>	59 - 68
e)	<b>16/00527/FUL - 32 DENTON ROAD, AUDENSHAW</b>	69 - 84
6.	<b>OBJECTIONS TO PROPOSED (CRAVENWOOD, PALACE ROAD AND ROSE HILL ROAD, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING AND SCHOOL ENTRANCE PROHIBITION OF STOPPING) ORDER 2016</b> Report of the Assistant Executive Director, Environmental Services, attached.	85 - 90
7.	<b>OBJECTIONS TO PROPOSED BUS STOP AND CLEARWAY, BUCKTON VALE ROAD, CARRBROOK</b> Report of the Assistant Executive Director, Environmental Services, attached.	91 - 96

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Senior Democratic Services Officer, on 0161 342 3050 or carolyn.eaton@tameside.gov.uk to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
8.	<b>SECTION 257 TOWN AND COUNTRY PLANNING ACT - DIVERSION OF FOOTPATH HYDE 43</b>	97 - 100
	Report of the Assistant Executive Director, Environmental Services, attached.	
9.	<b>URGENT ITEMS</b>	
	To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Senior Democratic Services Officer , on 0161 342 3050 or carolyn.eaton@tameside.gov.uk to whom any apologies for absence should be notified.

# Agenda Item 3

## SPEAKERS PANEL (PLANNING)

7 September 2016

Commenced: 10.00am

Terminated: 1.10 pm

Present: Councillor McNally (Chair)

Councillors: P Fitzpatrick, Glover, D Lane, J Lane, Middleton, Pearce, Ricci, Sweeton, Ward and Wild.

Apologies for absence: Councillors Ballagher and Dickinson

### 13. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Ricci	Planning application no: 16/00085/FUL	Prejudicial	On Board of Directors at New Charter Housing Trust
Councillor Wild	Planning application no: 14/00859/REM	Prejudicial	Acquaintance of Objector

*Councillor Ricci and Councillor Wild left the room during consideration of the above respective planning applications and took no part in the voting or discussions thereon.*

### 14. MINUTES

The Minutes of the proceedings of the meeting held on 27 July 2016 having been circulated, were taken as read and signed by the Chair as a correct record.

### 15. PLANNING APPLICATIONS

The Panel gave consideration to the schedule of applications submitted and it was:-

#### RESOLVED

That the applications for planning permission be determined as detailed below:-

Name and Application No.	16/00561/FUL The Oaken Clough Partnership, Blackley House, Elland
Proposed Development	Change of use of part of building to a mixed use Class D1 non-residential institution and Class A1 Retail restricted to hairdressers and Beautician use only – Retrospective The Old Chapel, Oaken Clough, Ashton
Speaker(s)/Late Representations:	Mrs Simons spoke against the application. Norris Mead on behalf of the applicant, spoke in favour of the application.
Decision	Approved subject to the conditions set out in the report and the

	<p>following additional condition:</p> <p>That the windows on the first floor be frosted to allow privacy for both clients/customers using the facilities and residents in properties facing the building.</p>
<b>Name and Application No.</b>	<p>14/00859/REM</p> <p>Libra Homes</p>
<b>Proposed Development</b>	<p>Approval of details of layout, scale and appearance and landscaping for 29 no. dwellings following outline planning permission.</p> <p>Land adjacent Staley Cricket Club, Huddersfield Road, Stalybridge.</p>
<b>Speaker(s)/Late Representations:</b>	<p>Val Salmond spoke against the application.</p> <p>Graham Hichen, Planning Consultant, spoke in favour of the application.</p>
<b>Decision</b>	<p>Approved subject to the conditions set out in the report with the following amendments:</p> <p>Condition 1 – Approved plans – Plans now include a 2.1m high acoustic boundary fence at plot 21 adjacent to cricket practice nets.</p> <p>Amended Condition 1 – Acoustic fence details added to list of plans.</p> <p>The development shall be carried out in accordance with the following approved drawings: 15045 01 B Site layout; 15045 03 A Street Scenes; 15045 HT 01 Type A Stone; 15045 HT 02 Type A Brick; 15045 HT 03 A Type B; 15045 HT 04 A Type B; 15045 HT 05 A Type B; 15045 HT 06 Type C; 15045 HT 08 Type C; 5045 HT 09 Type D; 15045 05 Boundary Treatment; 15045 06 Acoustic Fence.</p>

<b>Name and Application No.</b>	<p>16/00172</p> <p>Mr M Thomas</p>
<b>Proposed Development</b>	<p>Single storey detached dwelling with associated access off Bowden Street, Denton.</p> <p>Land with garages, rear of 2 Bowden Street, Denton</p>
<b>Speaker(s)/Late Representations:</b>	<p>Miss Derbyshire spoke in favour of the application.</p>
<b>Decision</b>	<p>Refused (officer recommendation to refuse), as the proposed development would constitute overdevelopment of the site and would be out of keeping with the character of the area. In particular, it would be out of scale and of a design which was at odds with the prevailing house type and be too close to site boundaries resulting in a poor outlook and visually overbearing impact to adjoining residential occupants. As such the proposal was contrary to policies H9 and H10 of the Tameside Unitary Development Plan and the Councils adopted SPD</p>

	<b>Residential Design</b>
<b>Name and Application No.</b>	<b>15/01034/FUL</b> <b>Insite Properties (Manchester) Ltd</b>
<b>Proposed Development</b>	<b>Conversion of existing church into 16 no. apartments and erection of 14 houses on land adjacent to church.</b> <b>St Stephen's Church, Bennett Street, Hyde.</b>
<b>Decision</b>	<p><b>Approved subject to the prior signing of a S106 legal agreement, which secures the following:</b></p> <ul style="list-style-type: none"> <li><b>(i) That listed building consent for the residential development of the listed St Stephens Church building had been obtained and a building contract had been let for the construction and completion of the Church redevelopment before development commences on the new residential dwelling houses and that the applicants submit a phasing plan for approval which sets out the timetable for restoration of the church and construction of the approved residential dwellings and carries out the development in accordance with the approved phasing plan.</b></li> <li><b>(ii) Education contribution of £25,000 to be spent at the new Discovery Academy – payment of contribution to be made prior to occupation of first dwelling.</b></li> <li><b>(iii) That none of the apartments are occupied until details of a maintenance management plan for the converted church building and its environs had been submitted to, and approved in writing by, the local planning authority.</b></li> </ul> <p><b>And subject to the conditions set out in the report with the following amendments:</b></p> <p><b>Condition 4 – Approved Plans – Landscape plan now added to list of approved plans.</b></p> <p><b>Amended Condition 4:</b></p> <p><b>The development hereby permitted shall be carried out in accordance with the following approved plans: those ref. 2041.EX.001 rev. A (received on 01/04/16), 2041.EX.002, 2041.EX.100, 2041.EX.101, 2041.EX.103, 2041.EX.601, 2041.EX.602, 2041.EX.603, 2041.EX.604 (each received on 23/11/15), 2041.PL.001 E (received on 13/07/16), 2041.PL.100 G, 2041.PL.102 E (both received on 01/04/16), 2041.PL.110 C, 2041.PL.120 D, 2041.PL.130 D, 2041.PL.131 B, 2041.PL.140 E, 2041.PL.150 (each received 13/07/16), 2041.PL.601 F, 2041.PL.602 F, 2041.PL.603 F (each received 01/04/16), 2041.PL.610 C (received on 13/07/16), 2041.PL.620 A, 2041.PL.630 A (both received 01/04/16), 2041.PL.701 D, 2041.PL.702 B, 2041.PL.703 B, 2041.PL.704 B, 2041.PL.705 C, 2041.WD.1 C (each received on 27/02/16), 5144.01 rev. A (received on 30/08/16) and section 3.3 of the Crime Impact Statement dated (28/01/2016 – URN: 2013/0479/CIS/02 Version A).</b></p> <p><b>Condition 5 – Landscaping – Landscaping proposals had been</b></p>

	<p>received and accepted by Arboriculturalist.</p> <p><b>Amended Condition 5:</b></p> <p><b>All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping 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 by the developer unless the Local Planning Authority gives written consent to any variation.</b></p>
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<b>Name and Application No.</b>	<p><b>16/00386</b></p> <p><b>Mr Chomok Ali</b></p>
<b>Proposed Development</b>	<p><b>Extension to shop front</b></p> <p><b>699 Windmill Lane, Denton</b></p>
<b>Decision</b>	<p><b>That this application be deferred to a future meeting of the Speakers' Panel (Planning).</b></p>

<b>Name and Application No.</b>	<p><b>16/00085/FUL</b></p> <p><b>New Charter Housing.</b></p>
<b>Proposed Development</b>	<p><b>To erect 24 family homes with associated landscaping and parking.</b></p> <p><b>Land at Markham Street, Hyde</b></p>
<b>Decision</b>	<p><b>Approved subject to the prior signing of a Unilateral Undertaking to provide a further 22 new trees off-site in locations agreed with the Council and the conditions set out in the report.</b></p>

## **16. OBJECTIONS TO PROPOSED MOTTRAM ROAD AND ST PAUL'S HILL ROAD, HYDE WAITING RESTRICTIONS**

The Assistant Executive Director, Environmental Services submitted a report, which outlined objections received to the above proposed waiting restrictions.

By way of background information, it was explained that a Traffic Regulation Order (TRO) scheme was identified for Mottram Road, St Paul's Hill Road and St Michael's Road, Hyde, through a borough wide review of TRO requests. Subsequently, a scheme which comprised of relaxing some of the day time waiting restrictions on Mottram Road and introduction of 'No Waiting at Any Time' protection markings on St Paul's Hill Road and St Michael's Road was designed to improve road safety and facilitate traffic movement along St Paul's Hill Road on the bend at its approach to the junction of Mottram Road, the scheme also affords additional parking facilities for Mottram road. Following consultation with local ward Councillors, approval to advertise the scheme was gained

through the Delegated Decision Report – Traffic Regulation order Programme 2015/16 – 2017/18 on 10 December 2015.

The request for relaxation of some of the waiting restrictions on Mottram Road and requests for additional waiting restriction on St Paul’s Hill Road was originally raised by residents.

No objections to the proposed scheme were received from the statutory consultees or TfGM with regard to bus routes.

It was reported that there had been eight objections from residents, 5 from Mottram Road, 2 from St Paul’s Hill Road and 1 from Crossbridge Road, a petition containing approximately 20 signatories from 13 properties on Mottram Road and 1 property on St Paul’s Hill Road, was also received during the consultation period.

Details of the objections and responses were summarised in the report.

Three objectors attended the meeting to voice their concerns with regard to the proposed restrictions, particularly in respect of the lack of parking provision in the area in general, vandalism to cars and verbal abuse already encountered by some residents of Mottram Road when parking on St Paul’s Hill Road and that implementation of the proposals would only transfer the problem to another section of St Paul’s Hill Road/adjoining roads.

Following full deliberation of the proposals and the objections received including verbal representations at the meeting, the Panel agreed the recommendations contained within the report as follows:

**RESOLVED**



**That authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to make the following order THE TAMESIDE METROPOLITAN BOROUGH (MOTTRAM ROAD AND ST PAUL’S HILL ROAD, HYDE) (PROHIBITION AND RESTRICTION OF WAITING) ORDER 2016 as follows:**

<b>No Waiting at Any Time restrictions on:-</b>	
<b>St Pauls Hill Road (east &amp; south side)</b>	- <b>from a point 32 metres south of its junction with Mottram Road to a point 12 metres west of its junction with St Michael’s Road.</b>
<b>St Pauls Hill Road (west side)</b>	- <b>from a point 32 metres south of its junction with Mottram Road for a distance of 41 metres in a southerly direction.</b>
<b>St Michael’s Road (both sides)</b>	- <b>from its junction with St Pauls Hill Road for a distance of 12 metres in a southerly direction.</b>
<b>No Waiting Monday to Friday, 7.30am – 6.00pm restrictions on:-</b>	
<b>Mottram Road (north side)</b>	- <b>from a point 45 metres east of Taylor Street for a distance of 47 metres in an easterly direction.</b>
<b>Mottram Road (north side)</b>	- <b>from a point 6 metres east of Ellis Street for a distance of 22 metres in an easterly direction.</b>
<b>Mottram Road (south side)</b>	- <b>from a point 31 metres east of Werneth Road for a distance of 25 metres in an easterly direction.</b>
<b>Mottram Road (south side)</b>	- <b>from a point 17 metres west of St Pauls Hill Road for a distance of 30 metres in a westerly direction.</b>

**CHAIR**

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<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	5 October 2016
<b>Reporting Officer:</b>	Damien Bourke – Assistant Executive Director – Development, Growth and Investment.
<b>Subject:</b>	<b>PLANNING APPEAL DECISIONS</b>
<b>Report Summary:</b>	One appeal against a decision made by the Council has been determined by the Planning Inspectorate on behalf of the Secretary of State. A copy of the decision is appended.
<b>Recommendations:</b>	To note the report.
<b>Links to Community Strategy:</b>	No direct links.
<b>Policy Implications:</b>	These are dealt with in the decision notice.
<b>Financial Implications:</b>	None arising from this decision.
<b>(Authorised by the Section 151 Officer)</b>	
<b>Legal Implications:</b>	Appeal decisions are final and binding on the parties. They can only be challenged on limited grounds by application to the High Court within six weeks of the decision.
<b>(Authorised by the Borough Solicitor)</b>	
<b>Risk Management:</b>	Appeal decisions are made on their own facts and do not set binding precedents for the future.
<b>Access to Information:</b>	The background papers can be obtained from the author of the report, Jason Dugdale, Development Manager:  Telephone: 0161 342 2601  e-mail: <a href="mailto:jason.dugdale@tameside.gov.uk">jason.dugdale@tameside.gov.uk</a>

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## Appeal Decision

Site visit made on 16 August 2016

**by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 August 2016**

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**Appeal Ref: APP/G4240/D/16/3153112**

**49 Wilshaw Grove, Ashton-Under-Lyne, OL7 9QT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mohammad Shamus against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 16/00419/FUL, dated 26 April 2016, was refused by notice dated 22 June 2016.
  - The development proposed is described as "*first floor extension over garage with dormer loft conversion*".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the erection of a first floor extension over the garage with dormer loft conversion and a two storey front extension. The Council dealt with it on this basis and so shall I.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

### Reasons

4. The appeal property comprises one of a pair of semi-detached houses located within a residential area. This part of Wilshaw Grove is characterised by semi-detached houses set back from the street and regularly spaced along a similar front building line. There are some front extensions, but for the most part these are single-storey and appear subservient to the original dwellings.
5. The proposal would involve a first floor extension over the existing garage, dormer extensions to the side and rear roof slopes and a 2- storey extension to the front. The scheme is a resubmission of a previous proposal that was refused by the Council. I note the appellant's comments that the Council only objected to the roof design on the previous proposal. However, I have not been provided with the drawings for that scheme and as such I cannot be certain that the two schemes are comparable. In any case, I am required to determine this appeal on its own merits. I also note the appellant's concern

- regarding the Council's pre-application advice. However, that is not a matter for my consideration in the context of this appeal decision.
6. Despite the use of sympathetic materials and general architectural style the mass and bulk of the 2-storey front extension would be an obvious element that would stand out forward of the main building line. Furthermore, the extension would create a prominent feature to the front elevation of the host building that would have an overly dominant impact on the property itself with consequent harm to the character and appearance of the area.
  7. The first floor extension over the garage would project outwardly at the rear of the dwelling and this reflects the 2-storey rear extension on the adjacent dwelling. However, even though the footprint of the dwelling would not increase substantially, taken in combination with the dormer extensions and the 2-storey front extension the overall proposal would add significant bulk and massing to the original dwelling. These factors would result in a dominant and incongruous development that would not be subordinate or sympathetic to the size and scale of the original dwelling.
  8. The appellant refers to dormer and first floor extensions that have been built in the area but I have no details of the circumstances of those cases or the policies that applied at the time of their consideration. Moreover, the first floor extensions that I saw in the immediate vicinity of the appeal site are not directly comparable to the size, scale and layout of the proposal. I have, in any case, determined the appeal on its own merits.
  9. I therefore conclude that the proposal would have a significantly harmful effect on the character and appearance of the host dwelling and the surrounding area. As such it would conflict with saved Policy C1 of the Tameside Unitary Development Plan (UDP) which, amongst other things, seeks development that understands the townscape character and respects the nature of the surrounding fabric.
  10. It would also not accord with guidance described as Policy RED1 in the Tameside Residential Design Supplementary Planning Document which, amongst other things, states that the scale and mass of the dwelling must not be significantly altered by an extension and extensions must be subordinate to the original dwelling. It would also be contrary to Paragraph 64 of the National Planning Policy Framework which expects development to take opportunities to improve the character and quality of an area. UDP saved Policy H10 is cited in the first reason for refusal but as this policy relates to the detailed design of housing developments I do not consider that it is relevant in this case.
  11. For the reasons given above I conclude that the appeal should be dismissed.

*D. Boffin*

INSPECTOR

## **Application Number 16/00610/FUL**

<b>Proposal</b>	Two-bedroom detached house
<b>Site</b>	Land Adjacent To 124 Mottram Old Road, Hyde
<b>Applicant</b>	Mrs Joanne Burnett
<b>Recommendation</b>	Grant planning permission subject to conditions.

## **REPORT**

### **1 APPLICATION DESCRIPTION**

- 1.1 The proposal is to construct a detached, two-storey house. Immediately behind the footway in Mottram Old Road the land on which the house would be built is flat and then, above a stone retaining wall, the land slopes upward to adjoin the rear gardens of bungalows in Silver Springs. Because of the profile of the land the house would be cut in to the slope and the ground-floor would not project as far back as the first-floor. Due to it cutting in to the slope, when viewed from the rear the house would appear single-storey.
- 1.2 The front of the proposed house would be on a similar level, with similar eaves and roof-ridge levels, as the neighbouring detached house at no. 130 Mottram Old Road. The new house would be brick-built with a tiled roof.
- 1.3 A driveway and largely hard-surfaced front garden, including a bin storage area, are proposed in front of the new house.

### **2 SITE AND SURROUNDINGS**

- 2.1 A block of seven houses on the southern side of Mottram Old Road, at the fringe of the built-up area in Hyde, look out across the valley on the opposite side of the road where the land falls away steeply towards Godley. The Alder Community High School is located in the valley and there is pedestrian access to the school from Mottram Old Road. Westward, beyond the block of houses, the land opens up in to the green belt between Hyde and Hattersley.
- 2.2 The neighbouring house to the west, at no. 124, is raised up from the road and is accessed via steps. The application site is the garden at the side and side-rear of no. 124 Mottram Old Road and forms a gap in the built-up frontage in the block before the last house at no. 130. The front of the garden is flat and currently provides an off-street parking area and behind this, above a stone retaining wall, the garden is grassed and slopes upward to adjoin the rear gardens of bungalows in Silver Springs. There is a habitable room window in the ground floor in the middle of the side gable of the neighbouring house at no. 130 Mottram Old Road.

### **3.0 PLANNING HISTORY**

- 3.1 In September 2004 the Council refused an application (ref. 04/01175/OUT) for outline planning permission for a detached house on this plot. At that time approval of the details of the siting of the house were sought and all other matters of detail were held in reserve. An appeal against the Council's decision was dismissed in June 2005.

- 3.2 A full application (ref. 14/01156/FUL) for full permission for a pair of semi-detached houses was refused in February 2015.
- 3.3 Most recently a full application (ref. 15/00300/FUL) to develop a detached house on the site was refused in June 2015.

#### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP) Allocation  
4.1.1 Unallocated.

#### **4.2 Tameside UDP**

##### **4.2.1 Part 1 Policies**

- 1.3 Creating a Cleaner and Greener Environment  
1.12: Ensuring an Accessible, Safe and Healthy Environment.  
1.13: Meeting Obligations on Minerals, Waste and Energy.

##### **4.2.2 Part 2 Policies**

- H2: Unallocated Sites.  
H9: Backland and Garden Development.  
H10: Detailed Design of Housing Developments  
MW11: Contaminated Land

#### **4.3 Other Policy**

- 4.3.1 Residential Design Supplementary Planning Document.

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

- 4.4.1 Section 1 Delivering sustainable development  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities

#### **4.5 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 As part of the planning application process 11 notification letters were sent out to neighbouring properties on 26<sup>th</sup> July 2016.

#### **6.0 RESPONSES FROM CONSULTEES**

- 6.1 The Head of Environmental Services – Highways has raised no objections to the proposal and has requested conditions be attached to any approval.

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

7.1 In response to the neighbour notifications representations have been received from four households.

7.2 One of the representations, from the occupier of the neighbouring detached house, at 130 Mottram Old Road, states that there is no objection to the application.

7.3 The other householder representations are objections from the occupiers of the houses next-door-but-one and next-door-but-four and from the bungalow behind, and on the grounds that:

the development would result in the loss of the open space;

the design, including the building materials, of the proposed house are out-of-keeping with the locality;

loss of privacy; and,

despite the provision of off-street parking spaces, the presence of the new house would exacerbate existing problems of congestion close to the access road to Alder Community High School, where pupils are dropped-of and picked-up, and a bus stop.

7.4 Another objection has been received from a consultant acting on behalf of the occupier of the bungalow behind the site in Silver Springs. This makes reference to the previous appeal decision (see para. 3.1) and the more recent refusal of planning permission (see para. 3.3) and that the reasons given for that appeal being dismissed and the planning permission being refused are not addressed.

## **8.0 ANALYSIS**

8.1 The principal issues in deciding this application are:

- 1) the principle of the development,
- 2) access and parking
- 3) retention of garden areas
- 4) impact on residential amenity
- 5) impact on local character

### **9.0 The principle of the development**

9.1 The application site is private land used as a garden adjunct to the house at 124 Old Mottram Road. In these circumstances, and given the expanses of open land nearby, the site has little value in terms of its openness.

9.2 In accordance with paragraph 53 of the NPPF, UDP policy H9 seeks to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. By inference the principle of the development is therefore acceptable subject to, and according to policy H9,:

- (a) arrangements being provided for access and parking for both the existing and proposed dwellings, and
- (b) garden areas being retained, and

- (c) privacy being maintained between existing and proposed dwellings and between their gardens, and
- (d) there being no serious detriment to the character of the area enjoyed by other residents.

9.3 Whether the principle, and indeed the detail, of the development is acceptable will then depend upon consideration of guidance and policies toward proposed new residential development within the curtilage of existing dwellings.

## **10.0 Access and parking**

10.1 With adequate access arrangements, the layout of the proposed development includes provision to park two cars off-street. Such provision is satisfactory to serve the proposed house.

10.2 Whilst the development would remove the car parking space used currently by the occupants of no. 124 Mottram Old Road there is no compunction that this be maintained. The occupants may choose to refrain from using the land for parking and instead incorporate it into the wider garden.

10.3 The access and parking arrangements proposed are therefore considered acceptable in relation to both the existing and proposed houses.

## **11.0 Retention of garden areas**

11.1 The gardens in front and behind the existing house would be retained. These would both be akin in size to those of the house to which it is attached and so be proportionate to the house.

11.2 In addition to the hard-surfaced front garden that would be largely given over to parking, the proposed house would be provided with gardens at the rear and side-rear. The size of the gardens provided would be more than adequate to provide for the needs of future occupants.

11.3 Adequate garden would be retained for the existing house and provided for the house proposed and so in this respect the proposal is considered adequate.

## **12.0 Impact on residential amenity**

12.1 The Council's reason for refusing the first of the previous applications (see para. 3.1) was because the proposed development fails to achieve an adequate privacy and spacing distance to a habitable window in the gable end of 130 Mottram Old Road. In dismissing the appeal against the refusal of the first of these applications the Inspector agreed with the Council that the proposal would position a gable wall extremely close to a ground floor window in the side of no. 130. The Inspector recognised that whilst (the gable window) might be described as the secondary window to the room, it is very important to the enjoyment of the property.

12.2 In relation to the impact on amenity at the neighbouring bungalow in Silver Springs the Inspector acknowledged that there would be a loss of view from the rear windows that were clearly intended to take advantage of this opportunity but that the objection for this reason was 'less compelling'. The impact on the view was found not to be a



tenable reason in itself for refusal but a supporting reason. The Inspector's summary of the reason for dismissing the appeal referred solely to the impact on the window in no. 130 Mottram Old Road.

- 12.3 The reason given for the Council refusing the latter of the previous applications (see para. 3.3) was because:

The proposed development fails to achieve an adequate privacy and spacing distance, and so result in undue over-shadowing, to a habitable window in the gable of no.130 Mottram Old Road and would be detrimental to the amenity, in this case outlook, enjoyed currently by the occupier of no. 1 Silver Springs.

- 12.4 In the latter of the previous applications the proposed house included an attached garage on the side. The distance between the garage wall and the window in the gable of the neighbouring house at no. 130 would have been akin, approximately 2 metres, to that of the side wall of the house that was refused originally in 2004 (see para. 3.1).

- 12.5 As now proposed there would be a distance of 5 metres between the side of the new house and the window in the gable of the neighbouring house at no. 130. Moreover, an existing 1.8 metre high close-boarded, timber fence along the boundary would be retained. Albeit important to the enjoyment of the property, the window in the gable of the neighbouring house is secondary and given the spacing that is now achieved, the impact in terms of over-shadowing of this window by the proposed house would not be excessively greater than that caused by the existing fence. In this respect the proposal can therefore be considered acceptable.

- 12.6 Whilst there would undoubtedly be a loss of view from the rear windows of the bungalow behind in Silver Springs, as has been acknowledged previously, this in itself is not a tenable reason for refusal.

- 12.7 In terms of the impact on the amenity of neighbouring residential properties the proposal can be considered to be acceptable.

### **13.0 Local Character**

- 13.1 The front of the proposed house would be on a similar level, with similar eaves and roof-ridge levels, as the neighbouring house at no. 130. In terms of scale the proposed house is thereby in-keeping with the neighbours.

- 13.2 The existing houses in the block consist of the detached house at no. 130, which is stone-built, a pair of semi-detached houses, both of which are pebble-dashed, and a row of four terraced houses, two of which are brick-built and two are stone-built. In these circumstances that the new house should be brick-built would be acceptable, subject to appropriate finishes.

- 13.3 The presence of the proposed house would not therefore be out-of-keeping with the local vernacular.

## RECOMMENDATION

Grant planning permission subject to the following conditions.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

1. No development shall take place until samples or a full specification of the materials to be used in the above ground external finishes to the house, all external hard-surfaced areas and to the treatment of the site's boundaries have been submitted to, and approved in writing by, the local planning authority. The development shall then be implemented in accordance with the approved details.

2. All windows and external doors in the house hereby approved shall be constructed with reveals, or recesses, to a depth of at least 900mm.

3. The development hereby permitted shall be carried out in accordance with the approved plan ref. 4071/001 rev. F, received on 23<sup>rd</sup> June 2016.

4. A clear view shall be provided on both sides of the site access where it meets the footway in Mottram Old Rd. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals

5. Prior to the first occupation of the house hereby approved, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose.

6. During construction no work shall take place on Sundays and Bank Holidays and outside the hours of 07.30 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays.

7. No works other than the excavation of the foundations and/or piling works for the development shall be undertaken at the site until the Contaminated Land Screening Form has been submitted to, and approved in writing by, the Councils Environmental Protection Unit (EPU). Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.



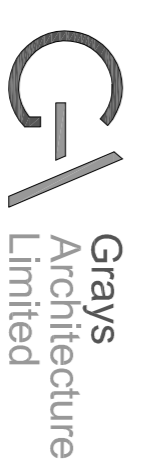
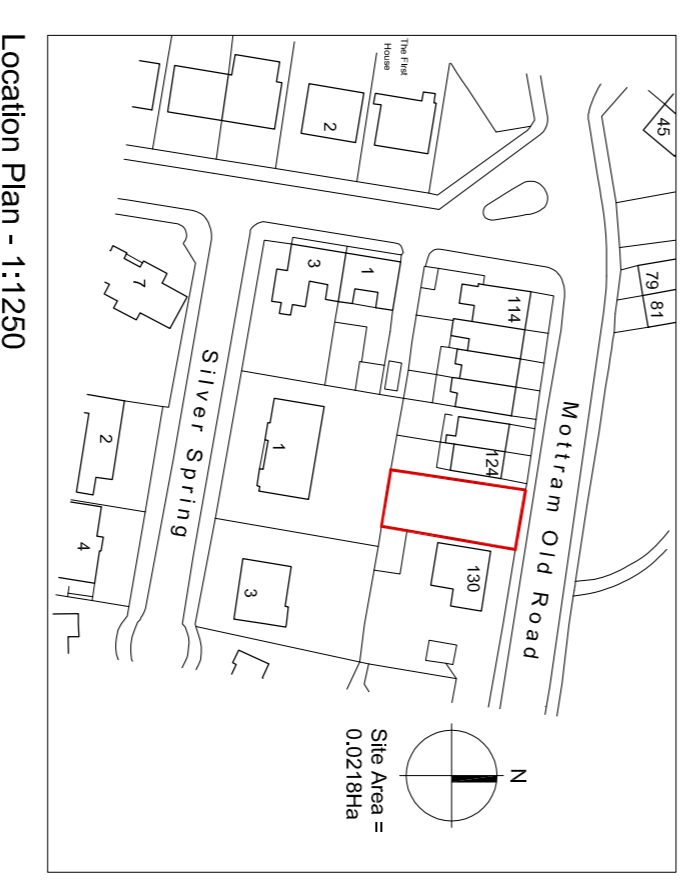
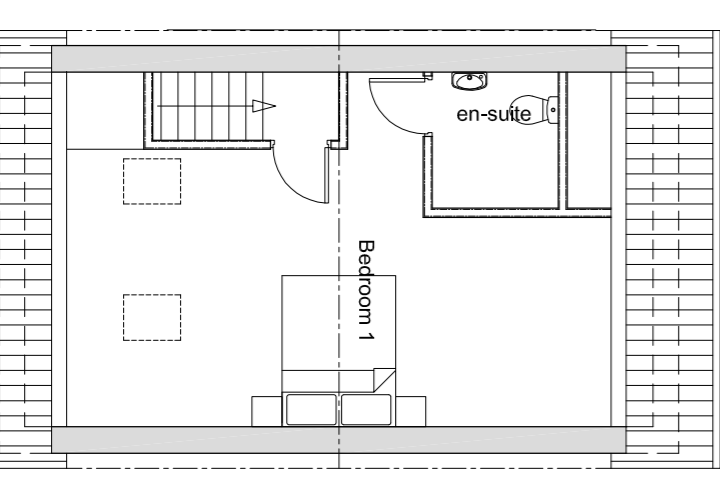
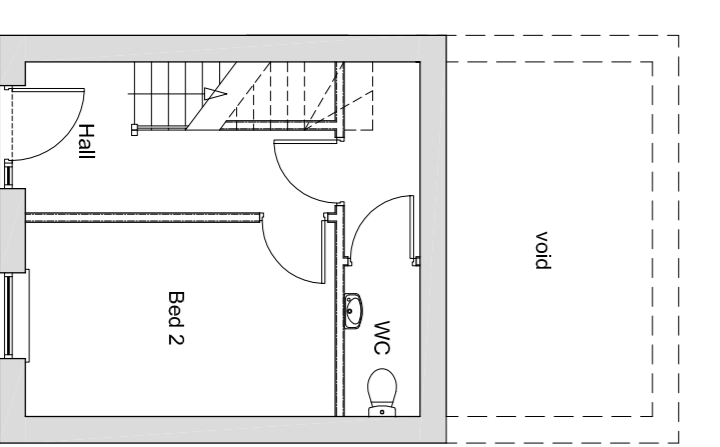
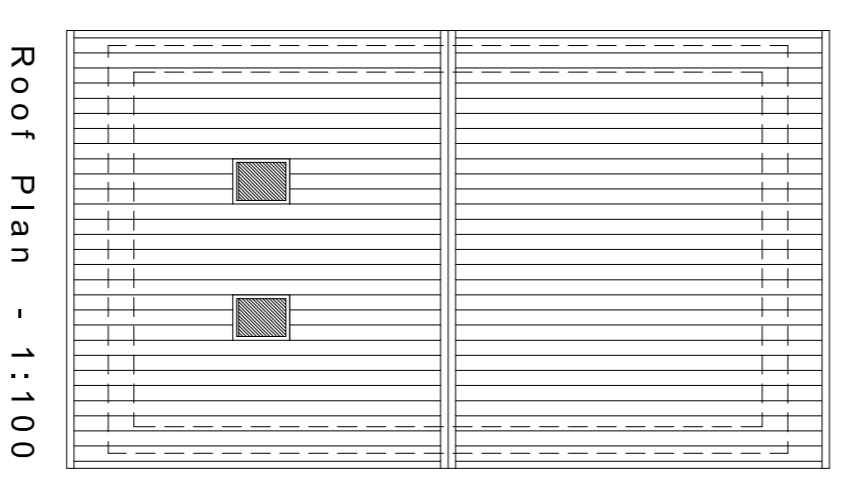
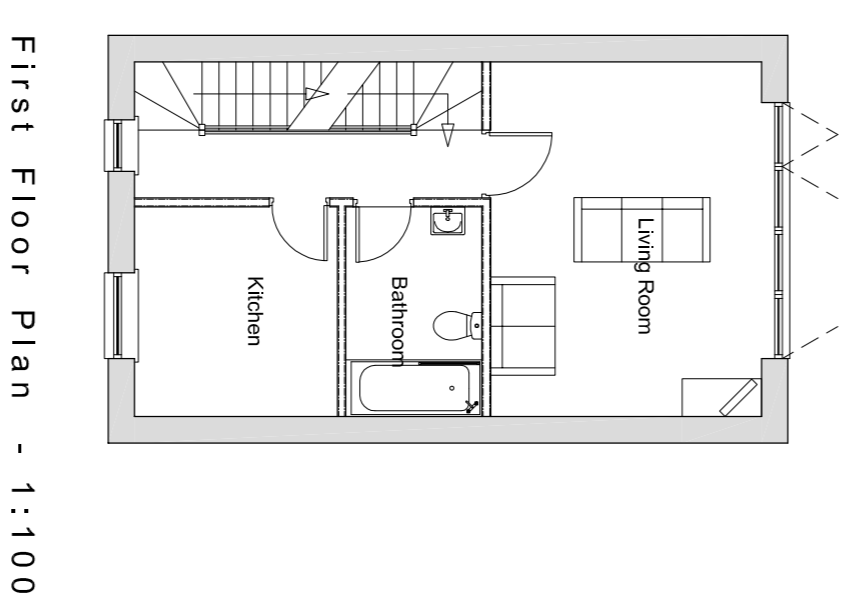
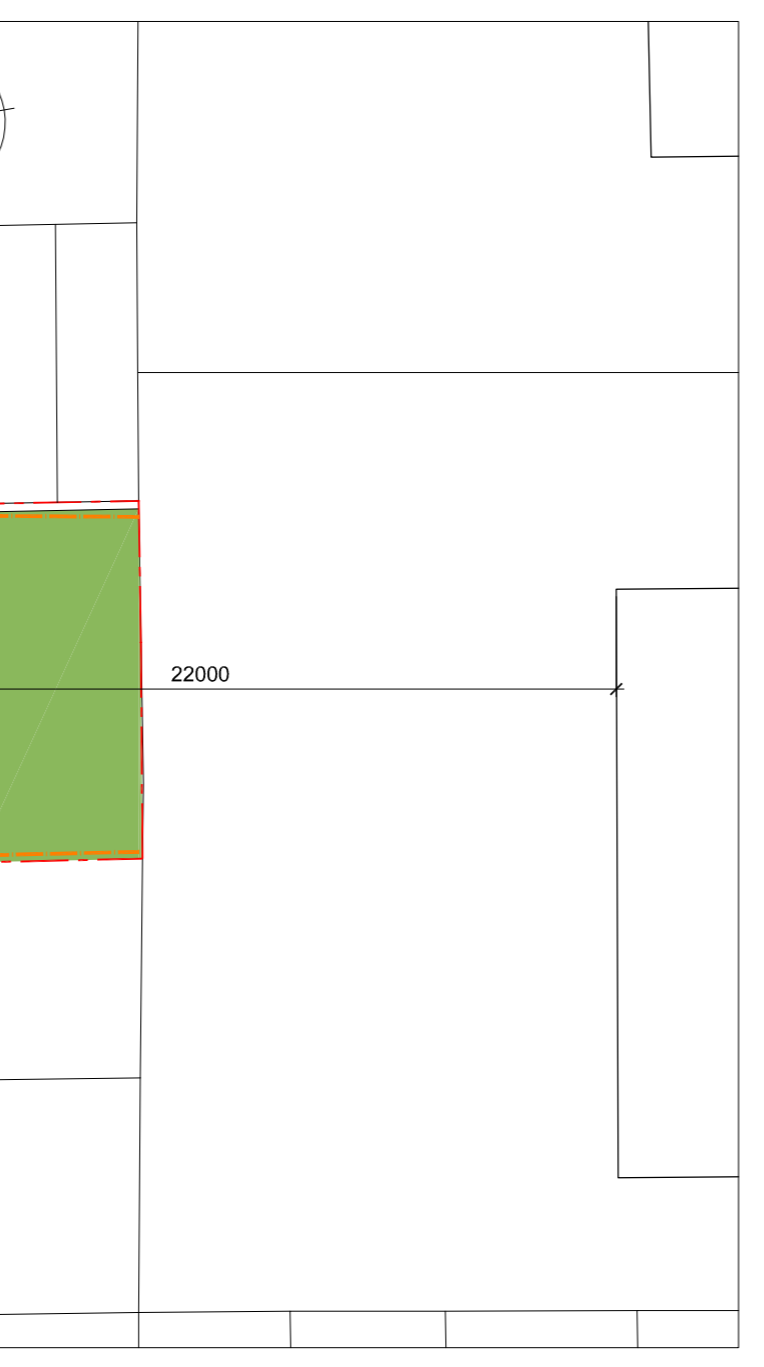
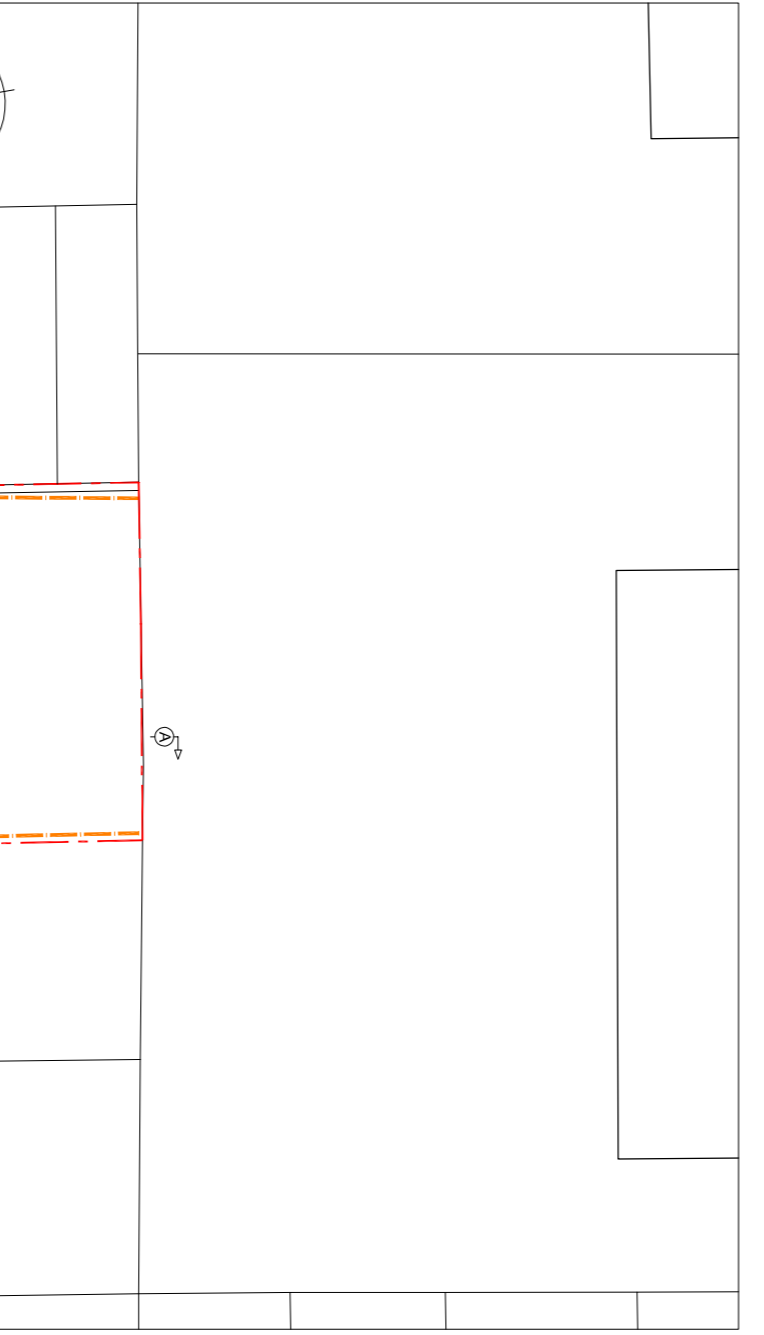
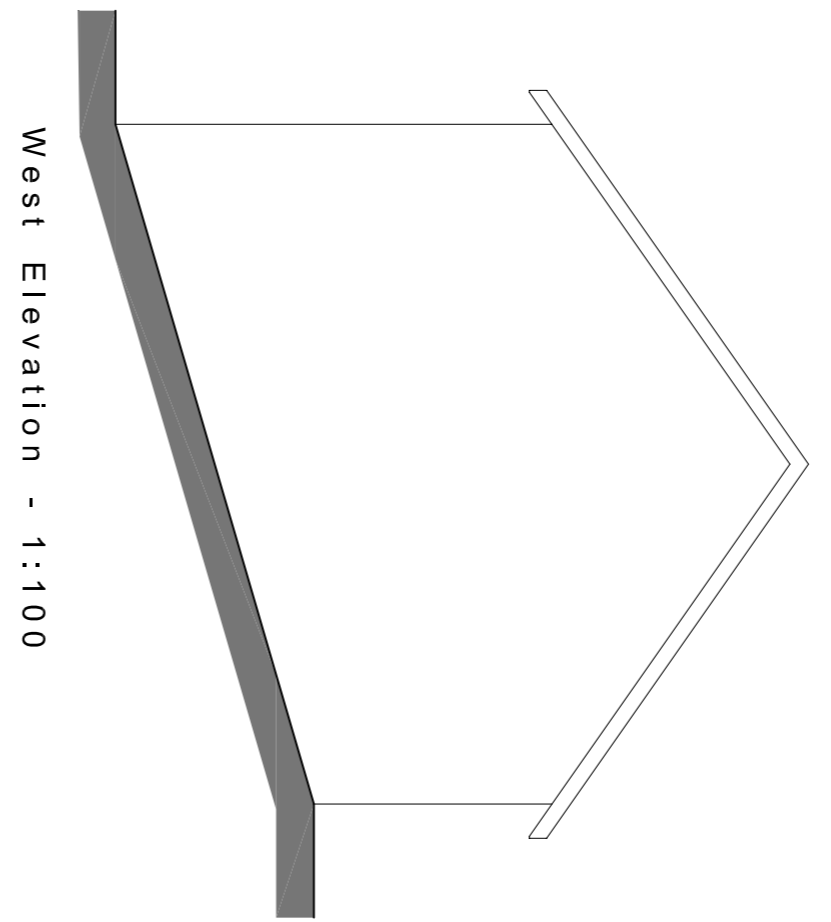
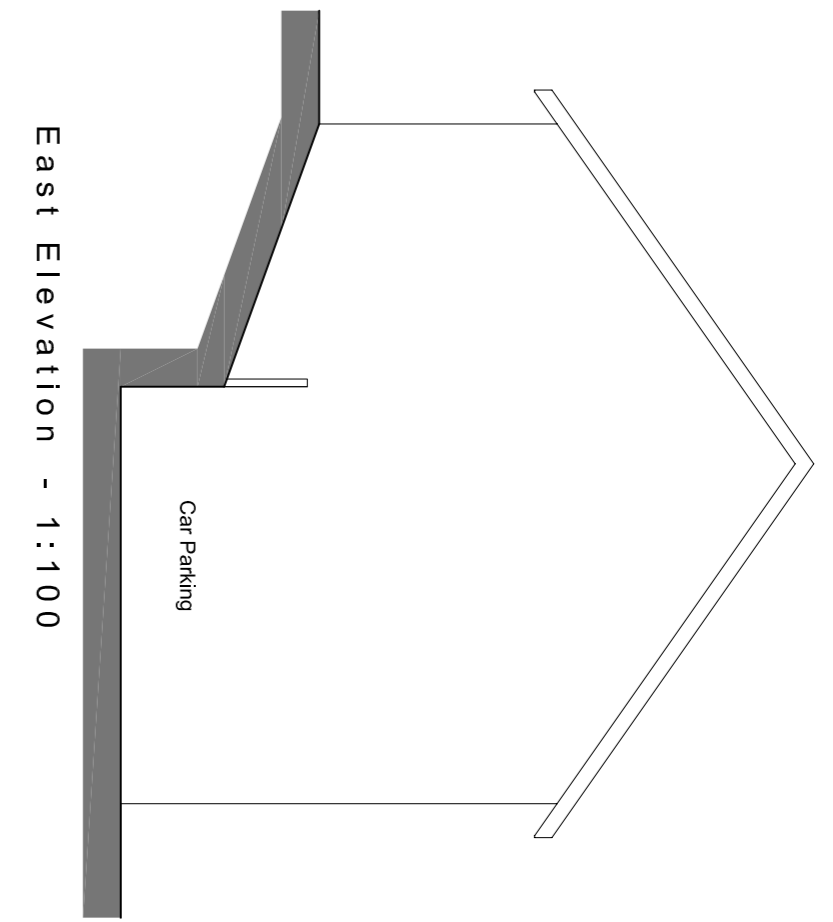
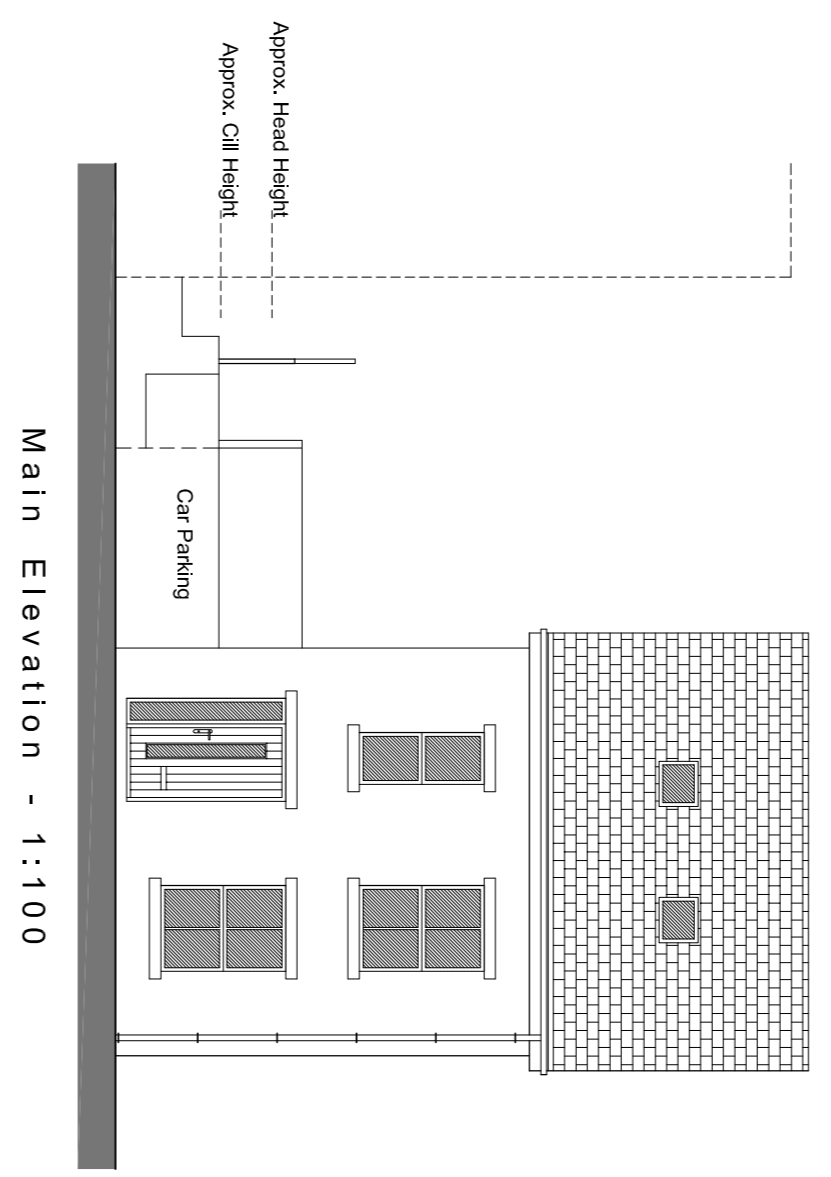
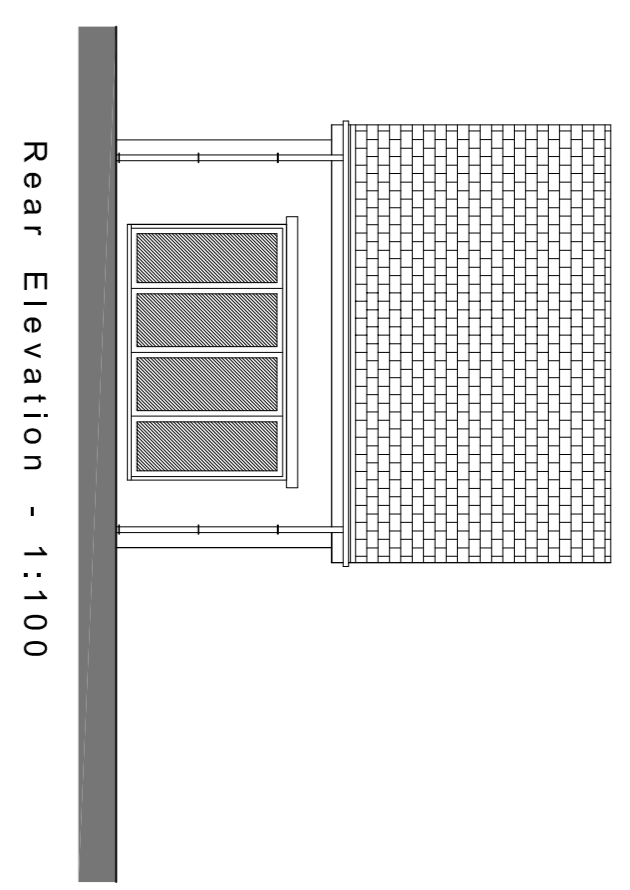
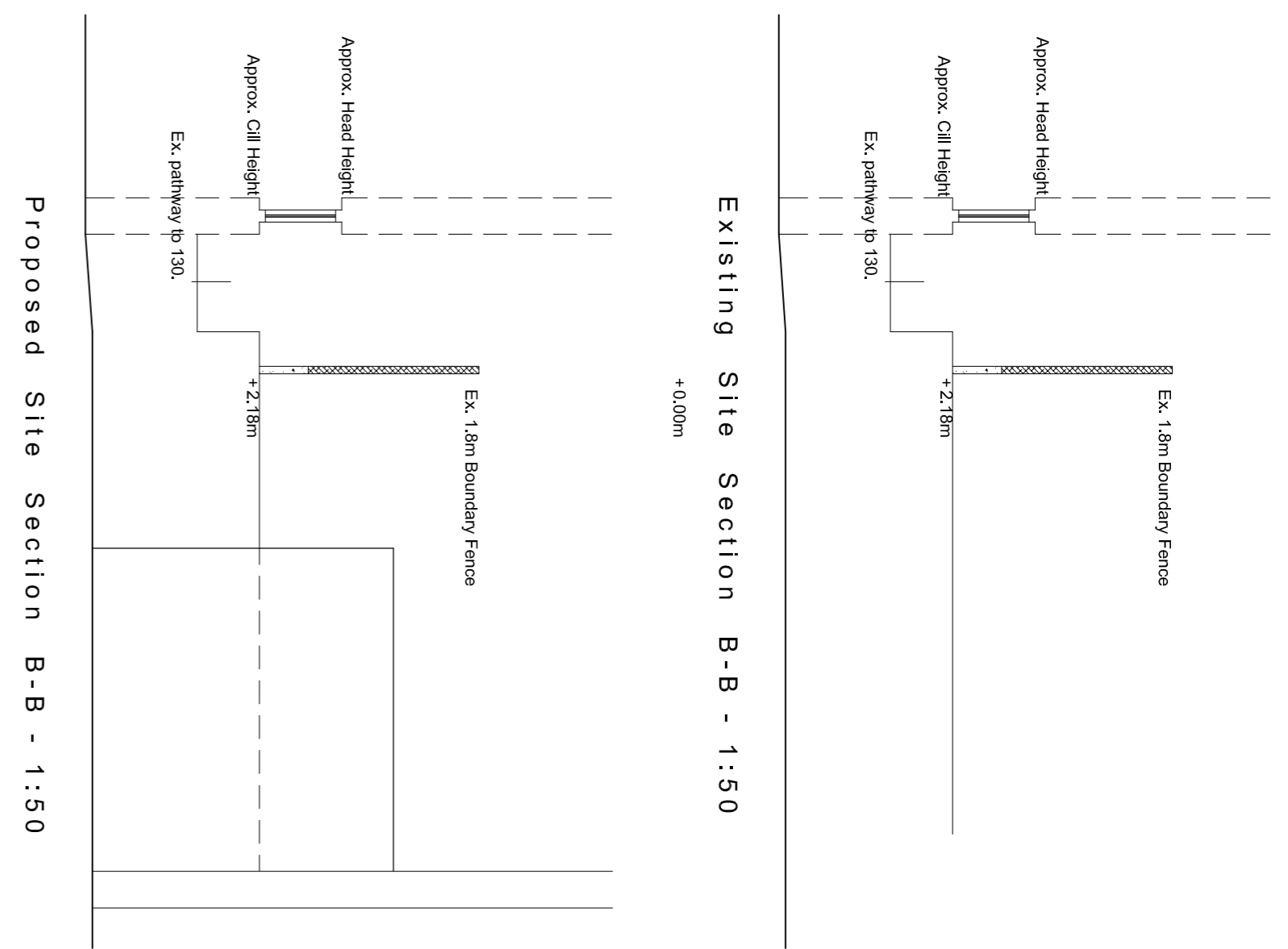
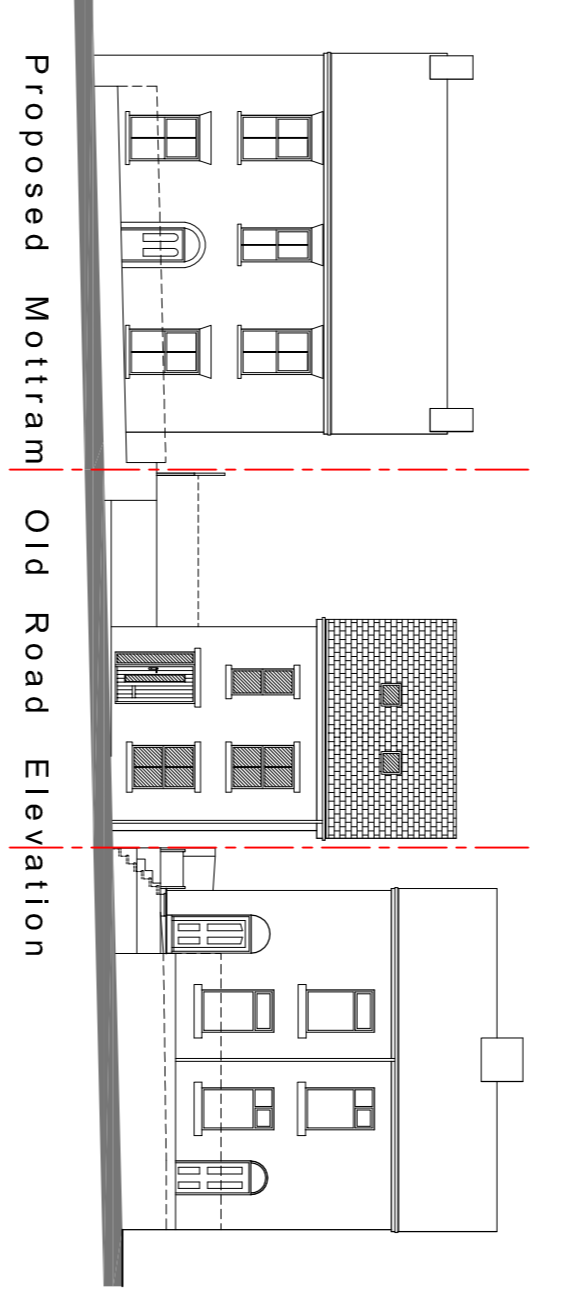
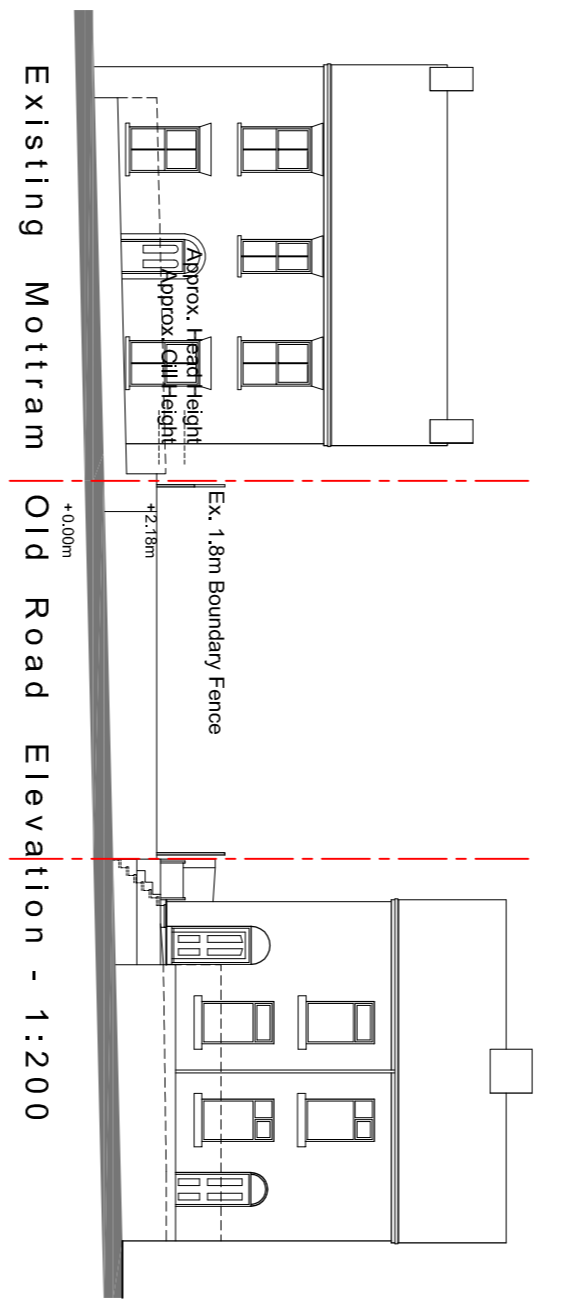
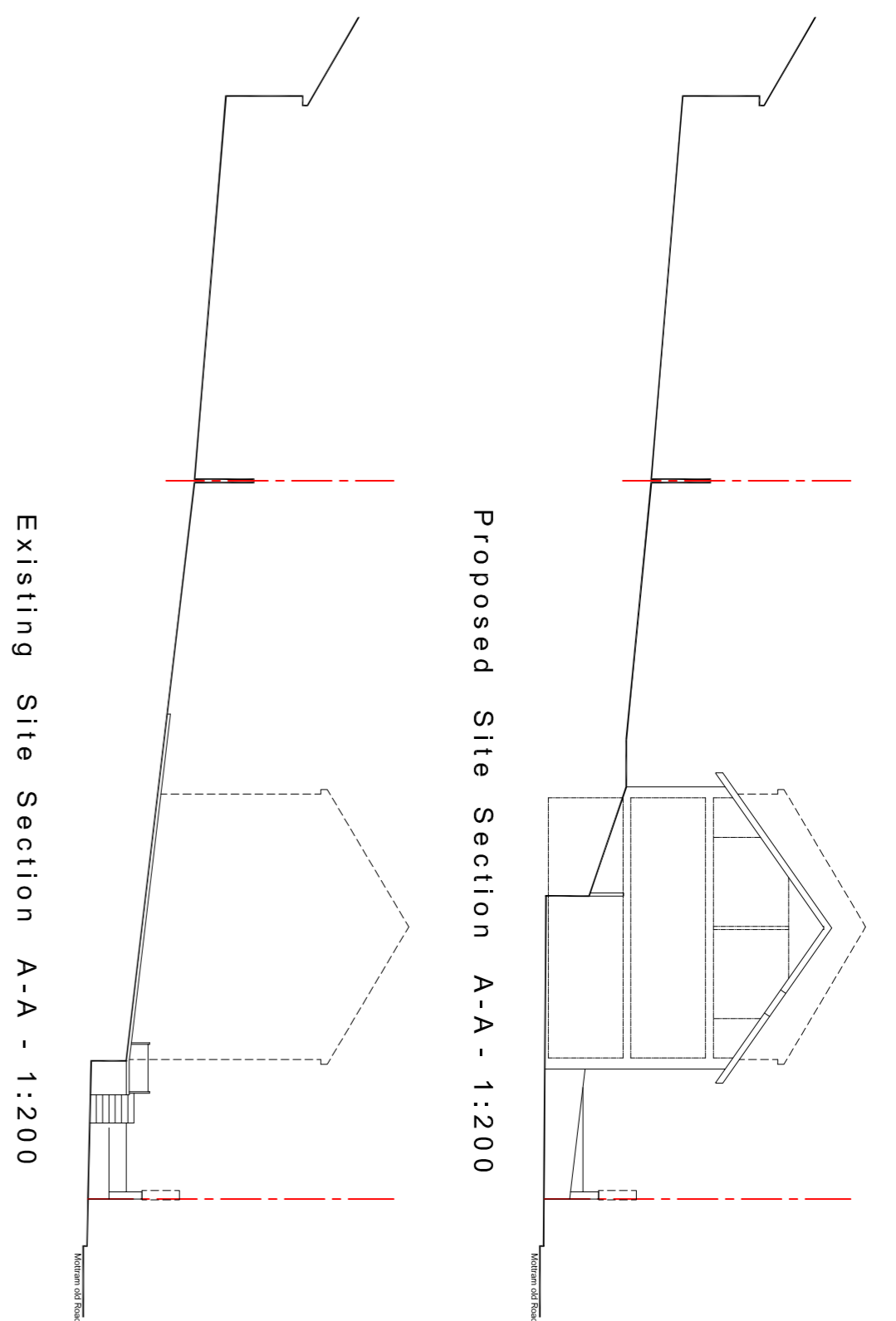
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Scale 1/1000 Date 23/9/2016

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All elevations are to be checked on site, any discrepancies are to be reported to the Architect before work commences. Do not scale from the drawings.  
 This drawing is to be read in conjunction with all relevant conditions and specifications detailing / common law.  
 All structural components shown are indicated only. Details / calculations of structural members are to be provided by the Structural Engineer.  
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A	General Arrangements	12/06/2015
B	General Arrangements	13/06/2015
C	Existing Plans & Windows added	17/06/2016
D	Additional details sections added	20/06/2016



**Grays Architecture Limited**  
 1st Floor, Waterside House (B1)  
 141 Flux, Waterside House (B1)  
 Greenwood Business Centre,  
 Manchester, M14 5DN

**Client:**  
 Mrs J Burnett

**Project:**  
 Land Adjacent 124 Moltram Old Road

**Drawing Title:**  
 Existing & Proposed Plans / Elevations

**Scale:**  
 1:50 / 1:100 / 1:200 / 1:1250

**Date:**  
 March 2015

**Revision:**  
 F

Application Number: 16/00610/FUL

Photo 1



Photo 2



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<b>Application Number</b>	<b>15/00063/FUL</b>
<b>Proposal</b>	<b>Erection of 24 no. two bedroom apartments in one 3 storey block with means of access, refuse storage, landscaping and parking provision.</b>
<b>Site Location</b>	<b>Site of Former Conservative Social Club, Vernon Street, Ashton</b>
<b>Applicant</b>	<b>Q Developments Limited</b>
<b>Recommendation</b>	<b>Approve</b>

## REPORT

### **1.0 SITE & SURROUNDINGS**

- 1.1 The application site is situated at the end of Vernon Street which is a short un-adopted road off Kings Road, and is surrounded by residential properties. The land is currently vacant and the foundation slab of the former social club is visible in the middle of the site. The level of the land falls from the north-east of the site to the south-west by approx. 7m. The existing access to the site is taken from Vernon Street which runs between houses fronting Kings Road to the east.
- 1.2 There are a few small trees within the site and, more significantly, a row of poplar trees along the boundary to the rear of the houses on Ladbrooke Close.
- 1.3 The surrounding area is predominantly residential and characterised by red-brown brick two-storey terraced and semi-detached houses on all four sides bounding the site.

### **2.0 PROPOSAL**

- 2.1 This planning application seeks full planning consent for the erection of a 3 storey building with accommodation within part of the roof space. The building would be located centrally within the site and will comprise 24no. two-bedroom apartments. Two of the second floor apartments would have an additional living room and study area centrally located within the roof space.
- 2.2 The proposed three-storey building would be 8.5m high to the parapet with a setback pitched roof behind with two central dormers on the east elevation.
- 2.3 The proposed rectangular building would measure approximately 40 metres long by 16.5 metres wide on a north-south axis with the footprint of the building approximately 640 square metres representing an overall site coverage of 20%. The remainder of the site will comprise of car parking and landscaping to include communal amenity space.
- 2.4 The materials proposed for the building will be predominantly red/brown brickwork with blue/black roof tiles with areas of white rendered sections. The two entrances

will be set forward of the front elevation to all floors and will each have a pike roof design and rendered finish. Openings to the central section of the front elevation, will have French windows with Juliette balconies with proposed windows having stone headers and cills.

2.5 Access would be via Vernon Street using the existing access with the submitted plan showing car parking with 36 spaces being situated between the proposed building and the rear of houses on Kings Road.

2.6 The materials proposed for the building comprise:

- Red-brown brick elevations;
- Blue/black fibre cement roof tiles;
- White rendered panels;
- White painted window frames.

2.7 The following documents have been submitted in support of the planning application:-

Planning Statement  
Design and Access Statement  
Sustainability Statement  
Tree Layout Survey Plan  
Examples of Proposed Materials and Planting  
Existing Landscape Survey Plan  
Statement of Community Involvement  
Crime Impact Statement

### **3.0 PLANNING HISTORY**

3.1 Three applications for residential development on this site have been refused with two of these planning applications being subject to appeals which were dismissed. In October 2005 a fourth application for outline permission for a block of 24 apartments, was again refused under planning application reference 05/00697/OUT. The subsequent appeal against that refusal was upheld, and permission was granted, in March 2006. The outline permission included approval of the details of the layout and means of access to the development whilst the outstanding details, namely the design and appearance of the building and the landscaping of the site, were held as reserved matters. The Inspector however, did determine this appeal on the basis of a proposed site section plan showing a three storey building some 12 metres high.

3.2 The subsequent reserved matters planning application was then approved under reference 08/01369/REM in April 2009. In accordance with a condition of the outline permission the development must commence before 6<sup>th</sup> April 2011. An application reference 11/00228/OUT was received seeking to extend the time limit for the



implementation of the development of the block of 24 apartments. This application was approved at Speakers Panel on 17<sup>th</sup> June 2011.

#### **4.0 RELEVANT PLANNING POLICIES**

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

Unallocated site.

##### **4.2 Tameside UDP**

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

- 1.3 Creating a Cleaner and Greener Environment
- 1.4 Providing More Choice and Quality of Homes
- 1.5 Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

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

- H4 Type, Size and Affordability of Dwellings
- H7: Mixed Use and Density.
- H9 Backland and Garden Development
- H10: Detailed Design of Housing Developments.
- C1 Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- MW11: Contaminated Land.

##### **4.3 Other Policies**

Residential Design Supplementary Planning Document.

National Planning Policy Framework. (NPPF)

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

National 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 NPPG or other national advice in the Analysis section of the report, where appropriate.

## **5.0 PUBLICITY CARRIED OUT**

As part of the assessment of the application 54 notification letters were sent out to neighbouring properties on the 29<sup>th</sup> April 2015 and again on the 13<sup>th</sup> June 2016.

A notice was published in the local newspaper on the 7<sup>th</sup> May 2015 with a site notice being posted on site on the 30<sup>th</sup> April 2015.

## **6.0 RESPONSES FROM CONSULTEES**

Head of Environmental Services – Highways has no objections subject to conditions requiring parking facilities to be provided before occupation and kept available and details to be submitted for approval of street lighting to shared parking areas.

Head of Environmental Services – Environmental Protection has no objections subject to conditions regarding hours of construction.

Greater Manchester Ecology Unit has no objections to the proposal

Police Architectural Liaison Officer has no objections and requests recommendations within the Crime Impact Assessment are followed.

Arboricultural Officer has no objections and confirms trees to be removed are of low retention and amenity value. The most significant feature is the line of Lombardy Poplars on the northern perimeter which are to be retained. Proposals are acceptable from an arboricultural perspective and retained trees should be protected to BS5837 during development.

United Utilities have no objections to the proposal and as a means to facilitate sustainable development within the region suggests conditions regarding drainage schemes and means of disposal foul water.

## **7.0 SUMMARY OF 3<sup>rd</sup> PARTY RESPONSES RECEIVED**

7.1 Five letters of objection have been received, one of which confirms on behalf of other neighbours with nine signatures, and are summarised below: -

- scale of the development is not ideal in this dense area of land
- area is busy enough without additional development that will lead to more traffic chaos and more accidents being close to a major road junction.
- land considerably higher than surrounding properties and therefore privacy will be invaded along with loss of light and views.
- existing properties may be damaged during construction and experience disruption and noise
- the flats would limit the access to the communal area at the back of neighbours properties
- should properties be built concerned they will be occupied by DHSS claimants lowering the tone of the area.

## **8.0 STATEMENT OF COMMUNITY INVOLVEMENT**

- 8.1 The applicants have carried out a Community consultation exercise which included notification letters being sent to Local Ward Councillors for Ashton Hurst. The letter advised of the intention to submit this planning application and explained there have been no material changes on site or to local planning policy since the previous consent to otherwise affect the application.
- 8.2 The applicant has confirmed that there were no neighbour representations or objections to the most recent application and it was not deemed necessary to notify local residents of the proposal. Notification through the formal application procedure was considered appropriate.

## **9.0 ANALYSIS**

- 9.1 The key issues in deciding this application are considered to be: -
- 1) The Principle of the Development
  - 2) Design, Scale and Appearance
  - 3) Residential Amenity
  - 4) Highways

### **Principle of Development**

- 9.2 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and would support the delivery of a wide choice of quality homes with housing applications being considered in the context of a presumption in favour of sustainable development.
- 9.3 The site is Unallocated within the UDP and subject to policy H2. This policy confirms unless other considerations take precedence, the Council will permit the redevelopment of previously developed land for residential use where these are not specifically allocated for this purpose in the plan (UDP). This policy is intended to facilitate the approval of brownfield windfall sites for housing development. Residential development on greenfield land which is not specifically allocated for this purpose in the plan will not be permitted unless an adequate five year supply is no longer available.
- 9.4 Paragraph 49 of the NPPF confirms housing applications should be considered in the context of the presumption in favour of sustainable development and adds relevant

policies for the supply of housing should not be considered up to date if a five year supply of deliverable housing sites cannot be demonstrated.

- 9.5 The site is within an established residential area with access to public transport links along Kings Road. It is therefore considered to be an accessible site. The site also benefits from proximity to a local primary School and King Georges Playing Fields and is considered to be in a sustainable location.
- 9.6 The site has also been the subject of an appeal decision where the Inspector noted that: 'The locality is...quite mixed in appearance and character', and that: 'The length and width of the (proposed apartment) block would not be significantly different to the length of rows of terraced houses in the locality'. Noting also that: 'Residents in Ladbrooke Close already have a rear outlook dominated by rising land, fences, vegetation and tall poplar trees,' the Inspector did 'not consider that the appearance or character of the proposed development would be harmful to the living conditions of neighbouring residents'.
- 9.7 The Inspector concluded that, given that the block 'would occupy a site virtually surrounded by other development' and although it 'would look different to' its surroundings, 'provided it was appropriately and sympathetically designed and landscaped...(the block) would not cause harm to the appearance and character of the area or be contrary to planning policy guidelines', it would 'in fact...be an enhancement of the locality'.
- 9.8 Since the appeal was decided the Council has adopted the Residential Design SPD, and the NPPF has been introduced otherwise the planning policy background remains the same. The SPD does not counter the findings of the Inspector and so the principle of the development is considered acceptable and the development shall now be considered under more detailed policy criteria.

### **Design, Scale and Appearance**

- 9.9 The first, second, fourth and sixth bullet points to paragraph 58 of the NPPF state that planning decisions should ensure that developments: -
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 of the NPPF indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Design is therefore a key element in delivering a sustainable development which in turn leads to an acceptable development.

- 9.10 Officers have negotiated with the applicants in an attempt to achieve a better designed and higher quality scheme than the previously approved development

(which was supported by the Planning Inspectorate). These negotiations have resulted in a revised design that includes cosmetic enhancements to the elevations and roofscape of the apartment block and a reduction in the scale and mass of the building when compared with the previous permissions. The revised scheme offers a visual improvement to the design quality of the proposed development than that previously granted planning permission.

The means of access, landscaping, and parking provision is similar to the previous permissions.

- 9.11 UDP policy H10 provides criteria to be met when considering the detail of housing developments including design which meets the needs of potential occupiers, provides an attractive, convenient and safe environment for the local community and complements or enhances the character and appearance of the surrounding area. The character of the area is made up from a number of elements which was recognised by the Planning Inspector on a previous application and the scale has - not altered since the previous approvals. It is considered the scale of the building is acceptable and will comply with UDP policy H10.
- 9.12 The principles within SPD policy RD2 align with UDP policy C1 in requiring development to respect the distinct settlement pattern and townscape of the area. Having accepted the scale, it is also considered the materials proposed will respect the surrounding buildings and are in keeping with the character of the area.
- 9.13 The key features of the submitted landscape plan include;
- Retention of poplar trees along the west property boundary (shared with Ladbrooke Close) and allocation of a generous root protection area;
  - Communal garden predominantly lawn to provide amenity space;
  - Low shrub planting along front building elevation and throughout car park;
  - Brick paving around building and pedestrian footpath of Vernon Street up to King Street.

The retention of the significant line of Poplar trees will benefit the site and area generally providing an interruption of view of the development whilst retaining an important feature of the area. It is considered the proposed development and landscape proposals will enhance both the development and character of the area and would comply with UDP policy N5.

- 9.14 The design of the apartment block and materials proposed are compatible with the character of the locality and therefore the development is considered to accord with Section 7 of the NPPF and UDP and SPD policies.

### **Residential Amenity**

- 9.15 To help protect the amenities of both future and existing occupiers of residential properties, minimum separation distances are required between buildings. Separation distances are considered necessary in cases where it is appropriate to ensure privacy where overlooking of windows and gardens might be significant.
- 9.16 The minimum separation distances are set out in SPD policy RD5 which also makes allowances for degree of angle, height of buildings and differences in site levels. The policy confirms a minimum separation distance between habitable room windows on two storey developments of 21 metres where habitable room windows directly

overlook. Added to this should be 3 metres for every additional storey and 1 metre for every metre difference in ground level.

- 9.17 The proposed east and west elevations of the building (front and Rear) will maintain a 30m separation to the rear elevation of properties fronting Ladbrooke Close and Kings Road. The north (side) elevation of the building facing the rear elevation of Ladbrooke Road, achieves a minimum separation distance also of 30m. Taking into account the number of stories and difference in site levels, the proposed development would meet the requirements of this policy which should ensure there is no significant impact on the occupiers of neighbouring properties.

### **Highways**

- 9.18 Head of Environmental Services – Highways confirms the development of 24 apartments would be expected to create around 10 vehicle trips at peak hour and consequently it is not anticipated that this level of traffic would have any significant impact on the local highway network.
- 9.19 The proposed development will have 36 car parking spaces which is a provision of 150% and will be in compliance with UDP policy T10.
- 9.20 The proposed access from Vernon Street, will utilise an existing access point onto Kings Road and would reduce disruption of the development as new access points would not be required. Vernon Street would be made up to adoptable standard and this is considered acceptable to the Head of Environmental Services – Highways.

### **10.0 OTHER MATTERS**

- 10.1 In accordance with UDP policies H5, H6 and T13, the development would be subject to developer contributions secured by way of a section 106 Agreement. The section 106 obligations generator provides figures for contributions for developments which are necessary, directly related to, fair and reasonable in scale and kind to the proposed development. The monies will then be put towards individual infrastructure items in order to mitigate the impact of proposed development on local areas of Green Space, local Education and Highways.
- 10.2 For the development subject to this application, the obligation generator suggests that £20,632.37 contribution towards Green Space which would fund infrastructure improvements to King George's Park, Cedar Park and Smallshaw Fields to include new bins and benches, new play equipment and more sustainable planting. A £18,245.00 education contribution would help fund additional places St Damian's RC High School. The highways contribution is £16,482.24 and will fund new and improved cycle and pedestrian links between Ashton and Queens Road/Palace Road as part of the Ashton/Stalybridge circular route identified in Tameside Cycling Strategy Options Report.
- 10.3 The legal tests for when a Section 106 Agreement can be used are set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended (CIL). As well as the legal tests, the policy tests are contained in the NPPF paragraphs 203 and 204. It is considered the requirement for a Section 106 Agreement for this development is necessary, directly related to the development and related in scale and therefore in compliance with both tests within the CIL Regulations and NPPF.

## 11.0 CONCLUSION

- 11.1 The proposed development would comply with the core principles and Section 6 and 7 of the NPPF and will result in a vacant and previously developed site being brought into beneficial use making a significant contribution to the delivery of the Borough's 5 year housing land supply and has the potential to deliver quality accommodation for the benefit of the Borough and would be in compliance with UDP policy H4.
- 11.2 The regeneration benefits of the residential development are significant to outweigh any potential dis-benefits the proposal may have and the development will not have any significant impact on local residents by virtue of overlooking or loss of amenity. The development is therefore considered acceptable and recommended for approval.

## RECOMMENDATION –

Grant planning permission subject to the prior signing of a Section 106 Legal Agreement and following conditions.

- A) Section 106 Legal Agreement: Precise amounts are:-  
Green Space:- £20,632.37 to fund infrastructure improvements to King George's Park, Cedar Park and Smallshaw Fields to include new bins and benches, new play equipment and more sustainable planting. Education:- £18,245.00 for St Damian's RC High School for additional places. Highways:- £16,482.24 to fund new and improved cycle and pedestrian links between Ashton and Queens Road/Palace Road as part of the Ashton/Stalybridge circular route identified in Tameside Cycling Strategy Options Report.
- B) **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 shall be carried out in accordance with the following approved drawings: - Location plan: 006 100 099 PC; Existing landscaping plan: 006 003 103 PA; Proposed refuse store: 006 003 104 PA; Proposed landscaping plan: 006 100 100 PC; Proposed elevations: 006 100 101 PA; Site plan: 006 100 099PA; Proposed floor plans: 006 100 102 PF; Proposed cross section: 006 100 110 PA
  3. 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.
  4. 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.

5. Prior to construction work commencing above ground, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

6. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

7. Prior to occupation, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose. The area shall be maintained and kept available for the parking of vehicles at all times.

8. The parts of the site to be used by vehicles shall be constructed, drained and surfaced in a manner having been previously submitted to and agreed by the Local Planning Authority. These areas shall be used for the approved purpose only.

9. Prior to occupation of the development, details of a lighting scheme to provide street lighting to the shared parking area 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 in accordance with the approved scheme prior to the occupation of the development.

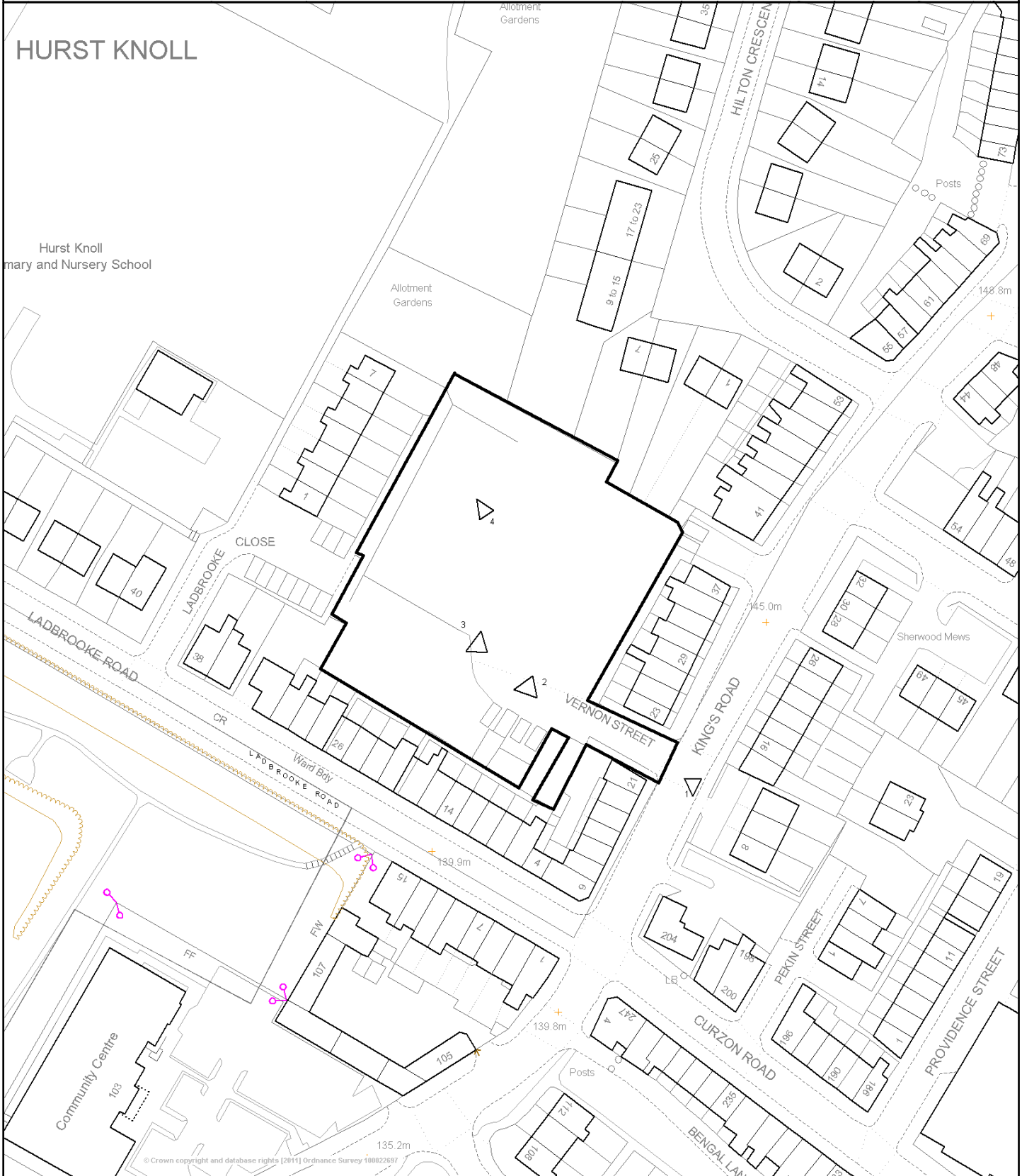


11. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.
12. All trees shown as being retained on the submitted landscape plan and specifically the line of Lombardy Poplar on the northern perimeter, shall be protected to BS5837 during the development.
13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping 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 by the developer unless the Local Planning Authority gives written consent to any variation.
14. Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

**c)**

That the Assistant Executive Director Environmental Services be Authorised to use the Council's Statutory Private Street Works Powers under the Highways Act 1980 to enable the making up of Vernon Street, to enable Development to take place and at the Developers expense.

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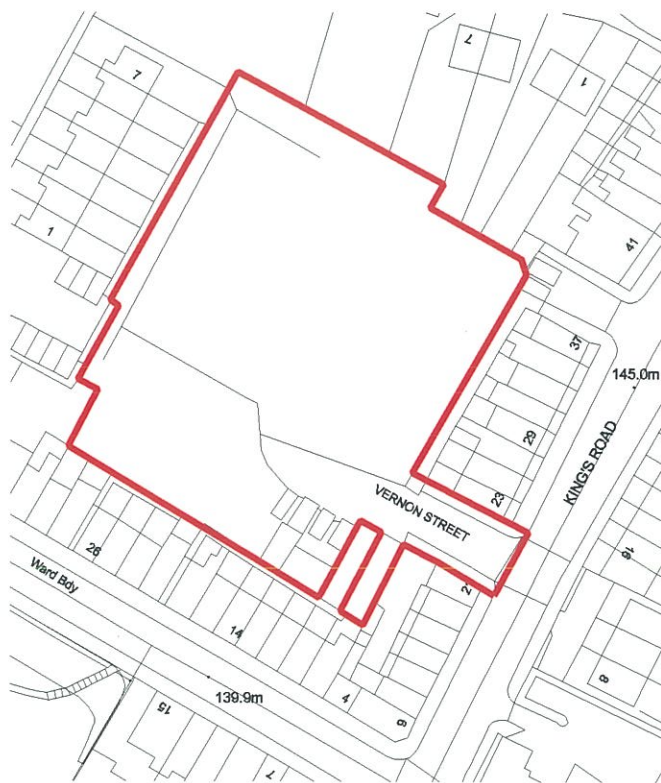


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Scale 1/1129 Date 12/7/2016

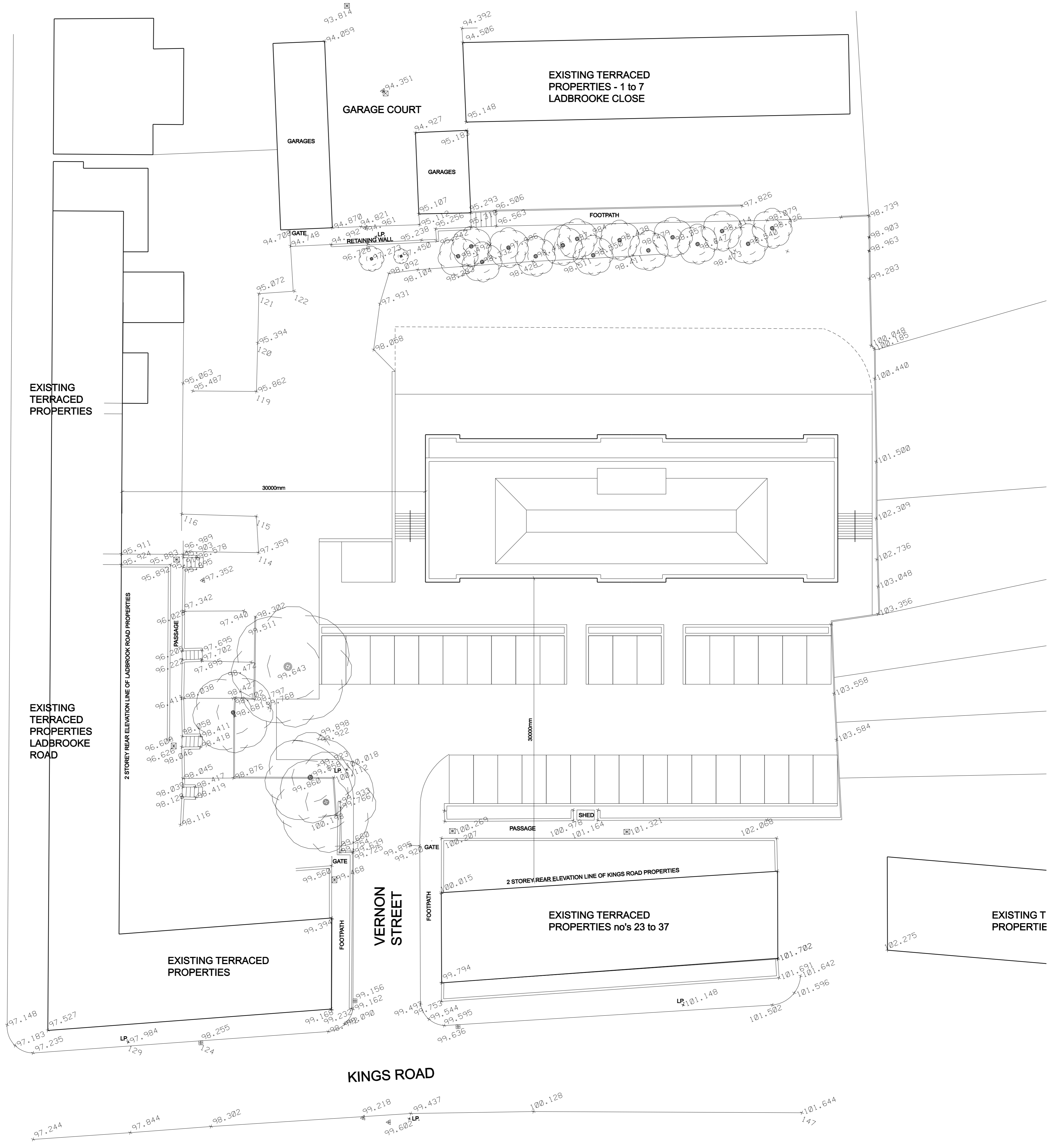
Centre = 394428 E 399944 N

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SITE LOCATION PLAN  
SCALE 1:1250





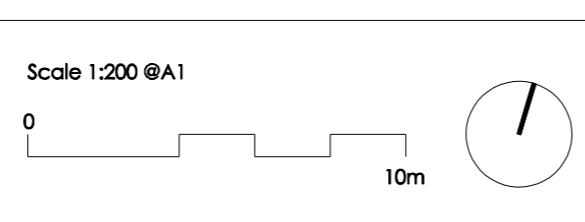
Do not scale from drawings.  
 Refer to figured dimensions only.  
 All internal dimensions shown are to existing finishes or to the face of new finishes.

To be read in conjunction with Structural Engineers and Mechanical and Electrical Engineers information.

All dimensions and setting out to be checked and verified on site prior to construction.

Report all discrepancies between drawn information and site specific information to the architect immediately.

This drawing is copyright of Q Developments Ltd.



Rev:	Amendments:	Initial:	Rev:	Amendments:	Initial:

**Q Developments**

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Project: Vernon Street Ashton		
Title: Site Plan		
Drawn by:	MRA	May 16
Drawing Number:		Revision:
006 100	099	PA



Application Number: 15/00063/FUL

Photo 1



Photo 2





**Photo 3**



**Photo 4**



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## Application Number 16/00054/OUT

<b>Proposal</b>	Demolition of all existing on site structures and the redevelopment of the site for residential dwellings (Use Class C3), landscaping, boundary treatments and vehicular access from Cartwright Street - outline
<b>Site</b>	Newton Business Park, Cartwright Street, Hyde
<b>Applicant</b>	Newton Business Parks (Mr and Mrs Shaw)
<b>Recommendation</b>	Grant planning permission subject to the prior signing of a S106 legal agreement and subject to conditions.

## REPORT

### 1 APPLICATION DESCRIPTION

- 1.1 The application seeks outline planning consent for the demolition of all of the existing buildings on the western portion of Newton Business Park and the redevelopment of the land to provide up to 64 dwelling houses. At this stage the only matter of detail for which consent is sought is the means of access to the redevelopment site and this would be from Cartwright Street. All other matters of detail, namely the layout, appearance, scale and landscaping of the development, are then held in reserve and requiring subsequent consent should this outline application be granted.
- 1.2 The application site comprises 2.19ha of land on the western side of the Business Park that fronts on to Cartwright Street. The application site includes a buffer zone to form its eastern boundary with the remainder of the Business Park. The existing industrial buildings on the application site will be demolished.
- 1.3 The buildings to be demolished include Blocks D & E (6,750sqm), Block F (3,400sqm) and part of Block G (875sqm). The buildings are a mix of ages and styles.
- 1.4 Block D is a large industrial red brick building with 'saw-tooth' roof, constructed in the mid -20th century and is located in the north-west corner of the site, and abuts the highway.
- 1.5 Block E is a two-storey office building with render and red brick facades and a slate pitched roof. The building sits immediately to the south of Block D.
- 1.6 Block F comprises of an ad-hoc arrangement of commercial units including both flat roofed and portal framed buildings, located to the south of Block E.
- 1.7 Block G is a portal frame structure with brickwork and glazed facades with corrugated sheet roof located to the east of block F, and would be part demolished requiring the construction of a new wall.
- 1.8 The proposal would involve the partial demolition of Block G at the southern part of the site and so the building of a new wall on that part of the building that would remain.
- 1.9 An indicative layout plan has been submitted with the application show how up to 64 new homes could be accommodated on the site.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 Having originally comprised a large former ICI factory site dating from the 1920s, Newton Business Park occupies approximately 7ha of land close to the edge of the north-eastern corner of the built-up area of Hyde, some 2km to the north-east of the town centre, and includes a number of commercial buildings of various sizes.
- 2.2 The Business Park is bounded to the north, and, after the road turns to the south, to the east by Talbot Road and to the west by Cartwright Street, and wraps around behind houses in both roads. To the south the site abuts an area of open land before houses on the southern side of Victoria Street.
- 2.3 Land levels change throughout the site and the land is graded to form a number level plateaus and there is a general slope, with a fall of approximately 10m, from Talbot Road to the southern boundary.
- 2.4 The remainder of the Newton Business Park site measuring 4.2ha that sits outside of the application site would be retained for commercial use.
- 2.5 The site's surroundings include a mix of residential and commercial buildings.
- 2.6 The route of the 346 bus service wraps around the site along Talbot Road and Victoria Street providing a regular service between Hyde bus station and Ashton bus station. The bus route then passes close to Hyde Newton and Ashton-under-Lyne railway stations as well as the Metrolink line and the proposed transport inter-change in Ashton town centre.
- 2.7 A local shopping parade, including the King William IV public house, in Talbot Road is situated approximately 80m away.

## **3.0 PLANNING HISTORY**

- 3.1 None relevant.

## **4.0 RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP) Allocation
- 4.1.1 Established Employment Area.

### **4.2 Tameside UDP**

#### **4.2.1 Part 1 Policies**

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

#### **4.2.2 Part 2 Policies**

- H2: Unallocated Sites.  
E3: Established Employment Areas.  
MW11: Contaminated Land.

### **4.3 Other Policies**

- 4.3.1 Residential Design Supplementary Planning Document.  
Employment Land Supplementary Planning Document.

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

- 4.4.1 Section 1 Delivering sustainable development  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design

### **4.5 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 As part of the planning application process 24 notification letters were sent out to neighbouring properties on 14<sup>th</sup> March 2016 and a notice was posted at the site and published in a local newspaper on 17<sup>th</sup> March 2016.

## **6.0 RESPONSES FROM CONSULTEES**

- 6.1 The Head of Environmental Services – Highways has raised no objections to the proposal and has requested conditions and informative notes to be attached to any approval.
- 6.2 The GM Ecology Unit has raised no objections to the proposal and has requested that conditions to be added to any approval.
- 6.3 The GM Archaeological Advisory Service has raised no objections to the proposal.
- 6.4 The Coal Authority has raised no objections to the proposal and has requested that a condition to be added to any approval.
- 6.5 United Utilities has raised no objections to the proposal and has requested that conditions be added to any approval.

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

- 7.1 In response to the original notifications representations have been received from 3 households in Cartwright Street, another from a resident in Shaw Hall Avenue and from an occupier of one of the affected units in the Business Park. One of the householder representations is an objection to the application and on the grounds of:

there being a lack of detail in the application;

increased traffic generation and competition for on-street parking; and,

disturbance during the period of demolition and construction.

- 7.2 Two of the householder representations express the same concerns but statedly without objecting. The fourth representation welcomes the application.

7.3 The representation from the occupier of the unit in the Business Park is an objection on the grounds that the need to relocate will adversely affect business.

## **8.0 ANALYSIS**

8.1 The principal issues in deciding this application are:-

- 1) The principle of the development and the loss of the existing employment site,
- 2) Section 106 Legal Agreement,
- 3) Access and traffic, and
- 4) The indicative layout.
- 5) Residential amenity and regeneration.
- 6) Ecology

## **9.0 The principle of the development and the loss of the existing employment site**

9.1 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development which includes the delivery of a wide choice of quality homes.

9.2 As an established employment area allocated in the Unitary Development Plan the site is not one on which the Council would normally grant permission for residential development and the supporting evidence submitted with the planning application proposal must demonstrate why it should be allowed. The policy (E3) aims to retain employment-generating sites in established employment areas and proposals for residential development will not be permitted unless a number of factors indicate otherwise. These factors include the benefits arising from new residential development; the quantity, type, evidence and demand of employment sites and premises in the area; the suitability of the site in its present form for further employment and; the opportunity which may be presented for new forms of employment. Such an approach is consistent with the NPPF (paragraph 22) which states that:

Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

9.3 The Council's estimated supply of land available for employment use across Tameside has reduced considerably since 31 March 2014 which means that the further release of land for non-employment uses should be considered carefully to ensure that the opportunity for retained or replacement employment opportunities has been fully considered. Many manufacturing and commercial sites have been lost to residential and retailing uses and the much higher land values associated with these uses are putting pressure on remaining sites. The Council wants to encourage

employment development in sustainable locations to enable more enterprise and job opportunities.

- 9.4 When considering proposals for the release of employment land to alternative uses the starting point is to determine the need to retain sites in employment use and the supply of employment land. Given the reduction in land available for employment development within the borough, this consideration weighs heavily against the release of sites to alternative uses.
- 9.5 The Council's policy is supported by the Employment Land Supplementary Planning Document (SPD) which provides more detail on the Council's approach towards proposals that involve the loss of employment land and premises. The application site is 2.19ha which may not be considered significant in terms of overall scale for employment purposes but nevertheless it is important to fully judge the implications and the individual merits of the proposal. Cumulatively the increasing loss of employment sites across the Borough would cause significant harm to the Council's strategy to provide a sufficient supply of employment land. The burden of proof is on the applicant to demonstrate why a site is no longer suitable for continued employment use and a properly-argued justification is required which details the reasons why the site could be released.
- 9.6 The SPD groups existing employment sites in to three categories: high quality, middle ranking and lower quality. Newton Business Park is classified as middle ranking. The SPD acknowledges that when considering the release of an employment site to an alternative use regeneration benefits may be particularly applicable to lower quality sites, and to some extent middle ranking sites.
- 9.7 The SPD acknowledges that in certain cases an applicant may be able to demonstrate that the site's buildings are unsuitable for continued employment use due to their current state of repair. Consideration must then be given to other options that would enable the site to remain in employment use. Before considering release, the Council will need to be satisfied that either refurbishment of the buildings for employment uses or redevelopment of the site for further employment use are not viable. A statement appraising the extent and nature of options for the site must be submitted with the planning application, including a development appraisal or residual valuation for each option. A Viability Assessment submitted with the application explores both of these options for the buildings included within the application site. These are described below and it is found that neither of the options would be viable.
- 9.8 It is the applicant's stated intention that existing tenants occupying units in the proposed development area would be re-accommodated to other available spaces within the remaining the Business Park. Tenants occupying the larger units in Blocks D – G have been allocated specific alternative accommodation, and those occupying smaller units could be re-accommodated in available un-let space, within the Business Park.

### **Option 1 - Refurbishment of the existing buildings**

- 9.9 All let commercial property has now to have an energy performance certificate (EPC) prior to that property being let or sold. From April 2018, proposed legislative changes would make it unlawful to let commercial properties with an EPC rating of F or G. The levels vary from A (very energy efficient – lower running costs) to G (not energy efficient – higher running costs). The potential has been assessed for the

refurbishment of the buildings in order to provide better quality accommodation that meets the Energy Act 2011 requirements

- 9.10 Most of the accommodation at Newton Business Park currently falls in an EPC Rating of E – G. These buildings are outdated and in poor condition and will require extensive refurbishment to both improve the letting quality of the units and to meet new energy standards (Energy Act 2011). In its current condition and layout the refurbishment of all of the units on the existing business park would not significantly increase the level of rental achievable.
- 9.11 Evidence submitted with the application also examines the existing employment land supply in Tameside. This shows that there is 61,522 sqm (662,220 sqft) of vacant space currently available within a 1.5 mile radius of the site the majority of which is of significantly better quality than in the application site. There is also a range of accommodation available in Newton Business Park. Refurbishment will therefore be unlikely to increase rental levels significantly.
- 9.12 The energy improvements across all buildings on the site will therefore not improve the accommodation in terms of layout or configuration it will simply make the units more energy efficient. These improvements will have little on the rental levels achievable in the units, if any at all, but will require significant capital expenditure.
- 9.13 The lack of return for the outlay necessary renders the option of refurbishment of the whole site unviable. However, with the release of 2.19ha of the overall business park for alternative development the remaining buildings within the Business Park can achieve the new Energy Act 2011 requirements and remain lettable, so as to facilitate the retention of employment at the site. It is agreed with the applicant that proceeds from the sale of the land would be used to ensure that the retained buildings will achieve an Energy Performance Certification rating of E, or better by, 2018, in accordance with a detailed schedule of works to be agreed.

## **Option 2 - Full Demolition and redevelopment for employment use**

- 9.14 An indicative scheme has been considered so as to provide an option of redevelopment of the application site for further employment uses. On the basis of a 40% site coverage, which is a standard benchmark for industrial development, the site would provide 8,757sqm of new employment floorspace.
- 9.15 There is currently 12,025sqm of existing buildings on the site which would have to be demolished. These buildings are generally of cast iron or steel frame construction with traditional brick elevations and contained under either pitched slate roof or north roof light sections. There are also sections of asbestos roofing which will have to be demolished under strict supervision which will increase demolition costs.
- 9.16 The Viability Assessment submitted in support of the application was carried out in accordance with an agreed methodology and demonstrates that the redevelopment of the site for employment uses would result in a negative land value of - £2,112,573, which indicates that the option of the full demolition of the buildings and the redevelopment of the site is unviable.

## **10.0 Section 106 Legal Agreement**

- 10.1 In order that the remaining buildings within the Business Park can be upgraded and remain lettable, so as to facilitate the retention of employment at the site, it is agreed with the applicant that proceeds from the sale of the land would be used to ensure



that the retained buildings will achieve an Energy Performance Certification rating of E, or better by, 2018. Should the Panel be minded to approve the application, such an agreement would form part of the terms of an Agreement under Section 106 of the Planning Act 1990 and should include a schedule of proposed works.

- 10.2 In accordance with the Community Infrastructure Levy Regulations 2015, which is intended to provide infrastructure to support development, rather than to make individual planning applications acceptable in planning terms, it is agreed additionally with the applicant, so as to compensate for the impact of the development on the demand for school places, other terms of the agreement would be that a financial contribution of £886 per 2 -bedroom dwelling, £1,234 per 3-bedroom dwelling and £1,353 per 4 bedroom dwelling be made towards education made toward increasing the number of places available at Hyde Community College to accommodate increases in secondary school pupils in the area.

### **11.0 Access and traffic**

- 11.1 The development would be served by single point of access located centrally to the site frontage in Cartwright Street. All other existing site accesses will be stopped up. The location of the site access would provide the maximum visibility up and down the road. The access point is also at the midpoint of the fall of the land level across the site. Vehicular access to the houses will be via the new roads within the site. Parking provision for houses within the development would be subject to compliance to usual requirements so as to avoid undue increased competition for spaces.
- 11.2 A Transport Statement submitted with the application concludes that, based on the proposed development of 64 houses, it is estimated that the residential development would generate 31 two-way trips during the morning peak between 08.00am and 09.00am, and 32 two-way trips during the afternoon peak between 17.00 and 18.00. In comparison it is estimated that the current employment use generates around 72 two-way trips during the morning peak hour and 62 two-way trips during the afternoon peak hour. The proposed residential development would therefore result in a net reduction of 41 fewer two-way vehicle trips during the morning peak, and 30 fewer trips during the afternoon peak.
- 11.3 The nearest bus stops to the site, with eastbound and westbound services, are located on Talbot Road, adjacent to the site's northern boundary. The stops on Talbot Road are served by Service 346, which operates between Hyde town centre, Newton, Dukinfield, Ashton town centre and Tameside General Hospital. The bus route then passes close to Hyde Newton and Ashton-under-Lyne railway stations as well as the Metrolink line and the proposed transport inter-change in Ashton town centre.
- 11.4 Being mid-way along the frontage with Cartwright Street the proposed access point to the site would be in the most appropriate location. The traffic generated by the development would not exceed of generated by the existing commercial use of the site. Given the proximity of the 346 service bus route, and that the local shopping parade, including the King William IV public house, in Talbot Road is situated approximately 80m away along the road the site is located in a relatively accessible area.

### **12.0 Indicative layout**

- 12.1 Despite the proposed layout of the site being held in reserve the application is accompanied by an indicative drawing showing how the site might be laid out. On

this drawing, after the access road enters the site there are spurs to the north and the south.

- 12.2 To the north the spur ends as a cul-de-sac with a vehicle turning-head. Houses on the western side of the northern spur face out on to Cartwright Street with car parking behind, taken from the spur. On the eastern side the houses face on to the spur, with parking in front or possibly in integral garages.
- 12.3 Houses beyond the turning-head, along the site's northern boundary face out on to Talbot Road. These houses are arranged in two terraces, of four and five houses respectively, with a footpath and cycle link to Talbot Road in-between.
- 12.4 To the south the spur loops around to re-join itself. Houses on the western side again face out on to Cartwright Street, with parking behind. The remaining houses face out on to the new road.
- 12.5 Overall the mix of houses shown includes fifteen terraced houses, twenty-eight semi-detached houses and twenty-one detached houses.
- 12.6 The proposed housing site would be separated from the remaining Business Park by a landscaped buffer, shown on the indicative plan to be approximately 10m wide, running north-south along the eastern boundary of the development site.

### **13.0 Residential Amenity**

- 13.1 A Noise Impact Assessment has been submitted in support of the application. A baseline noise survey was carried out in order to determine the existing noise climate of the area and this concludes that the noise climate of the area is dominated by road traffic movements on the surrounding road network, particularly Talbot Road and Cartwright Road.
- 13.2 The Assessment finds that mitigation should be considered as part of the detailed design of the development, to ensure that a commensurate level of protection against noise is achieved. This is necessary to mitigate against the effects of road traffic noise within external living spaces during the daytime period and, being a detailed matter, would be addressed when an application for approval of reserved matters is being considered. At this outline stage allowance has been made within the site layout for a buffer zone between the retained Business Park units and the proposed residential development. The Noise Impact Statement submitted with the application suggests that noise mitigation be provided in the form of a 4.0m high bund/barrier along the full eastern boundary and additional acoustic attenuation fence as part of the landscaping details to be considered as a reserved matter.
- 13.3 At present the site's visible boundaries to Talbot Road and Cartwright Street consist primarily of solid brick walls. The proposed redevelopment of the site would have undoubted regeneration benefits in providing active frontages to these streets and, in the removal of the existing walls, improving the character and appearance of the locality and so improving the amenity of existing residents.

### **14.0 Ecology**

- 14.1 A Bat Survey Report has been submitted with the application and this finds no evidence of bats using the site for roosting. The Report does recommend that the cladding on one building (B7) be removed by hand as it had low potential to support bats. It is therefore recommended that any permission is conditional upon a method

statement for the demolition of this building being submitted to, and be agreed by the Council, prior to any works commencing on site.

- 14.2 The Design and Access Statement submitted with the application contends that the proposed development will offer the opportunity to enhance the biodiversity of the site, but specifies only that this would be achieved with a landscaping scheme utilising native planting. It is therefore recommended that any permission is conditional upon full details of biodiversity enhancement measures for the site being submitted to, and be agreed by the Council, prior to any works commencing on site.

## **15. Conclusion**

- 15.1 There is a clear need to retain productive employment sites and there is a quantitative need to resist proposals for alternative uses on these sites unless a case for redevelopment can be demonstrated. However, it is accepted that in this case the site's buildings are unsuitable for continued employment use due to their current state of repair and the refurbishment of all of the buildings across the whole site for employment uses or redevelopment of the site for further employment use are unviable. The application must therefore be treated on its own merits.
- 15.2 The proposed redevelopment of the site would support the retention of the remaining Business Park in employment use which would then continue to add to the vibrancy and diversity of the area and sustain an appropriate mix of uses, as well as provide active street frontages, both of which are advocated by the NPPF.
- 15.3 The application proposals represent a sustainable development in a highly accessible location. The implementation of the permission would provide economic benefits by enabling funding to be released for the consolidation of the remaining Business Park and its continued operation. The construction phase of the development will create a job in the construction sector over the built time of the development, as well as further indirect job opportunities.
- 15.4 The proposals would regenerate an unsightly site and so significantly enhance the appearance of the local area whilst delivering a mix of housing types, adding to the supply, and diversifying the range of choice of housing, at a suitable and available site that is in close proximity to a range of services and public transport services.
- 15.5 The principle of the release of the land for alternative is considered to have satisfied the requirements of UDP policy E3 and so can be accepted in this case.

## **RECOMMENDATION**

Grant planning permission subject to

- a) The prior signing of a Section 106 Legal Agreement,
- b) The following conditions and
- c) Approval to process a Traffic Regulation Order.

### **A) Section 106 Legal Agreement to achieve the following:**

- a) ensure that no development is to commence until a scheme for works to upgrade the retained buildings in Newton Business Park, as indicated on the approved plans, to achieve an Energy Performance Certification rating of E, or better by, April 2018 has been submitted to, and approved in writing by, the local planning authority;

- b) ensure that no more than 50% of the residential units be constructed until such time as the works to upgrade the retained buildings to an Energy Performance Certification rating of E, or better, have been completed and certified by an independent Energy Performance Certification assessor and the Certificate has been submitted to, and approved in writing by, the local planning authority;
- c) includes provision for an approved scheme for the management and maintenance of the landscaped buffer and acoustic attenuation measures separating the two sites
- d) Includes a requirement for sums based on the total number of dwellings applied for at reserved matters based on the following calculations:

Education - £886 per 2 -bedroom dwelling, £1,234 per 3-bedroom dwelling and £1,353 per 4-bedroom dwelling to be spent at Hyde Community College – payment of contribution to be made prior to occupation of first dwelling.

**B) Subject to the Following Conditions:**

- 1. Before any development is commenced approval shall first be obtained from the local planning authority with respect to the reserved matters, namely the layout, scale, appearance, and landscaping of the development.
- 2. The application for approval of reserved matters shall include no more than 64 residential units.
- 3. Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4. The plans and particulars to be submitted with the reserved matters shall include full details of both hard and soft landscape works, including a landscaped buffer between the development site and the remaining Business Park, inclusive of existing vegetation cover and ancillary built structures. These details shall include:-
  - a) hard - existing and proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures [eg: furniture, play equipment, refuse or other storage units, signs, lighting etc], proposed and existing functional services above and below ground [eg; drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc], retained historic landscape features, proposals for restoration),
  - b) soft - planting plans, written specifications [including cultivation and other operations associated with plant and grass establishment], schedule of plants [noting species, plant sizes and proposed numbers/densities where appropriate], implementation programme).
- 5. The plans and particulars to be submitted with the reserved matters shall include details of the existing and proposed ground levels for the whole site, and the proposed finished floor levels of the dwellings. The development shall then be implemented in accordance with such details as approved.
- 6. The plans and particulars to be submitted with the reserved matters shall include full details of biodiversity enhancement measures for the site including a timetable for implementation which shall be approved in writing by the Local Planning Authority.

The approved enhancement measures shall then be implemented in accordance with the approved timetable.

7. The development hereby permitted shall be carried out in accordance with the following approved plans: that ref. 13812-103 and, in so far as it relates to access to the site only, that ref. 13812 -110 rev. B and drawing ref. NBP-002 by AECOM and forming Appendix E to the submitted Transport Plan.
8. 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.

9. Prior to the commencement of any development:

details of a scheme of intrusive site investigations, including gas monitoring, in order to establish the exact situation regarding coal mining legacy issues on the site shall be submitted to, and approved by, the local planning authority;

any approved scheme shall then be undertaken and a report of findings arising from the investigation, including a scheme of any necessary remedial works, shall be submitted to, and approved by, the local planning authority.

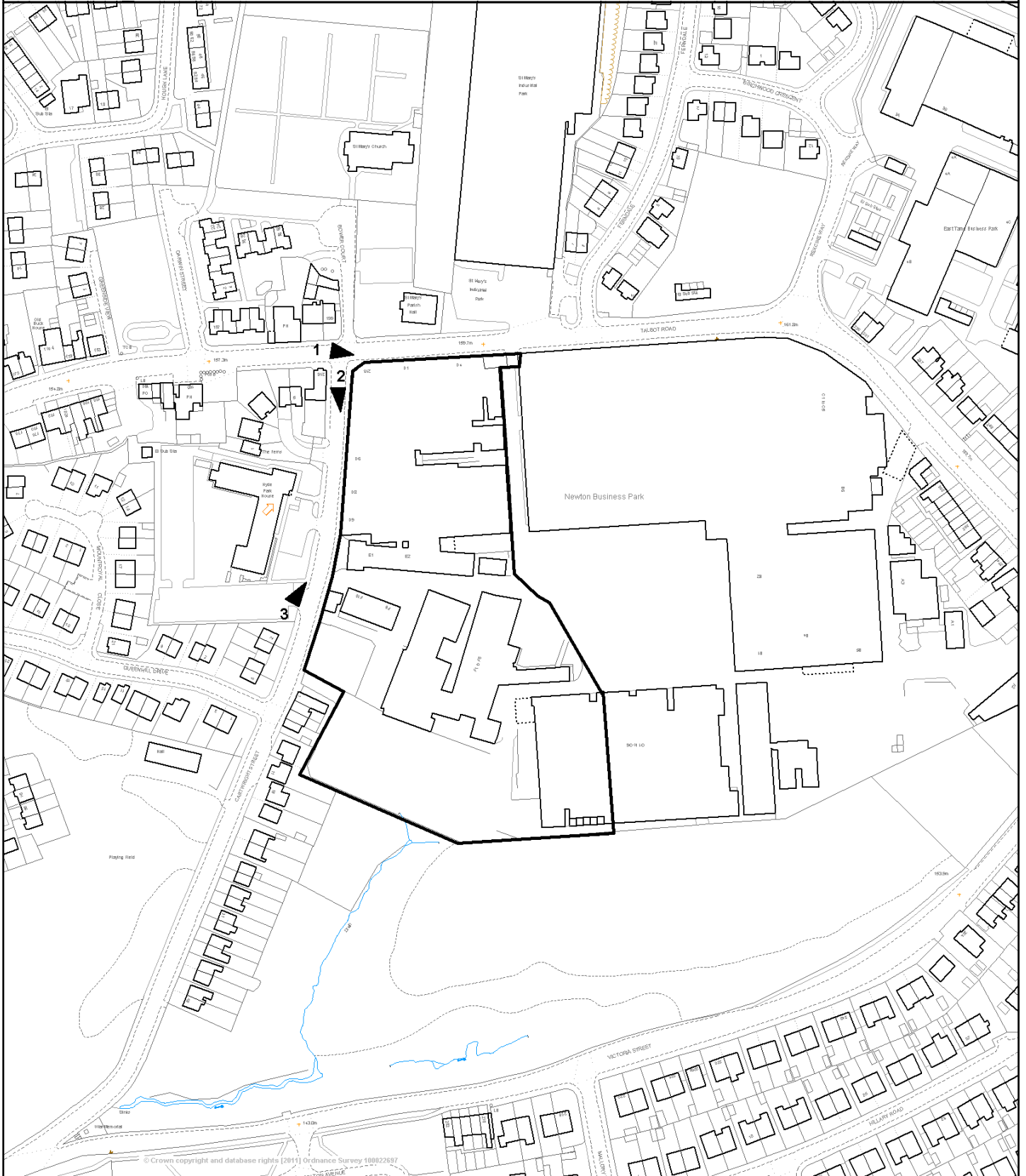
The development shall then be implemented in accordance with the approved remedial works.
10. Prior to the demolition of building B7, as identified in the submitted Bat Survey Report, a method statement for the demolition shall be submitted to, and be approved in writing by the local planning authority. The demolition of the building shall be carried out in accordance with such an approved statement.
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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Foul and surface water shall be drained on separate systems.

The development shall be completed in accordance with the approved details

12. A clear view shall be provided at the junction of site access road with Cartwright Street. Its area shall measure 2.5 metres along the centre of the access and 43 metres in each direction along the edge of the roadway in Cartwright Street. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access.
  13. A clear view shall be provided on both sides of the any driveway or vehicular access where it meets the footway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
  14. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to and approved in writing by the local planning authority. These measures shall be implemented and retained in operation through the duration of the building works.
  15. During demolition and 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.
  16. No development shall commence until such time as a scheme for acoustic attenuation for the approved residential dwellings to protect against road and industrial noise (associated with the uses on the adjoining site) has been submitted to and approved in writing by the Local Planning Authority (Insert standard to be achieved?). The approved attenuation measures shall be installed in accordance with a timetable to be approved in writing by the Local Planning Authority and no dwelling shall be occupied until such time as the approved measures for the site and/or that property have been implemented in accordance with the approved timetable.
- C)** That the Assistant Executive Director Environmental Services be authorised to process any Traffic Regulation Order considered necessary and in accordance with the Road Traffic Regulation Act 1984. Subject to the resolution of any objections received during the public consultation period.



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Scale 1/2500 Date 27/9/2016

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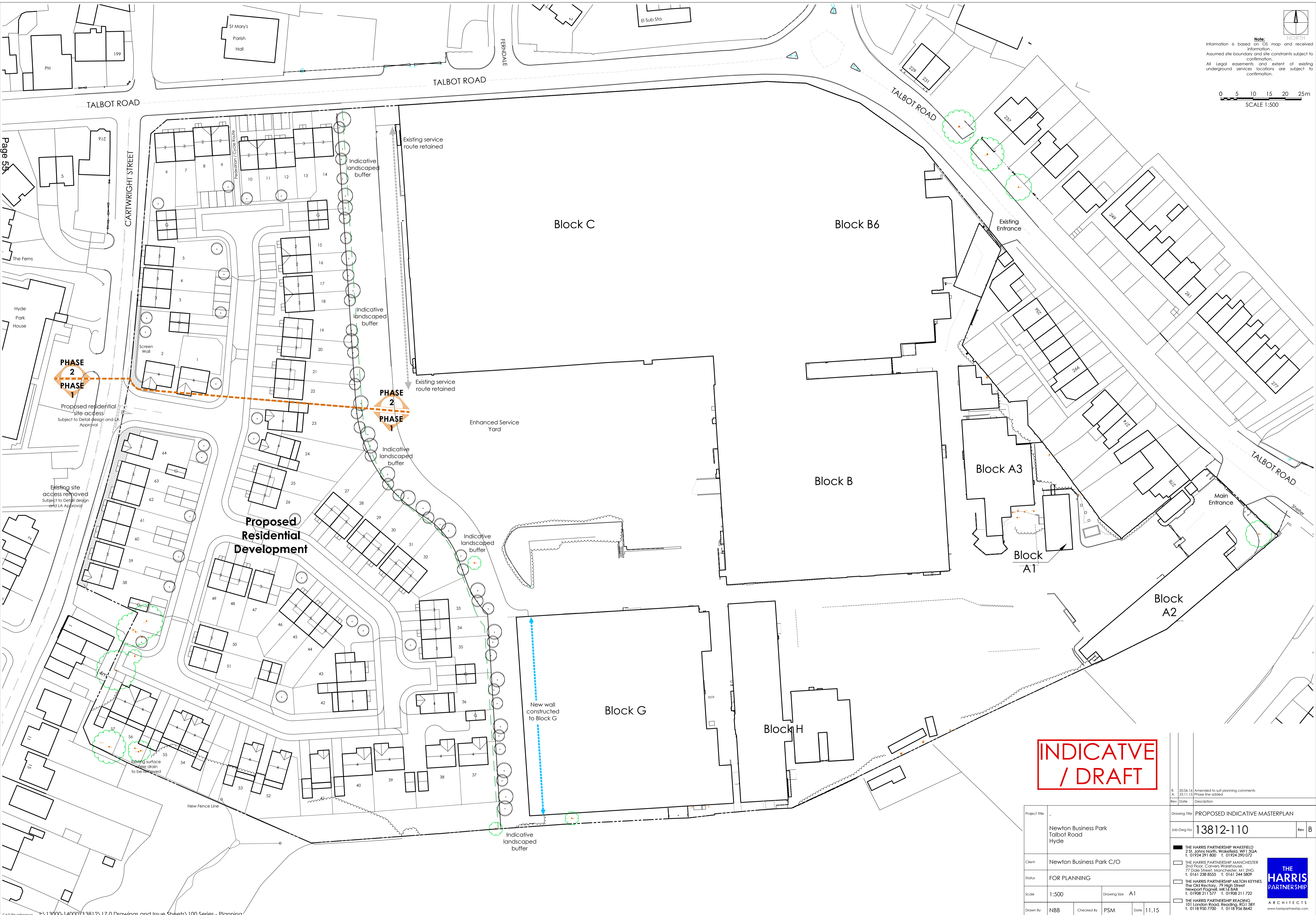
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Page 56

**INDICATIVE / DRAFT**

Project Title	Newton Business Park Talbot Road Hyde	Client	Newton Business Park C/O
Status	FOR PLANNING	Scale	1:500
Scale	1:500	Drawing Size	A1
Drawn By	NBB	Checked By	PSM
Date	11.15		

Rev	Date	Description
B	20.06.16	Amended to suit planning comments
A	23.11.15	Phase line added

Drawing Title	PROPOSED INDICATIVE MASTERPLAN
Job-Dwg No	13812-110
Rev	B

THE HARRIS PARTNERSHIP WAKEFIELD  
 2 St. Johns North, Wakefield, WF1 5QA  
 T. 01924 291 800 F. 01924 290 072  
 THE HARRIS PARTNERSHIP MANCHESTER  
 2nd Floor, Corners Warehouse,  
 77 Dale Street, Manchester, M1 2HG  
 T. 0161 208 8555 F. 0161 244 9809  
 THE HARRIS PARTNERSHIP MILTON KEYNES  
 The Old Rectory, 79 High Street  
 Newport Pagnell, MK16 8AL  
 T. 01908 211 577 F. 01908 211 722  
 THE HARRIS PARTNERSHIP READING  
 101 London Road, Reading, RG1 5BY  
 T. 0118 950 7700 F. 0118 756 8642

Application Number: 16/00054/OUT

Photo 1



Photo 2



Photo 3



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**Application Number.:** 16/00386/FUL  
**Proposal:** Extension to shop front  
**Site Location:** 699 Windmill Lane, Denton  
**Applicant:** Mr Chomok Ali  
**Recommendation:** Approve

## REPORT

### **1.0 SITE AND SURROUNDINGS**

- 1.1 The application relates to an existing hot food takeaway. The premises are single storey in height with glazing and a door to the front elevation and a canopy above. The shop comprises of a waiting area, serving area, kitchen, toilet, cloakroom and store. Externally there is a small forecourt area in front of the premises.
- 1.2 The premises are situated at the end of a row of retail units within a local shopping parade on the southern side of Windmill Lane, Denton. Adjoining uses include a post office at 697 Windmill Lane.

### **2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the erection of a single storey extension to the front of the existing hot food takeaway premises. The extension projects some 1.4 metres out from the original front elevation and covers the full width of the existing frontage. It will sit beneath an existing canopy which will form the roof to the proposed extension. The extension proposes a full height glazed window and door to the front elevation. The extension proposes materials to match those on the existing premises.
- 2.2 Since the original submission the application has been amended to provide an additional window in the side (eastern) elevation which faces the boundary with the adjoining retail premises at 697 Windmill Lane.
- 2.3 The extension will provide 10 square metres of additional floor space in the form of an extended 'waiting area' to the hot food takeaway.

### **3.0 PLANNING HISTORY**

- 3.1 There is no relevant planning history relating to this application.

### **4.0 RELEVANT PLANNING POLICIES**

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

Unallocated

Local Shopping Centres and Parades

#### **4.2 Tameside UDP**

#### **4.3 Part 1 Policies**

1.12 Ensuring and Accessible, Safe and Healthy Environment

#### **4.4 Part 2 Policies**

C11 Shop Fronts

S9 Detailed Design of Retail and Leisure Developments

#### **4.5 Other Policies**

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

Section 7 Requiring Good Design

Section 8 Promoting healthy communities

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

4.8 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 As part of the planning application process, 6 notification letters were sent out to neighbouring properties on 29 April 2016. Following the application being amended, additional notification letters were sent to the same neighbours on 25 July 2016.

#### **6.0 RESPONSE FROM CONSULTEES**

6.1 Head of Environmental Services - Environmental Protection have no objections to the proposal.

6.2 Head of Environmental Services – Highways have no objections to this proposal.

6.3 Greater Manchester Police (Design for Security) raised concerns about the original proposal but following an amendment that included an additional window being incorporated into the side elevation of the proposed extension, GMP have confirmed no objections to the application.

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

7.1 Councillor Mike Smith has requested that the application be determined by Speakers Panel.

7.2 In response to the original notification, one letter of objection was received from the owner of the adjoining Post Office at 697 Windmill Lane. The reasons given for objecting are as follows:

- The extension would be of limited use to the applicant – there is already ample space for customers in the existing shop.
- The extension would screen views of the existing Automatic Teller Machine (ATM) at the front of the Post Office
- The ATM performs a positive role for many businesses within this parade of shops.
- Anything that would cause customers not to be aware of the ATM would potentially cause a reduction in the custom for this parade of shops.

## **8.0 ANALYSIS**

8.1 There are no objections to the principle of the development in this location. The key issues pertinent to the determination of this application relate to:

1. Design
2. Highway and pedestrian safety
3. Public safety

The above matters are considered in more detail below.

### **8.2 Design**

8.3 In terms of its detailed design, UDP Policies S9 and C11 require extensions to retail premises and new shop fronts to respect the materials, design, scale and character of the existing building and surrounding shop fronts. Section 7 of the NPPF also makes clear the importance of good design in new development.

8.4 The application premises occupy a prominent position facing a main road frontage. Whilst the row of retail premises in which the premises sit is fairly uniform in terms of its style and design, there is some variation in terms of window design and a neighbouring retail unit at 709 Windmill Lane has recently extended their premises in a manner similar to that proposed by this application.

8.5 The proposed extension to the front elevation is relatively small scale in terms of its size and floor area created. It does not project in front of the existing canopy at the front of these premises and in this regard it is not considered that the proposal would have any undue impact on the general street scene or character of the surrounding area. The detailed design of the shop front is considered to be in keeping with that of the adjoining retail premises and in complete accordance with UDP Policy C11.

## **8.6 Highway and pedestrian safety**

- 8.7 The pedestrian entrance into the premises has been designed to ensure safety and convenience for its users with a level access proposed onto the existing forecourt area on Windmill Lane.
- 8.8 The proposal is not considered to increase existing demand for customer or staff parking at the application premises and the proposed extension does not compromise any of the existing car parking spaces on Windmill Lane.
- 8.9 On this basis the proposal is acceptable and no objections have been raised by the Head of Environmental Services (Highways) on highway safety grounds.

## **8.10 Public Safety**

- 8.11 Paragraph 69 of the NPPF states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 8.12 The application site adjoins Windmill Lane Post Office which has an existing Automatic Teller Machine (ATM) in the front elevation in close proximity to the proposed extension. Greater Manchester Police (Design for Security) originally raised a number of concerns relating to the potential for crime due to the reduction in natural surveillance of the ATM when viewed from Windmill Lane resulting from the proposed extension. This was primarily because the extension is situated in close proximity to the ATM and will partially screen the machine when viewed from Windmill Lane. To address this issue, Greater Manchester Police suggested amendments to the design of the extension and increase lighting in the area.
- 8.13 The application has subsequently been amended and an additional window has been incorporated into the side elevation. Greater Manchester Police (Design for Security) have confirmed no objections to the revised proposal. On this basis the proposal is considered to be acceptable and in accordance with UDP Policy S9 (e).

## **8.14 Other Issues**

- 8.15 The issue raised by the adjoining occupier regarding the possible reduction in trade resulting from the proposed extension partially screening the ATM from Windmill Lane is not material to the determination of the application and not a reason for refusing planning permission.

## **9.0 CONCLUSION**

- 9.1 To conclude the proposed extended and redesigned shop front is not considered to result in any undue impact on the character of the locality or existing building to which it relates. The proposal is also unlikely to result in any detrimental impact on

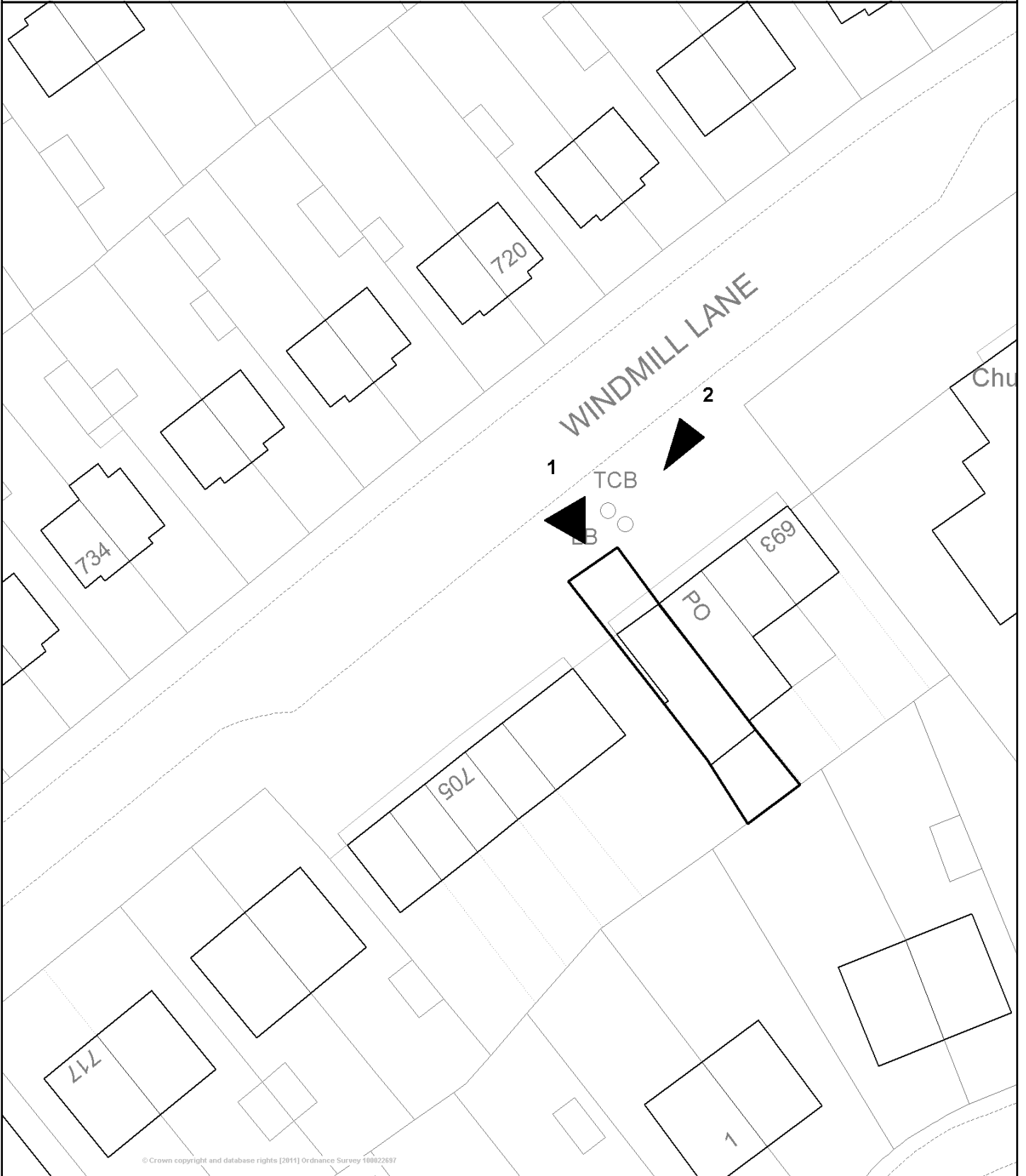


highway safety and has incorporated crime prevention measures within the design to address the initial concerns raised relating to public safety. As such the proposal is in complete accordance with national and local planning policy.

**RECOMMENDATION:** To grant planning permission subject to 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 shall be carried out in accordance with the red edged Site Location Plan received by the Council on 21 April 2016 and amended drawing no. PA001 dated July 2016 and received by the Council on 7 July 2016.
3. 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.

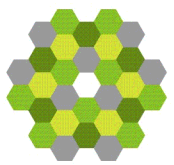
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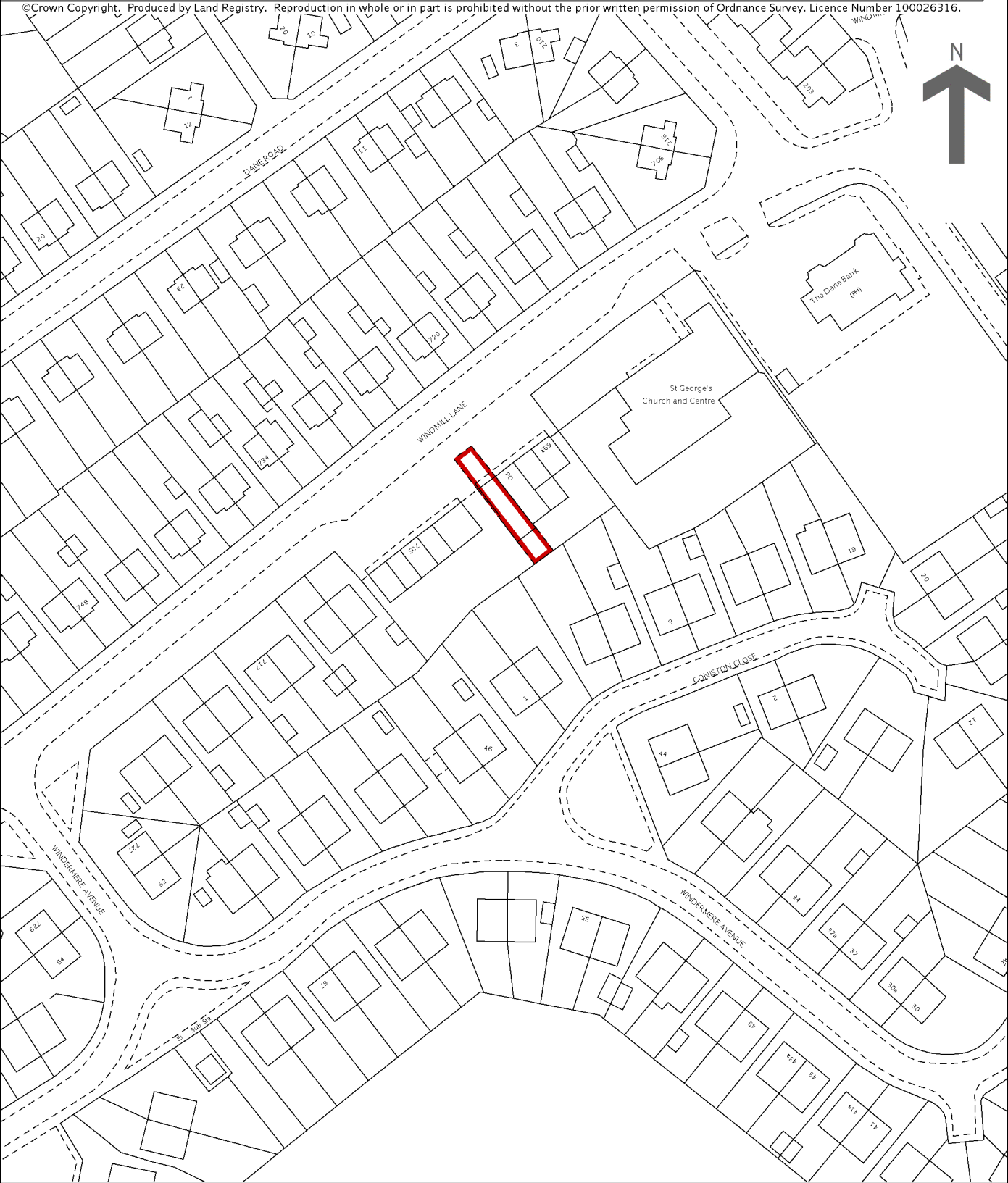
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Scale 1/500      Date 18/8/2016

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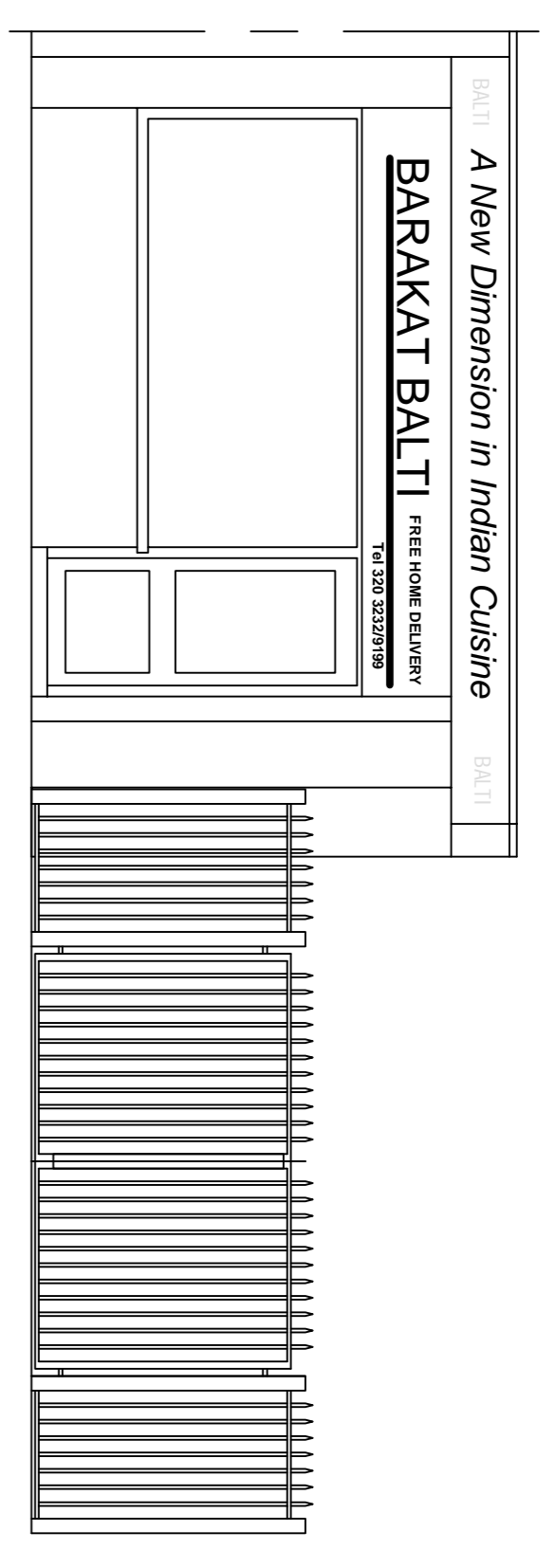


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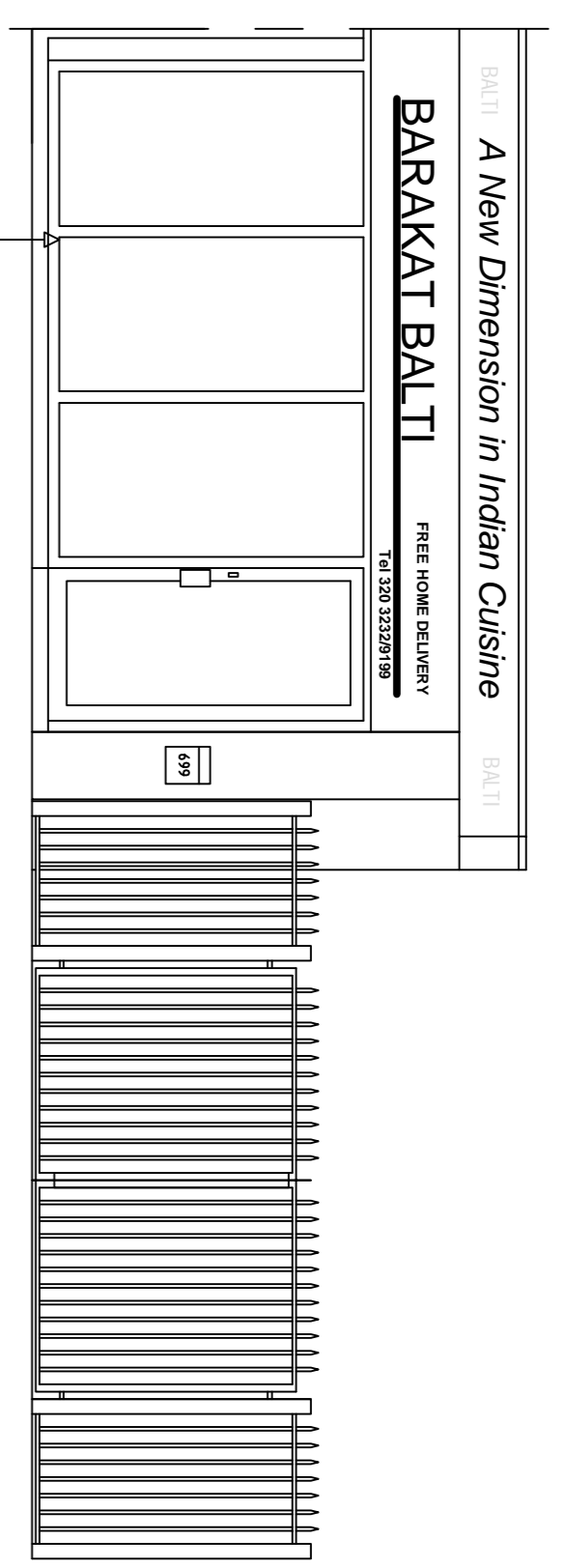
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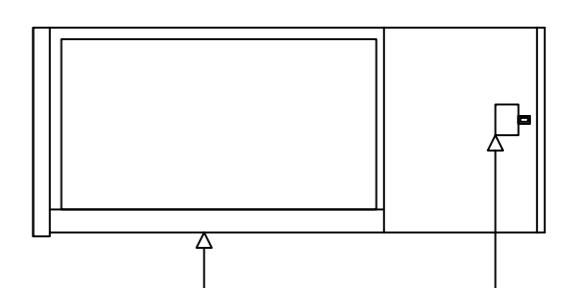
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EXISTING FRONT ELEVATION



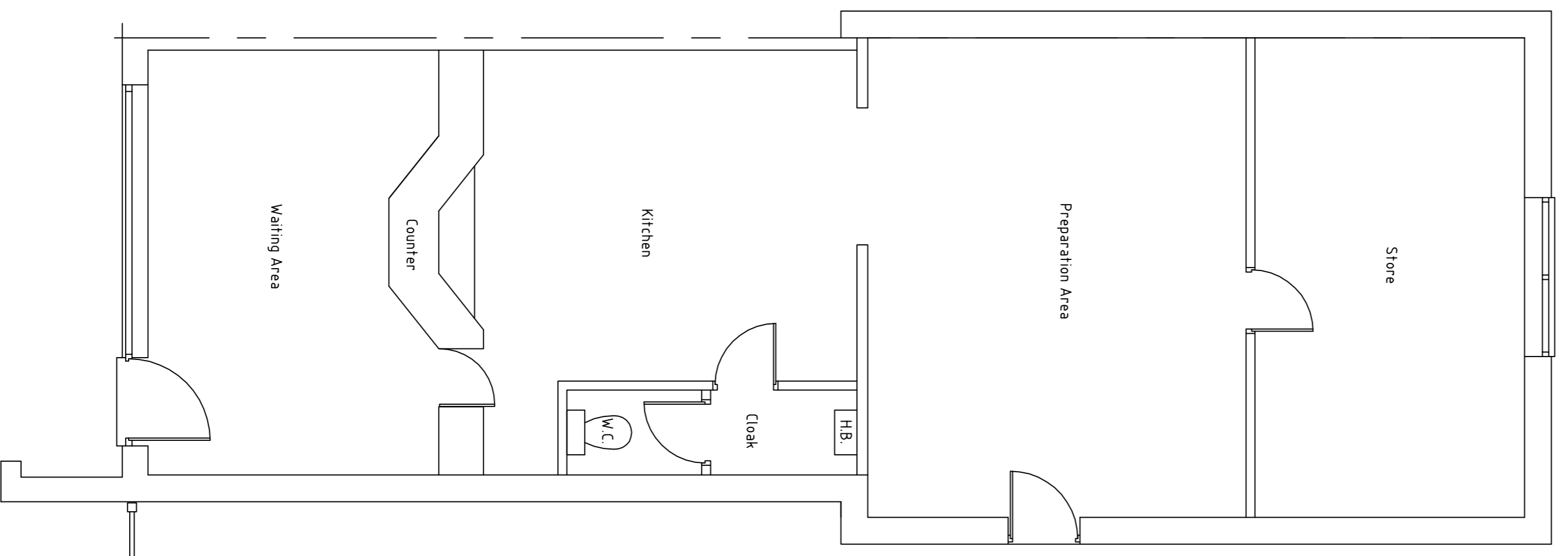
PROPOSED FRONT ELEVATION



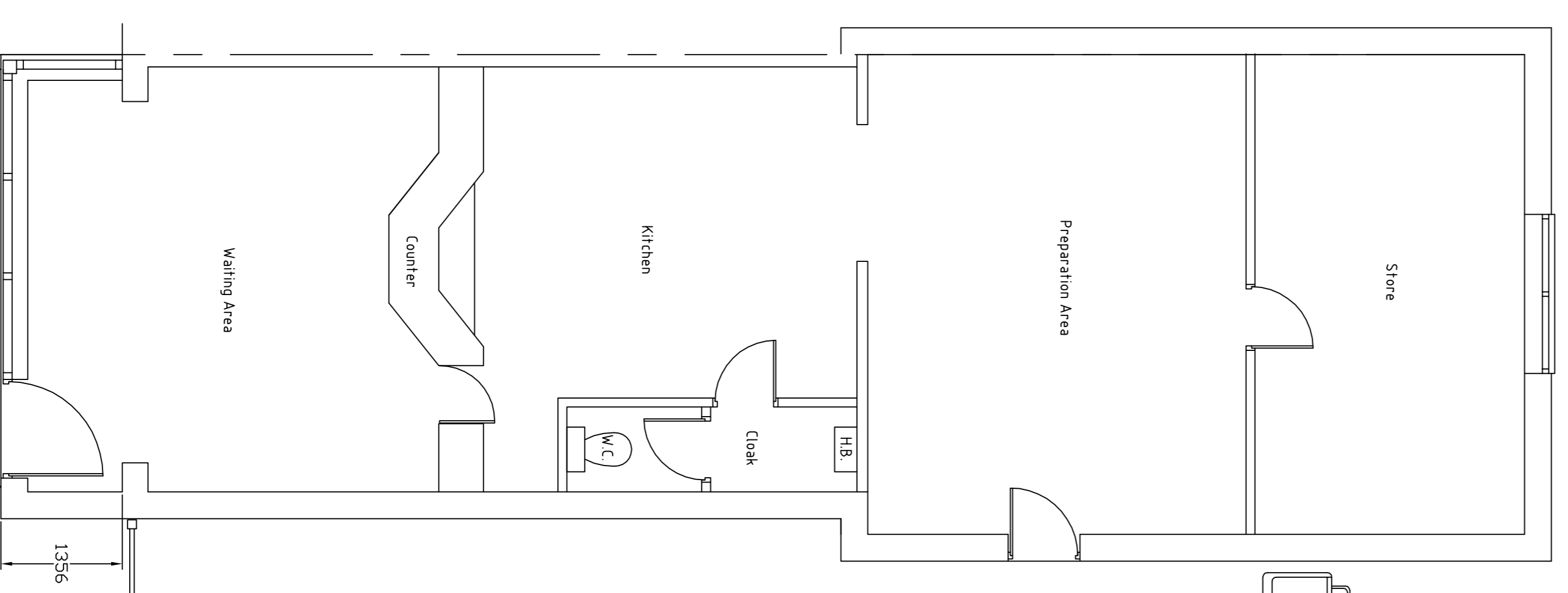
VIEW ON ARROW 'A'

Security light to be fitted with light and movement sensor

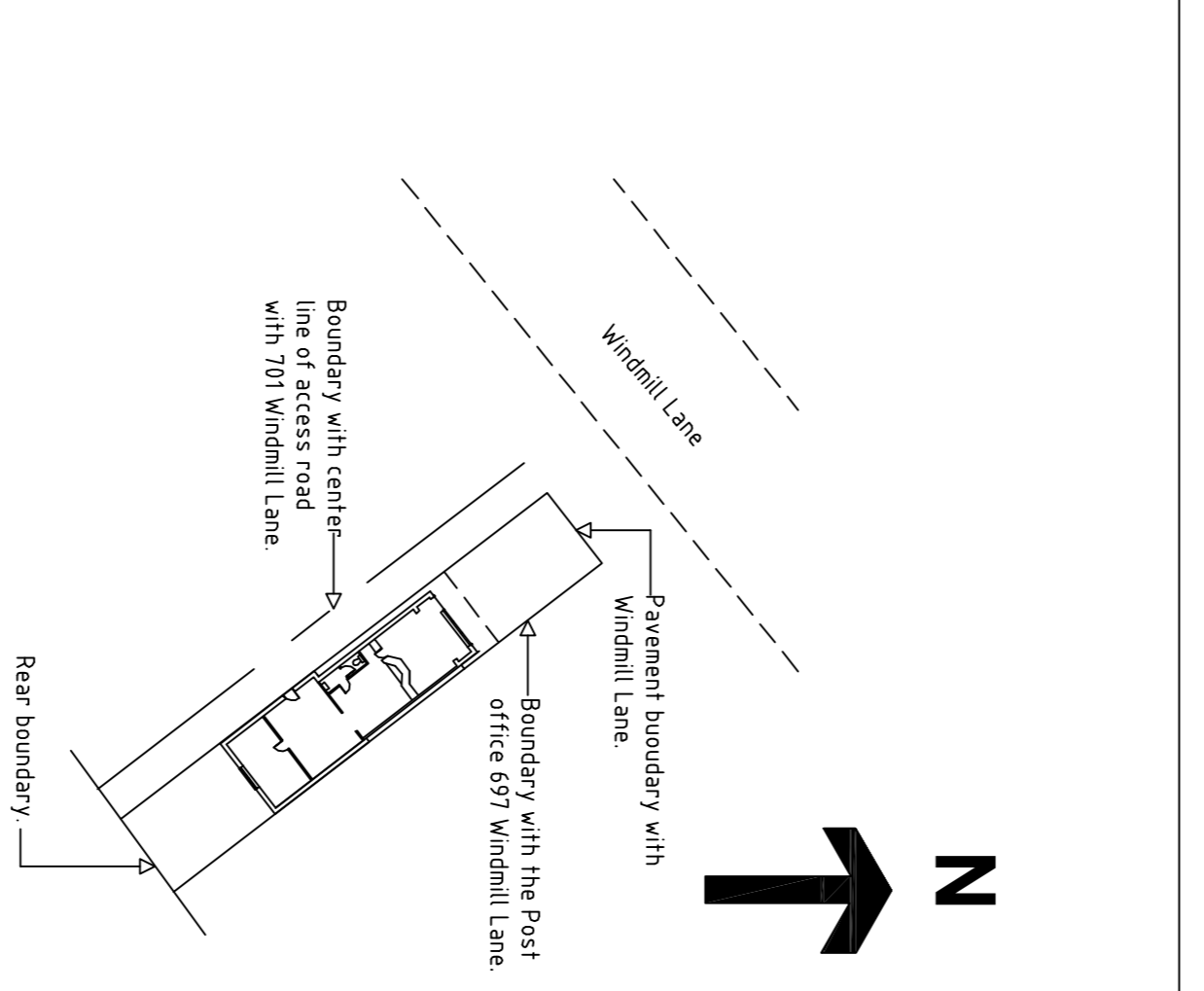
White Powder coated aluminium unit, doubled glazed with Pilkington Toughened safety 'K' glass to BS6206. This will restore the natural surveillance from Windmill Lane to the adjoining property and the A11.



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



Proposed Site Plan Scale 1:500

**John Evans Architectural Designs**  
 406 Stockport Road, Denton, Manchester, M13 6FP  
 Tel: 0161 336 7036 Mobile: 07939532717

Works: Proposed extension and re-design of shop front at 699 Windmill Lane.

Address: Mr. Ali  
 699 Windmill Lane  
 Denton  
 Manchester  
 M34 2ET

Drawing No: PA001

Drawn by: JE Date: July 2016

Check by: Date:

Scale: 1:50

Application Number: 16/00386/FUL

Photo 1



Photo 2



<b>Application Number</b>	<b>16/00527/FUL</b>
<b>Proposal</b>	<b>Demolition of existing health club and erection of 13 apartments</b>
<b>Site Location</b>	<b>32 Denton Road, Audenshaw</b>
<b>Applicant</b>	<b>Adamson Construction</b>
<b>Recommendation</b>	<b>Approve subject to the prior signing of a Section 106 Agreement</b>

## **REPORT**

### **1.0 SITE & SURROUNDINGS**

- 1.1** The site is currently occupied by Stamford House, a two storey building which houses a Hair and Beauty Salon, Gym and function room. There is currently limited onsite parking for approximately 10 vehicles with a further additional 10 non-allocated off street parking spaces in the lay by on the slip road.
- 1.2** The site fronts, and is accessed from, Denton Road to the east and to the west, backs onto the playing fields for Audenshaw High School. To the south of the site are three storey apartment buildings with car parking to the rear which is accessed via a central undercroft. To the north there is a detached building used as a tile showroom with associated car parking and service yard enclosed by 2.2 metre high palisade fencing and gates.
- 1.3** The surrounding area contains a mix of uses particularly around the nearby junction of Stamford Road and Denton Road to the north of the site and along Denton Road generally although the dominant land use is residential.

### **2.0 PROPOSAL**

- 2.1** The proposed development requires the demolition of the existing building and construction of a new apartment building. When viewed from the rear, the building will be three stories, with the fourth storey contained in the roofspace.
- 2.2** The building will have 13 two bedroom apartments with car parking to the rear accessed from Denton Road passing through an undercroft at the northern part of the building. Car parking provision will amount to 14 dedicated on site spaces which include 2 disabled parking bays. Visitor parking can be accommodated using the existing off street parking area in the adjacent lay by.
- 2.3** The communal entrance door for the apartments is on the front elevation with further entrances for occupiers of the apartments on the rear elevation.
- 2.4** External materials will use brickwork with large windows to all elevations. The overall ridge height of the proposal is similar to Denton Terrace to the south.

2.5 Submitted in support of the planning application is a Crime Impact Statement and Design and Access Statement, Urban Drainage Assessment and Sustainability Statement.

### 3.0 PLANNING HISTORY

3.1 There have been no significant planning applications affecting this site.

### 4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

#### 4.2 Tameside UDP

##### Part 1 Policies

- 1.3 Creating a Cleaner Greener Environment
- 1.4 Providing More Choice and Quality of Homes
- 1.5 Following the Principles of Sustainable Development
- 1.6 Securing Urban Regeneration
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

##### Part 2 Policies

- H2 Unallocated Sites
- H4 Type, Size and Affordability of Dwellings
- H5 Open Space Provision
- H6 Education and Community Facilities
- H10 Detailed Design of Housing Developments
- C1 Townscape and Urban Form
- T10 Parking
- MW11 Contaminated Land
- U4 Flood Prevention

#### 4.3 Other Policies

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

- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring Good Design

##### 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 As part of the assessment of the planning application 19 notification letters were sent out to neighbouring properties on the 10<sup>th</sup> June 2016.

A site notice posted on site on 10<sup>th</sup> June 2016 with a notice published in the local newspaper on 16<sup>th</sup> June 2016.

## **6.0 RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services – Highways has no objections to the proposed development subject to conditions.
- 6.2 Head of Environmental Services – Environmental Protection has no objections subject to conditions relating to hours of construction/demolition and submission for agreement of a Construction Environmental Management Plan.
- 6.3 United Utilities have no objections to the application subject to drainage control conditions.
- 6.4 Design for Security (GMP) have no objections subject to the development being designed and constructed in accordance with the recommendations contained in section 3.3 of the submitted Crime Impact Statement (CIS).

## **7.0 SUMMARY OF 3<sup>rd</sup> PARTY RESPONSES RECEIVED**

- 7.1 No letters of objection have been received following the neighbour consultation exercise.

## **8.0 ANALYSIS**

- 8.1 The key issues in deciding this application are: -

- 1) The Principle of the Development
- 2) Design and Appearance
- 3) Highways and Transportation
- 4) Section 106 Planning Agreement

### **Principle of Development**

- 8.2 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the

NPPF sets out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.

- 8.3** The site is designated as unallocated on the UDP and subject to policy H2. This policy confirms unless other considerations take precedence, the Council will permit the redevelopment of previously developed land for residential use where these are not specifically allocated for this purpose in the plan (UDP). This policy is intended to facilitate the approval of brownfield windfall sites for housing development. Windfall sites make a substantial contribution to overall housing supply in the Borough which also helps in the regeneration of urban areas and reduces the pressure on greenfield sites.
- 8.4** It is considered the redevelopment of the site to include housing would make a significant contribution to the delivery of the Borough's 5 year housing land supply and has the potential to deliver quality accommodation for the benefit of the Borough.
- 8.5** The nature of the development promotes a diverse and sustainable community and the site is sustainably located with good public transport links and easy access to services and facilities. It is therefore considered the principle of the redevelopment of the site proposed is acceptable and would constitute sustainable development and provide significant benefits as outlined above whilst also being in general accordance with the development plan and NPPF.

### **Design and Appearance**

- 8.7** The development is three stories with further accommodation within the roof space. The ridge height will be similar to the adjacent apartment building to the south and therefore it is considered the scale and mass of the building is appropriate and will not impact unduly on the character of the area or street scene. The development therefore will be in accordance with UDP policy C1 as the development is similar in scale to the two apartment buildings to the south.
- 8.8** To attempt consistency with the adjacent apartment buildings, the scheme has been altered to take account of the features and materials of these buildings and to ensure a degree of harmony in the street scene. These changes have resulted in a more appropriate building with fenestration and materials matching the existing apartments. These details are now considered acceptable ensuring the proposed apartment building sits well within the street scene.

### **Highway Considerations**

- 8.9** Access will remain off Stamford Road which affords easy and safe access in all directions. Traffic to and from the site should not be increased but this is likely to be confined to certain periods in the morning and evening rather than a steady flow of

traffic throughout the day. It is considered the traffic generation of the proposal will not impact significantly on the local highway network and mitigation of any likely impact would be provided by way of a contribution to off-site highway works associated with improvements to the traffic light junction of Stamford Road/Denton Road/Shepley Road to the north of the site.

**8.10** The site is located adjacent to Audenshaw High School and within easy reach (320m) of the M60 Motorway network in both directions. Guide Bridge railway station with services to Manchester is approx. 500m away. Regular bus services also operate along Denton Road linking the site to Audenshaw and Denton centres and Crown Point North retail park is approx. 300m away to the south with Ashton centre to the north being 2.5miles away.

**8.11** The scheme will provide a minimum one space per apartment and this together with the accessible location of the site is considered acceptable and will comply with UDP policy T10.

## **9.0 Other Matters**

**9.1** A section 106 Planning Agreement has been drafted and is with the applicant for signing. This agreement provides commuted sums to mitigate against any impact the proposal may have on off-site Open Space and the local highway network. The sums subject to this agreement are Green Space £7,944.59 and Integrated Transport £7,018.36. The Green Space contribution will assist the Council in providing footpath links to Shepley Wood to the east of the site.

## **10.0 CONCLUSION**

**10.1** It is considered the application complies with both development plan policy and national guidance and there is no significant harm resulting from the proposal in terms of traffic impact, impact on neighbours or character of the area. Indeed it is considered the scheme will have further regeneration benefits for the area using a brownfield site to beneficial use and assisting in the Borough meeting its 5 year housing supply whilst providing a mix of house types available.

## **RECOMMENDATION – Approve subject to the prior signing of a Section 106 Agreement**

1. That the Head of Planning be authorised to grant planning permission subject to the conditions set out below and following the completion of an agreement under section 106 of the Town and Country Planning Act 1990 for contributions towards open space and education to support the development.

### **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 shall be carried out in accordance with the following plans 0001/1 Revision A – Proposed Elevations 0001/2 Proposed Street View; 0001/3 Revision A

– Ground Floor Plan; 0001/4 Revision B – First Floor Plan; 0001/5 Revision B – Second Floor Plan; 0001/6 Revision B – Third Floor Plan

3. A clear view shall be provided on both sides of the site access where it meets the footway on Denton Road. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
4. Prior to occupation, the car parking indicated on the approved plan shall be provided and thereafter kept unobstructed and available for its intended purpose. The area shall be maintained and kept available for the parking of vehicles at all times.
5. The development hereby approved shall not be occupied until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with details having been agreed in writing previously with the local planning authority.
6. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the demolition and construction period, has been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented and retained in operation through the duration of the building works.
7. Foul and surface water shall be drained on separate systems.
8. 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 (inclusive of how the scheme shall be managed after completion) 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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

9. 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.
10. Before any development is commenced, a scheme for protecting the proposed dwellings from traffic noise from Denton Road Audenshaw shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be brought into use unless and until the approved scheme has been implemented in full, and it shall be retained thereafter.
11. 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.

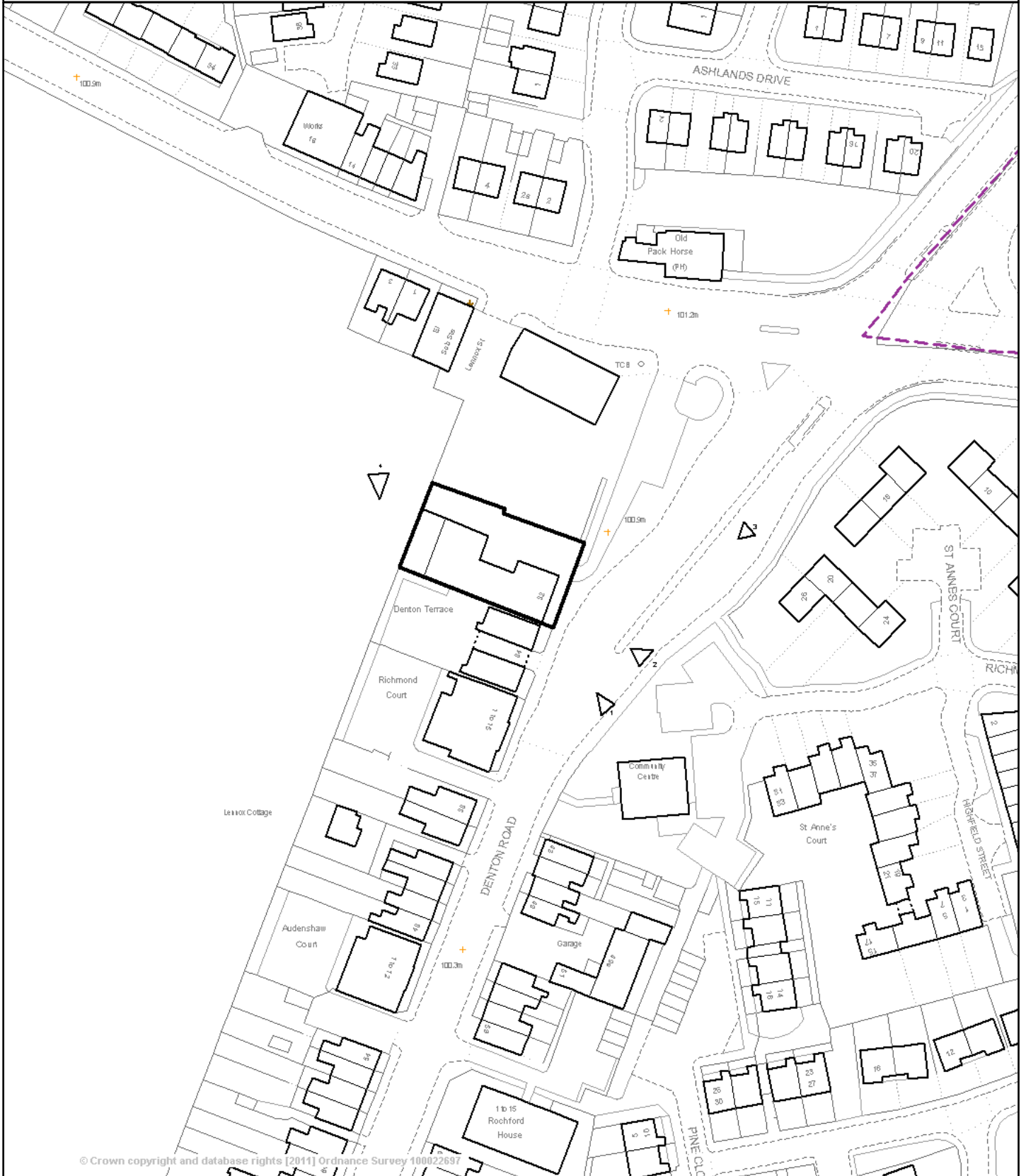
iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

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.

12 Prior to first occupation of the development, a scheme for any television / radio aerial / satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed / affixed on the exterior of any building forming part of the development hereby permitted.

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Scale 1/1250 Date 8/3/2016

Centre = 392408 E 396679 N

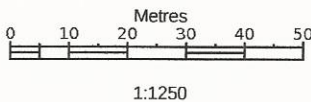
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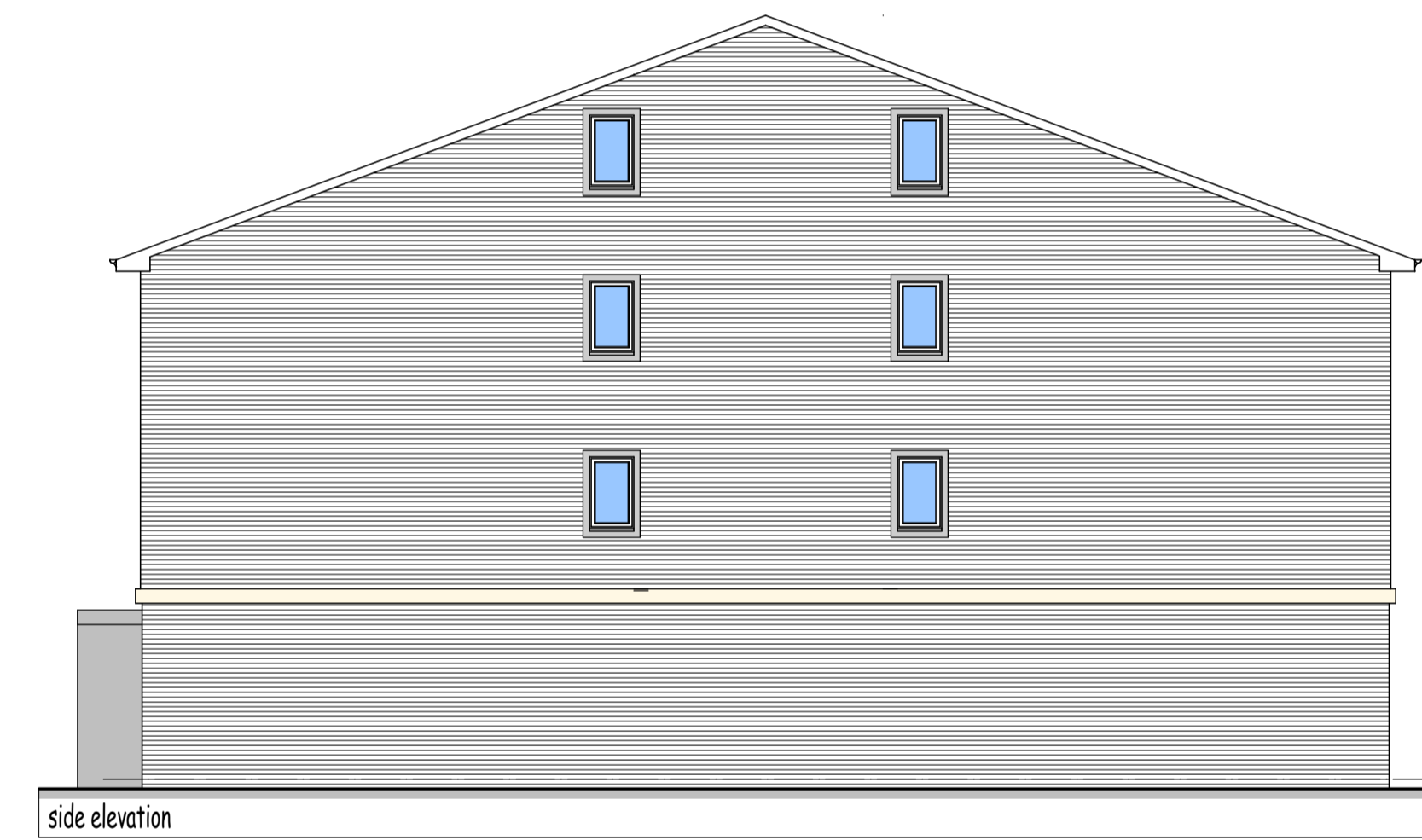
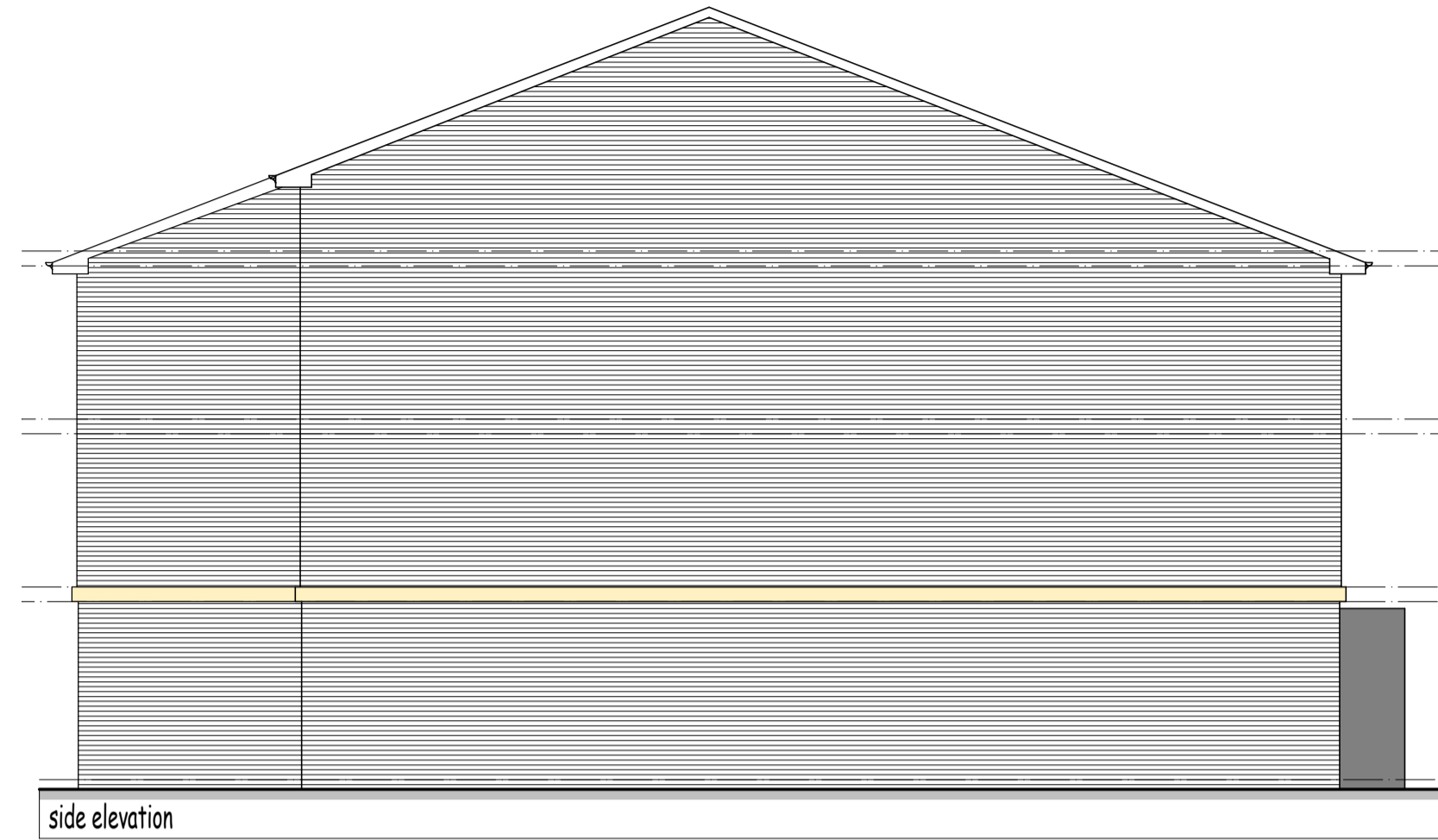
The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



32, Denton Rd, Audenshaw, Manchester  
 M34 5AY

Supplied by: **Stanfords 18 May 2015**  
 Stanfords Ordnance Survey Partner  
 Licence: 100035409  
 Order Licence Reference: O1855915  
 Centre coordinates: 392408 396679





Proposed Elevations  
32 Denton Road, Audenshaw,  
Manchester M34 5AY, 1:100 scale. 0001/1 Rev A



existing street view

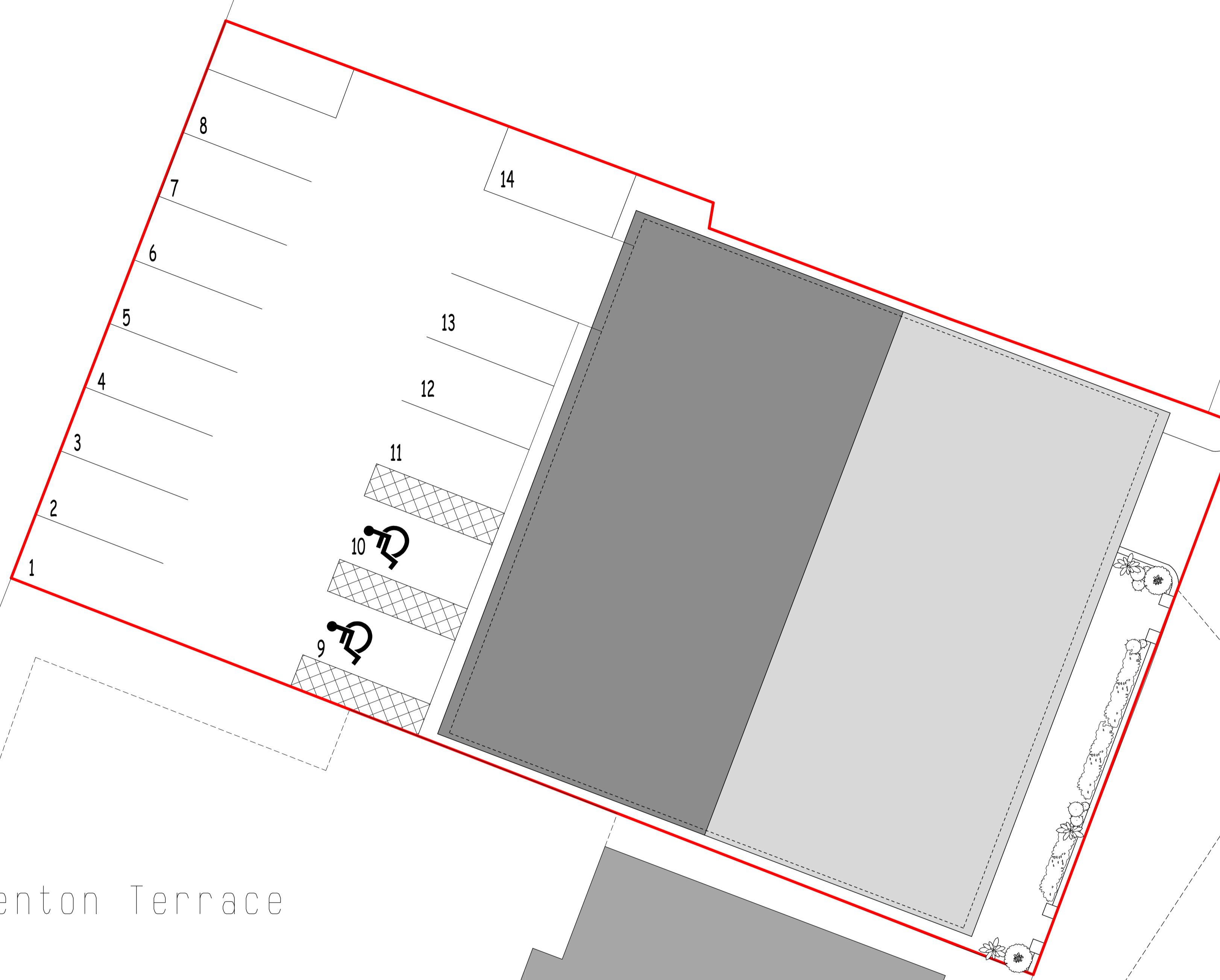
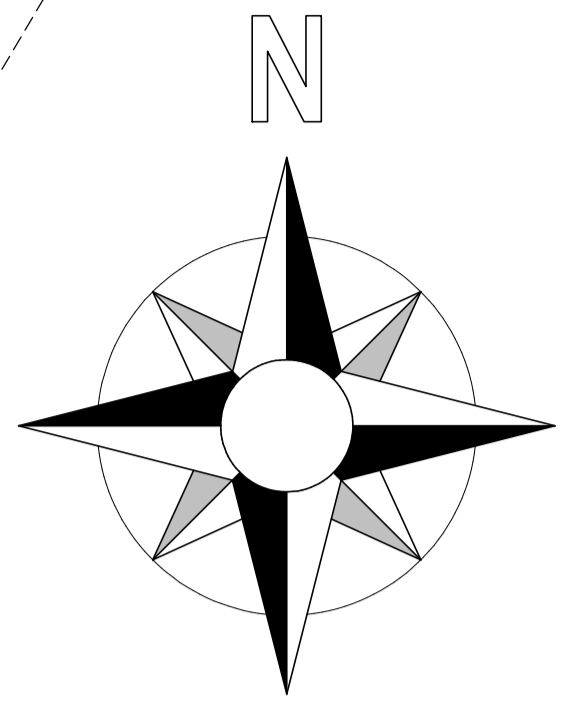


proposed street view

# Street Elevations

32 Denton Road, Audenshaw,  
Manchester M34 5AY, 1:100 scale.

0001/2 Rev C 14-9-16



Denton Terrace

34

Richmond

Court

Proposed Car Park Layout  
32 Denton Road, Audenshaw,  
Manchester M34 5AY, 1:200 scale.  
0001/7

Application Number: 15/00465/FUL

Photo 1



Photo 2



Photo 3



Photo 4





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# Agenda Item 6

<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	5 October 2016
<b>Reporting Officer:</b>	Ian Saxon – Assistant Executive Director – Environmental Services
<b>Subject:</b>	<b>OBJECTIONS TO PROPOSED (CRAVENWOOD, PALACE ROAD AND ROSE HILL ROAD, ASHTON UNDER LYNE)(PROHIBITION OF WAITING AND SCHOOL ENTRANCE PROHIBITION OF STOPPING) ORDER 2016</b>
<b>Report Summary:</b>	The report outlines the objection received to the proposed waiting restrictions.
<b>Recommendations:</b>	It is recommended that the original scheme be implemented and that authority is given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to make the following order THE TAMESIDE METROPOLITAN BOROUGH (CRAVENWOOD, PALACE ROAD AND ROSE HILL ROAD, ASHTON UNDER LYNE)(PROHIBITION OF WAITING AND SCHOOL ENTRANCE PROHIBITION OF STOPPING) ORDER 2016 as detailed in Section 4.2 of this report.
<b>Links to Community Strategy:</b>	The proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Safe Environment through the provision of safer roads in our Town Centres and elsewhere.
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications:</b> (Authorised by the Section 151 Officer)	The costs associated with implementation of this scheme are being funded through the Traffic Regulation Order Capital Budget 2016/17.
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix A</b> .
<b>Risk Management:</b>	Objectors have a limited right to challenge the Orders in the High Court.
<b>Access to the documents:</b>	<b>Appendix A</b> – S.122 of Road Traffic Regulation Act 1984 <b>Appendix B</b> – Drawing No. 001: Proposed restrictions

All documentation can be viewed by contacting Lauren Redfern, Traffic Operations by:

 Telephone:0161 342 3927

 e-mail: lauren.redfern@tameside.gov.uk

## **1. BACKGROUND**

- 1.1 In 2009 a housing estate was built adjacent to Rose Hill Methodist Primary School, as part of the development, the school entrance was re-configured and an entrance was put on the new road, Cravenwood, with the exit from the school utilising the previous entrance onto Rose Hill Road
- 1.2 The majority of primary schools within Tameside Metropolitan Borough Council have 'no stopping on school entrance markings' in place and waiting restrictions around the junctions. When Cravenwood was built, this was not taken into consideration and as such the visitors to the school began parking on the pavements and obstructing the junction. We were first contacted by the school in 2013.
- 1.3 Since then a Sure Start centre and a nursery have opened on the site and the school has been extended to accommodate a further 60 children per year, this issue is only going to worsen as car ownership continues to grow.
- 1.4 In addition to the above, the morning rush sees residents regularly blocked in their driveways and on some occasions due to double parking the road has been completely obstructed.
- 1.5 A scheme to introduce waiting restrictions was advertised to address these issues on 19<sup>th</sup> May 2016 with a 28 day objection period. One objection was received.

## **2. OBJECTION**

### **Objection – resident of Rose Hill Road**

- 2.1 The resident agrees something should be done to prevent the chaos which occurs every morning and afternoon. However, they do not feel a 24 hour restriction is relevant and would result in the residents being penalised, it is felt the times of the prohibition should be limited to 8:45 – 9:00 and 15:00 – 15:30, Monday – Friday during term time as these are the only times the road becomes congested with traffic, otherwise the road is clear.
- 2.2 The resident also fears, the introduction of parking restriction will result in visitors parking further along Rose Hill Road thus causing access problems for residents in the future and the solution to this problem may be an extension to the waiting restrictions, which will cause further restrictions for them when the school is closed during, evenings, weekends and school holidays.

### **Response**

- 2.3 The waiting restrictions have been advertised as recommended in the Highway Code, which states 'a vehicle must not be parked with 10 metres (32 feet) of a junction.' At no time should a vehicle be parked where the waiting restrictions have been advertised, vehicles parking in this manner cause problems with intervisibility between drivers/ pedestrians, cyclists etc.
- 2.4 If problems do occur in the future we would be able to install a 'H Bar' marking to help prevent obstructive parking across driveways.

## **3. FUNDING**

- 3.1 These proposals are being funded from the Traffic Operations capital budget 2016/17.



#### **4. PROPOSALS / SCHEDULE OF WORKS**

4.1 The proposed restrictions, to which the objection was received in relation too, are set out in section 4.2, below and illustrated in Drawing No. 001 (**Appendix B**).

4.2 Advertised proposals,:

No Waiting at Any Time

- (i) Rose Hill Road, east side, from a point 10 metres north of its junction with Cravenwood to a point 10 metres south of that junction.

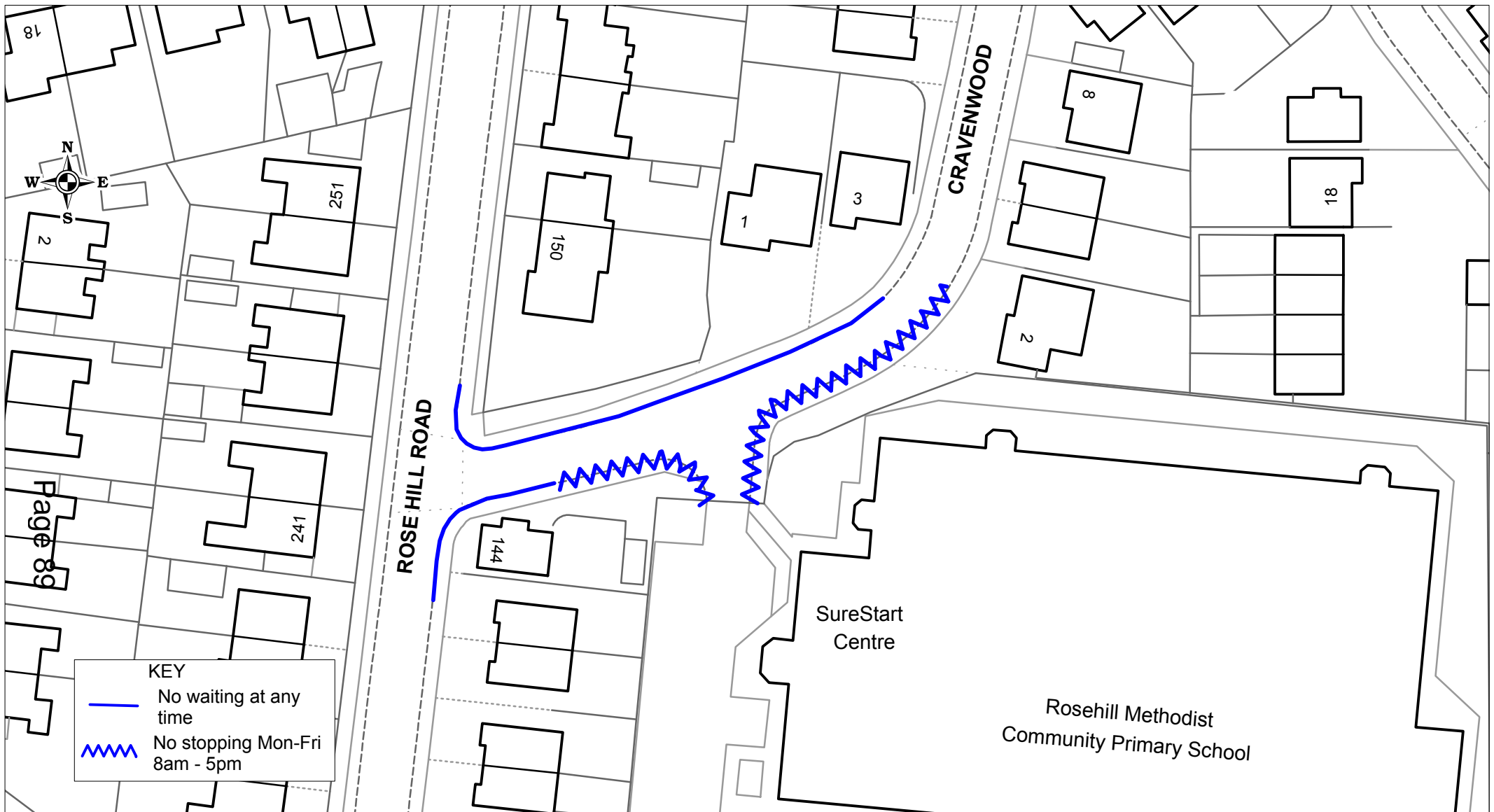
#### **5. RECOMMENDATION**

5.1 As set out at the front of the report.

## **APPENDIX 'A'**

### **Section 122 Road Traffic Regulation Act 1984**

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
  
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
  - (a) The desirability of securing and maintaining reasonable access to premises;
  - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
  - (c) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy);
  - (d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - (e) Any other matters appearing to ...the local authority.... to be relevant.





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Proposed waiting restrictions - Rose Hill Road/ Cravenwood, Ashton under Lyne

SCALE	1 : 647
DATE	05/08/2016
DRAWING No.	001
DRAWN BY	Lauren Redfern

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# Agenda Item 7

<b>Report To:</b>	<b>SPEAKERS' PANEL (PLANNING)</b>
<b>Date:</b>	5 October 2016
<b>Reporting Officer:</b>	Ian Saxon – Assistant Executive Director – Environmental Services
<b>Subject:</b>	<b>OBJECTIONS TO PROPOSED BUS STOP AND BUS STOP CLEARWAY AT BUCKTON VALE ROAD CARRBROOK</b>
<b>Report Summary:</b>	The report outlines objections received to the proposed Bus Stop and Bus Stop Clearway.
<b>Recommendation:</b>	It is recommended that the Bus Stop and Bus Stop Clearway be implemented and that authority is given for the necessary action to be taken in accordance with the Road Traffic Act 1988 provision 36.
<b>Links to Community Strategy:</b>	The proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Safe Environment through the provision of safer roads in our Town Centres and elsewhere.
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications:</b> (Authorised by the Section 151 Officer)	The costs associated with implementation of this bus stop are being funded through Transport For General Manchester(TFGM)
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix A</b> .
<b>Risk Management:</b>	Objectors have a limited right to challenge the Orders in the High Court.
<b>Access to the documents:</b>	<b>Appendix A</b> – S.122 of Road Traffic Regulation Act 1984 <b>Appendix B</b> – Drawing No.001: Proposed Bus Stop and Clearway  All documentation can be viewed by contacting Paul Williams, Traffic Operations by:  Telephone:0161 342 3976  e-mail: paul.williams@tameside.gov.uk

## 1. BACKGROUND

- 1.1 In 2008 there was a request to install a bus stop and clearway on Buckton Vale Road, adjacent to the grass verge on the opposite side to Buckton Vale Social Club near the junction with Long Row. Following a consultation process with local residents and Ward Councillors a decision was taken not to progress with stop.
- 1.2 Transport for Greater Manchester (TFGM) received a further request for a bus stop in November 2015. The request was received by a ward member concerning the lack of bus stop provision along Buckton Vale Road, particularly opposite Buckton Vale Social Club. It was making life very difficult for the elderly and less mobile people wishing to use the bus services from Carrbrook.
- 1.3 Following the request a meeting was arranged in February 2016 between residents, members, GM Police, Tameside MBC and TFGM to discuss the proposed bus stop and its position.
- 1.4 It was concluded that a residents consultation process would be taken for the installation of a bus stop and clearway as illustrated in the diagram number 001.
- 1.5 A consultation process was initiated by TFGM and Tameside MBC for the bus stop and clearway. Local residents were informed by letter of the proposal on 1 July 2016 and asked to respond by 21 July 2016. Buckton Vale Social Club asked for an extension to this period which was duly granted.

## 2. OBJECTIONS

- 2.1 A letter was received from a resident lodging an objection. The objections are below with an officer response. A residents' questionnaire was also attached with the objections. A total of 35 residents signed the questionnaire.

No	Objection	Officer Response
1	There is already a bus stop a few yards away.	The nearest bus stop is approximately 145 metres away.
2	The road is only narrow.	The clearway will allow a bus to stop adjacent to the kerb line which will retain traffic flow.
3	Large trucks drive up and down.	
4	It will cause further noise pollution.	The bus service already exists.
5	More exhaust pollution.	
6	The more buses the more children are at risk.	
8	Carrbrook is a designated conservation area.	
7	The bus stop would restrict local turning spot.	The proposed bus stop has no impact on local manoeuvres.
9	Bus stop will attract antisocial behaviour.	Public disturbances are a matter for the police.
10	A bus stop will look out of place in this beauty spot.	The elderly and less mobile would benefit from this bus stop.
11	Buses regularly speed through this conservation area.	Speeding is a police matter.

The questionnaire consisted of two questions.

Question	Yes	No
Happy with the proposal to build a bus stop on Buckton Vale Road? (within conservation area)	3	32
Would you like to prevent buses travelling down Buckton Vale (within conservation area)	33	2

- 2.2 An objection was also received from Buckton Vale Social club. The points made and responses are summarised below:

No	Objection	Response
1	The bus stop would have serious effect to the trade due to reduced parking.	Car parking spaces would be reduced by 2.
2	When the brewery delivery vehicles park to make their delivery the road would be blocked.	Whilst traffic may have to wait behind a bus or opposite this will be for a short period of time for passengers to alight. This is not an unusual occurrence and happens throughout the Borough.
3	There are 3 bus stops already in the village.	The nearest bus stop is approximately 145 metres away and the needs of the elderly and less mobile would benefit
4	There is dropped kerb on either side of the road and this will be removed.	This will remain.

### 3. FUNDING

- 3.1 These proposals are being funded by Transport for Greater Manchester.

### 4. PROPOSALS / SCHEDULE OF WORKS

- 4.1 The proposed Bus stop and Bus Stop Clearway, to which the objections were received, are illustrated in Drawing No. 001 (**Appendix B**).

### 5. RECOMMENDATION

- 5.1 It is recommended that the Bus Stop and Bus Stop Clearway be implemented and that authority is given for the necessary action to be taken in accordance with the Road Traffic Act 1988 provision 36.

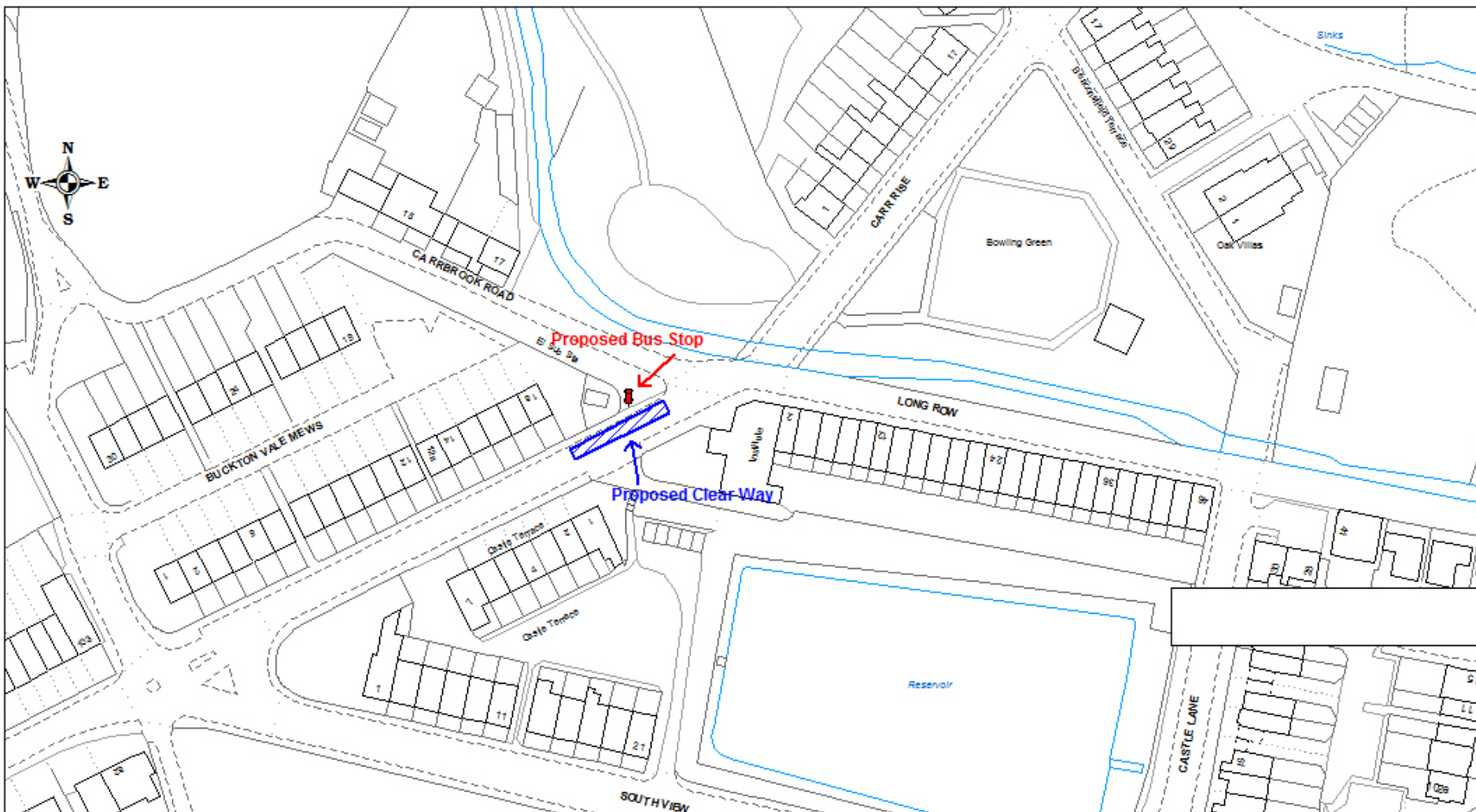
## **APPENDIX 'A'**

### **Section 122 Road Traffic Regulation Act 1984**


- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
  - (a) The desirability of securing and maintaining reasonable access to premises;
  - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
  - (c) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy);
  - (d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - (e) Any other matters appearing to ...the local authority.... to be relevant.



Appendix 'B' – Drawing No. 001





Page 95

	Proposed Bus Stop and Clearway	+ Crown copyright. All rights reserved Licence No. 2003  Buckton Vale Road, Carrbrook	SCALE	At A4
			DATE	15/09/2016
			DRAWING No.	001
			DRAWN BY	P Williams

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# Agenda Item 8

<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	5 October 2016
<b>Reporting Officer:</b>	Ian Saxon – Assistant Executive Director – Environmental Services
<b>Subject:</b>	<b>SECTION 257 TOWN AND COUNTRY PLANNING ACT – DIVERSION OF FOOTPATH HYDE 43</b>
<b>Report Summary:</b>	The report seeks authority to make an order under Section 257 Town and Country Planning Act 1990 to divert a public right of way to facilitate the extension to a building that has previously been granted Planning Permission (14/01107/FUL). Under the Council’s constitution, the Speakers Panel (Planning) is responsible for decisions that affect the definitive rights of way network.
<b>Recommendations:</b>	It is recommended that an order be made to divert the footpath known as Footpath Hyde 43 as indicated on the plan attached at <b>Appendix A</b> and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.
<b>Links to Community Strategy:</b>	Provides a safer and secure Environment for the people of Tameside
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	<p>The applicant has confirmed, during the application process, that he will meet the full costs involved in the diversion procedure as well as the costs incurred in bringing the new path into a fit condition for use by the public.</p> <p>No costs should be incurred by the Council. If there are any unforeseen costs, these would need to be met by the existing Highways funding envelope.</p>
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	DEFRA Circular 1/09 on Rights of Way advises at 7.15 that “The disadvantages or loss likely to arise as a result of the ... diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order”.
<b>Risk Management:</b>	There is a possibility that the order may not be confirmed if there are substantial objections. Some informal discussions have been taking place with rights of way groups to enable early consideration of any issues arising if the diversion is taken forward to minimise the risk of objections.
<b>Access to Information:</b>	<p><b>Appendix A</b> – Location plan showing proposed diversion.</p> <p>All documentation can be viewed by contacting Michael Hughes, Sustainable travel Officer</p> <p> Telephone:0161 342 3704</p> <p> e-mail: michael.hughes@tameside.gov.uk</p>

## **1. BACKGROUND**

- 1.1 Planning approval was granted on 15 January 2015 (reference 14/01107/FUL) to undertake development to extend the farmhouse building at Raglans Farm, Hyde.
- 1.2 The construction of the extension would affect Public Footpath Hyde 43, meaning that the footpath would need to be diverted.
- 1.3 As the diversion of the footpath is needed to allow development in compliance with an approved planning permission, it has been suggested that the most appropriate legislation to use is Section 257 Town and Country Planning Act 1990 (the Act).
- 1.4 An application has subsequently been received to make an order to divert the footpath under Section 257 of the Act.

## **2. REASONS FOR THE DIVERSION**

- 2.1. Footpath Hyde 43 runs from Harrop Edge Road along an old cart track that passes adjacent to Raglans Farm and then continues in a westerly direction to meet with other public footpaths in the public rights of way network.
- 2.2 The planning permission that has been granted at Raglans Farm would impact on the definitive alignment of the footpath. The extension to the farmhouse would be constructed across the alignment of Footpath Hyde 43 thereby causing an obstruction to the public highway.
- 2.3 If the extension at Raglans Farm is to take place as planned then Footpath 43 will need to be diverted in order to retain a route for the public.

## **3. PROPOSED DIVERSION**

- 3.1. The proposed diversion would run from point A to point B as shown by a bold, broken line in **Appendix A**. The exiting footpath to be closed is shown between point A and point B by a bold, continuous line
- 3.2. The applicant has proposed a diversion route that would move the footpath to a parallel alignment (approximately 3 metres away) so that it remains adjacent to the farm building.
- 3.3 The existing footpath follows the old farm track past the farm. The surface has not been maintained over the years meaning that it is muddy and has large stones protruding from the surface in some areas. The footpath ranges in width from 2.4 metres to 3.0 metres as it passes the farmhouse.
- 3.4 The proposed diversion will be maintained at the current width and would be surfaced in a mix of stone setts and limestone chippings.
- 3.5 The applicant has confirmed during the application process that they will meet the full costs involved in the diversion procedure as well as the costs incurred in bringing the new path into a fit condition for use by the public.

#### **4. COMMENTS OF THE EXECUTIVE DIRECTOR OF PLACE**

- 4.1 It is not felt that the proposed diversion route will be less commodious for the users in terms of alignment, width and length as all of these factors remain to all extents and purposes the same.
- 4.2 The major difference between the current footpath and the proposed route is the surface construction. It is felt that the proposed surface which is to be constructed partly from stone setts and the remaining areas from limestone chippings will be an improvement over the existing situation.
- 4.3 The public rights of way organisations that operate in the Tameside area have been given the opportunity to comment on the proposed diversion. No objections were received from them during this period.
- 4.4 If approval is granted to proceed with the diversion of Footpath 43 then the order will be advertised for consultation with the public in accordance with the statutory process.

#### **5. RECOMMENDATION**

- 5.1 It is recommended that the order be made to divert Footpath Hyde 43 as indicated on the plan attached at **Appendix A** and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.

# APPENDIX A



Robin Monk  
Executive Director of Place  
Council Offices  
Wellington Road  
Ashton-under-Lyne  
OL6 6DL

## HYD/43 diversion

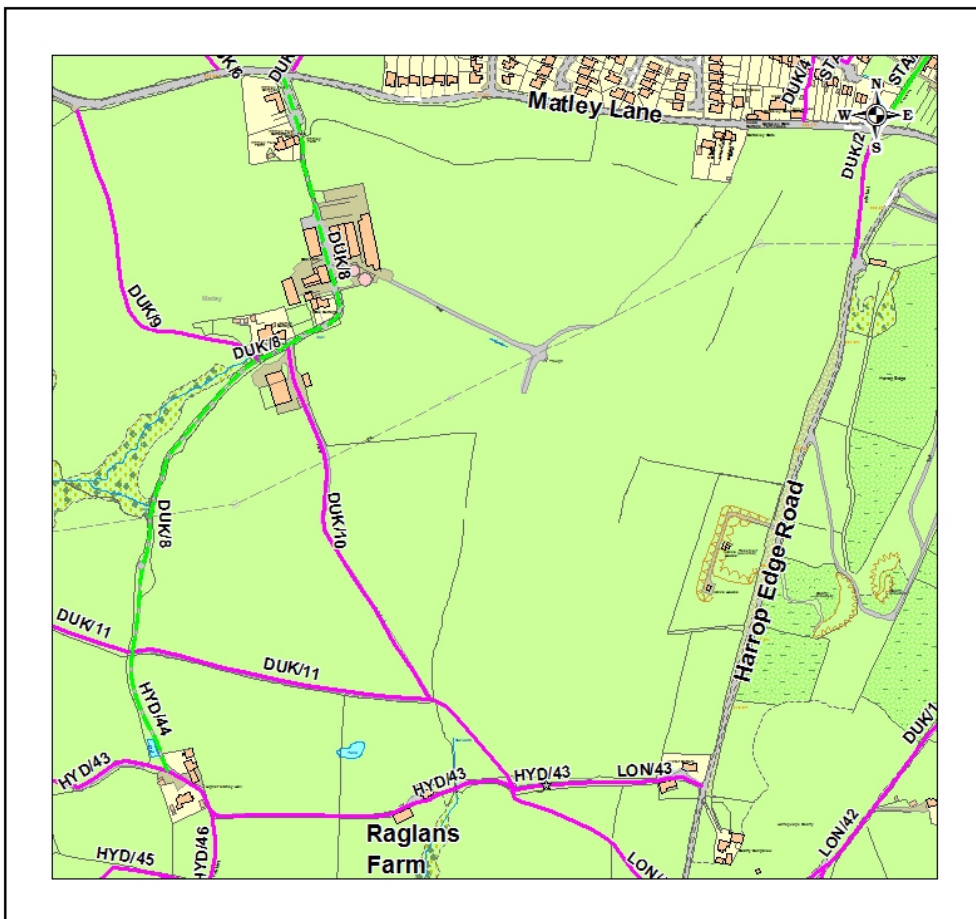
Scale 1:500

Compiled by MH on 7 September 2016

This plan is not a copy of the definitive map. This plan is produced from the council's computer based geographical information system. The plan shows the approximate route of public rights of way recorded on the definitive map, but it does not attempt to show the precise route or width of the right of way. For further information you need to inspect the definitive map and statement. You should also remember that not all public rights of way or highways are recorded on the definitive map. Tameside Metropolitan Borough Council does not accept responsibility for any error or inaccuracy in this plan or from any reliance placed on it.

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Additional information:  
Engineering Service  
Tel : 0161 342 3704



Robin Monk  
Executive Director of Place  
Council Offices  
Wellington Road  
Ashton-under-Lyne  
OL6 6DL

## HYD/43 diversion

Scale 1:5,000

Compiled by MH on 7 September 2016

This plan is not a copy of the definitive map. This plan is produced from the council's computer based geographical information system. The plan shows the approximate route of public rights of way recorded on the definitive map, but it does not attempt to show the precise route or width of the right of way. For further information you need to inspect the definitive map and statement. You should also remember that not all public rights of way or highways are recorded on the definitive map. Tameside Metropolitan Borough Council does not accept responsibility for any error or inaccuracy in this plan or from any reliance placed on it.

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