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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 6 September 2017
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Council.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 26 July 2017, having been circulated, to be signed by the Chair as a correct record.	1 - 2
4.	OBJECTIONS TO PROPOSED OFF STREET PARKING PLACES AMENDMENT (NO 1) ORDER 2017 ASHTON UNDER LYNE. AREA OF LAND REFERRED TO LOCATED ON THE EAST SIDE OF SWAN STREET, 23M SOUTH OF FLETCHER STREET Report of the Assistant Executive Director, Environmental Services, attached.	3 - 8
5.	PLANNING APPLICATIONS To consider the schedule of applications.	
a)	17/00524/FUL - UNIT 7A ALBION TRADING ESTATE, MOSSLEY ROAD, ASHTON	9 - 18
b)	17/00447/FUL - PLATTING GROVE, ASHTON-UNDER-LYNE	19 - 26
c)	17/00241/FUL - LAND AT THE SITE OF DENTON HALL, OAKDEN DRIVE, DENTON	27 - 42
d)	17/00487/FUL - 87 TOWN LANE, DENTON	43 - 66
6.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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

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Agenda Item 3

SPEAKERS PANEL (PLANNING)

26 July 2017

Commenced: 10.00am

Terminated: 10.10am

Present: Councillor McNally (Chair)

Councillors: Dickinson, Glover, P. Fitzpatrick, Kinsey, D. Lane, S. Quinn, Ricci, Sweeton, Ward and Wild

Apologies for absence: Councillor F Travis

4. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members.

5. MINUTES

The Minutes of the proceedings of the meeting held on 21 June 2017 having been circulated, were taken as read and signed by the Chair as a correct record, with the following amendments:

Minute 3 - Planning Application: 16/00897/OUT – the decision be amended to read:

- (a) The prior signing of a Section 106 legal agreement to secure £1,234.20 per dwelling, towards Green Open Space and £703.24 per dwelling, towards Education, with final calculations being agreed at reserved matters stage.
- (b) Conditions as set out in the report.

Minute 3 – Planning Application: 16/01163/OUT – the decision be amended to read:

- (a) The prior signing of a Section 106 legal agreement to secure £30,000 towards resurfacing the canal towpath, £608.20 per dwelling, towards Green Open Space and £738.50 per dwelling, towards Education, with final calculations being agreed at reserved matters stage.
- (b) Conditions as set out in the report.

6. APPEAL DECISION NOTICES

Application reference/Address of Property.	Description	Appeal Decision
Appeal APP/G4240/D/17/3167579 18 Fraser Street, Ashton-under-Lyne	Ref: Two storey side and rear extension and single storey rear extension	Appeal dismissed.

7. CONSIDERATION TO VARY A S106 AGREEMENT SECURED AGAINST APPLICATION 15/00631/FUL PHASE 1

The Head of Planning submitted a report, seeking to vary a Section 106 agreement secured against application 15/00631/FUL approved on 14 October 2015 by Speakers' Panel (Planning), which sought full planning permission for the erection of 66 no. dwellings with associated car parking, access, internal roads and landscaped open space on the central and southern part of the

site, and outline planning permission for employment uses (Use Classes B1/B2/B8) with all matters reserved, except for access on the northern part of the site. The application was subject to a Section 106 Agreement which secured financial contributions towards the off-site provision of open space and educational facilities.

It was explained that the section 106 agreement also required a £300,000 bond to be paid to the Council in connection with the construction of commercial units on the employment site unless the developer/owner substantially completed one or more commercial units of at least 6,000 square feet. The purpose of this was to provide an incentive to see the remainder of the site to be developed for employment uses.

It was further explained that Members granted planning permission on 21 June 2017 for residential development on the northern part of the site, as commercial development had not been forthcoming on the site.

Members sought clarification with regard to the terms of the legally binding agreement entered into with the Developer. The Head of Legal Services explained that implementation of a subsequent planning permission was required before the legally binding agreement could cease to have effect, and that as this had not so far been achieved, the matter had been brought before Panel Members for a decision on the request by the Developer to vary the terms of the previous Section 106 agreement in order that the bond monies be returned as commercial development had not been forthcoming on the site.

Discussion ensued and Members agreed to vary the Section 106 agreement and the return of the bond monies to the Developer and requested that delegation of such matters be drafted into Section 106 agreements of a similar nature/circumstance going forward, to dispense for the need for a formal Panel decision.

RESOLVED



That approval be given of the variation of a Section 106 agreement entered into following the grant of planning permission subject to conditions and prior signing of the said Section 106 agreement in respect of Application 15/00631/FUL, as follows:

‘to refund the Bond on the date upon which the first dwelling is built and substantially completed in accordance with the definition set out in the agreement, as the site will no longer be available for employment purposes’. Substantially completed being defined as:

- (a) Completed so that the relevant works can be used for the purpose and operate in the manner for which they were designed; and***
- (b) Fitted out so that they are available for occupation.***

CHAIR

Agenda Item 4

Report To:	SPEAKERS PANEL (PLANNING)
Date:	6 September 2017
Reporting Officer:	Ian Saxon – Assistant Executive Director, Environmental Services
Subject:	OBJECTIONS TO PROPOSED OFF STREET PARKING PLACES AMENDMENT (No 1) ORDER 2017 ASHTON UNDER LYNE. AREA OF LAND REFERRED TO LOCATED ON THE EAST SIDE OF SWAN STREET, 23M SOUTH OF FLETCHER STREET
Report Summary:	The report outlines an objection received to the advertised proposed amendment to incorporate the above parcel of land into the Old Cross Street Car Park, Ashton-Under-Lyne.
Recommendation:	It is recommended that authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to seal The Tameside Metropolitan Borough (Off Street Parking Places Amendment (No 1) Order 2017
Links to Community Strategy:	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.
Policy Implications:	None arising from the report.
Financial Implications: (Authorised by the Section 151 officer)	To be funded from Parking Services Revenue
Legal Implications: (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 Appendix A
Risk Management:	Objectors have a limited right to challenge the Orders in the High Court.
Access to the documents:	Appendix B – Drawing No.001: All documentation can be viewed by contacting Andy Marsh, Traffic Operations by:  Telephone:0161 342 3929  e-mail: andrew.marsh@tameside.gov.uk

1. BACKGROUND

- 1.1 The Council has received a request to incorporate within the car park order an informal small parcel of Council owned land, currently used for unrestricted parking which is located adjacent to the Old Cross Street car park. The parcel of land measures 12m x 7m and is positioned 23m south of Fletcher Street on the east side of Swan Street, Ashton-Under-Lyne.
- 1.2 Following the closing date of the advertised order, 2 objections were received, however, 1 has subsequently been withdrawn.

2. OBJECTION (Outstanding)

No	Objection	Officer Response
1	<p>That the proposal would remove the availability of convenient, free parking and leave no other viable alternative. The removal of the spaces would result in undue hardship having to park outside an alternative address not covered by parking restrictions or financially by paying for a parking permit in the adjacent car park. The objector has suggested that previously available unrestricted parking on Swan Street (now an overspill taxi rank) is hardly used and therefore this new proposal is unfair.</p> <p>Should the proposal go ahead, the objector suggests that the residents affected should be given a free pass to park in Old Cross Street; it was intimated that neighbouring Local Authorities were identified as Councils who already provide a free facility in similar circumstances.</p>	<p>This location is perhaps unique in that it is extremely unusual that unrestricted free parking is available so close to a town centre. It is understood that the overspill taxi rank was requested to avoid congestion building up on Swan Street and that it is still required for that purpose.</p> <p>Although free passes would not be considered for this location, monthly payments for a permit would be looked on favourably in this location.</p>

3. FUNDING

- 3.1 These proposals are being funded by Parking Services budget.

4. PROPOSALS

- 4.1 Having considered the objection, it would seem appropriate that the order should be confirmed and incorporated into the Tameside Metropolitan Borough (Off Street Parking Places Amendment (No 1) Order 2017. Taking into account the comments received by the objector, arrangements can be put in place to offer a flexible monthly car park permit.

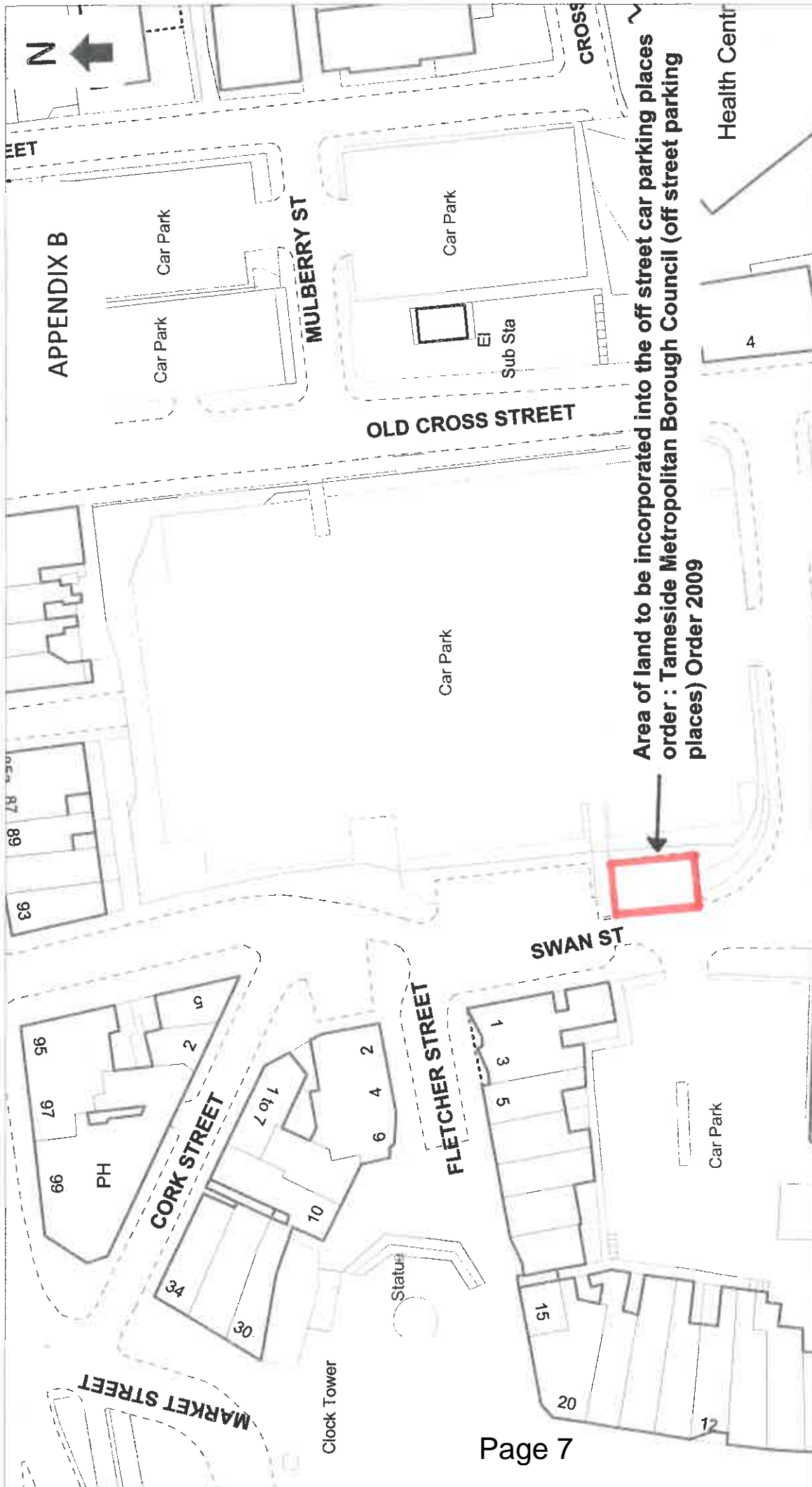
5. RECOMMENDATION

- 5.1 It is recommended that the proposal described in 4.1 above (shown in **Appendix B** Drawing No.001) be implemented as determined by the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984.

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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**Tameside Metropolitan Borough Council
(off Street Parking Places) Amendment (No 1)
Order 2017**

SCALE 1 : 660

DATE 02/02/2017

DRAWING No. 001

DRAWN BY AJM



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Application Number 17/00524/FUL

Proposal Change of use from industrial unit to a gymnasium - retrospective.

Site Unit 7A, Albion Trading Estate, Mossley Road, Ashton-Under-Lyne

Applicant Gritstone Crossfit Ltd

Recommendation Refuse planning permission and authorise enforcement action in respect of the unlawful use.

REPORT

1. REASON FOR SPEAKERS PANEL DECISION

- 1.1 A Speakers Panel decision is required because, in accordance with the Council's Statement of Community Involvement, a member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has been given the opportunity to speak also.

2. APPLICATION DESCRIPTION

- 2.1 The application seeks retrospective, full planning consent for the change of use from an industrial unit to a gymnasium. The application is for the change of use only with no physical external alterations proposed to the building.

3. SITE AND SURROUNDINGS

- 3.1 The application relates to a flat-roofed unit that has been added as an extension, and then sub-divided, to the former tramshed on Mossley Road that is now used as an industrial, or trading, estate. One half of the unit's frontage consists of a roller shutter door.
- 3.2 Access and egress to and from the estate is off Mossley Road in two locations at either end of the block, with forecourt parking and servicing space.
- 3.3 The attached unit in the extension is used as a childrens' play centre and on the other (the end unit in the original tramshed) the unit is used for retail purposes. Across Mossley Road there is a new housing development at the Heys estate on the former Herries School site. The nearest houses being separated from the application premises by approximately 30m and situated beyond the estate forecourt and Mossley Road.

4. PLANNING HISTORY

- 4.1 Retrospective planning permission (ref. 16/00816/FUL) was refused in November 2016 for the same development as now proposed. The reasons given for refusing the application were:
- The fact that the development can be accepted in principle cannot be established in the absence of the need for a sequential approach to the choice of the site being addressed in the application. The proposal is thus

contrary to policy S8 of the Tameside Unitary Development Plan and Section 2 of the National Planning Policy Framework.

- The absence of a fixed frontage to the unit results in noise spillage causing an unacceptable level of disturbance for neighbouring residents. The proposal is thus contrary to policy S9 of the Tameside Unitary Development Plan.

5. RELEVANT PLANNING POLICIES

5.1 Tameside Unitary Development Plan (UDP) Allocation
Unallocated

5.2 Tameside UDP

Part 1 Policies

1.3: Creating a Cleaner and Greener Environment.

1.5: Following the Principles of Sustainable Development

1.7: Supporting the Role of Town Centres

1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

S8: Built Recreation, Leisure and Tourism Developments.

S9: Detailed Design of Retail and Leisure Developments.

MW11: Contaminated Land.

5.3 Other Policies

Employment Land Supplementary Planning Document.

5.4 National Planning Policy Framework (NPPF)

Achieving sustainable development

Section 2. Ensuring the vitality of town centres

5.5 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.

6. PUBLICITY CARRIED OUT

6.1 As part of the planning application process notification letters were sent out on 25th July 2017 to 10 neighbouring properties, including all of the other units in the Trading Estate and the occupiers of a house in the Heys estate across Mossley Road.

7. RESPONSES FROM CONSULTEES

7.1 The Head of Environmental Services – Environmental Protection has raised no objections to the proposal subject to the imposition of a condition requiring the roller shutter door to be closed during the hours of operation to prevent noise spillage.

8. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 8.1 Objections have been received from two households; one being from the occupier of the household that was notified as part of the planning application process, the other does not provide an address.
- 8.2 The reasons given for objecting are:-
- disturbance caused by vibration and, when the roller shutter doors are open, noise, including music being played, particularly early in the morning and late in the evening, and that such disturbance is proving detrimental to health and well-being
 - that the operation of the unit is unsafe, posing a hazard to the physical health of users
 - anti-social behaviour by users of the gymnasium
- 8.3 A message of support has been received from a user of the gymnasium resident in Dukinfield.

9. ANALYSIS

- 9.1 The principal issues in deciding this application are:-
- 1) The principle of the development
 - 2) The impact on existing residential amenities.
 - 3) Highways and traffic

10. THE PRINCIPLE OF THE DEVELOPMENT

- 10.1 Although not specifically allocated as such, the site must be considered as lying within an established employment area. UDP policy E3 states that: 'Built leisure uses will normally be appropriate within established employment areas'. Section 2 of the NPPF does however require that a sequential test be applied to planning applications for main town centre uses, including leisure uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The test requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 10.2 Details of a search for alternative town centre and edge of centre premises within a 5 mile radius were submitted with the application. Due to the relatively small-scale of the operation/use and its specific requirements for no more than 350sqm floorspace, no suitable alternative, sequentially preferable premises were found to be available.
- 10.3 The application premises are located on the route of a number of high-frequency bus routes, and is thus in a relatively highly accessible and well-connected location. Demonstrating the flexibility on issues of format and scale that is required by the NPPF it is considered that the sequential test is satisfied. Moreover, given the small-scale of the leisure use proposed it is accepted that the use in this location would not cause any undue harm to the competitiveness of the town centre. The proposal is therefore considered acceptable and in compliance with UDP policies 1.5, 1.7 and S8 and the core principles and Section 2 of the NPPF.

11. RESIDENTIAL AMENITY

- 11.1 The Head of Environmental Services – Environmental Protection has raised no objections to the proposal subject to any permission be conditional, among other things, to a suitable, acoustically-insulated fixed frontage being fitted or requiring that the roller shutter doors remain closed during operating hours. In response to complaints from one of the objectors to this application noise recordings were made at the complainant's house. These recordings registered audible music and also voices from instructors at the gymnasium. Whilst the noise levels registered do not constitute a statutory noise nuisance at that property if any residents in the houses directly opposite the gymnasium were to complain there is a definite possibility that they could suffer statutory nuisance from noise.
- 11.2 The applicant has supplied a Noise Management Plan that suggests a number of means by which noise disturbance can be ameliorated. The suggested measures include that the doors be closed outside the hours of 08.00am until 08.30pm on Mondays through to Saturdays and will remain closed on Sundays and that when the doors are open any music audible would not exceed acceptable levels at the nearest residential property. The Noise Management Plan does not however satisfy Environmental Protection requirements as no noise from the proposed premises should be audible or cause annoyance at the nearest noise sensitive property.
- 11.3 The conditions suggested by the Head of Environmental Services – Environmental Protection do not satisfy the tests given by the NPPF for conditions.
- 11.4 A fixed frontage is not included in the application, which is for the change of use only, and so a condition requiring such would affect the applicant's ability to retain the development in use and impact on the proper implementation of the planning permission and will fail the test of reasonableness.
- 11.5 The monitoring of a condition requiring that the roller shutter doors to remain closed during operating hours would place an onerous burden on the council and so not be reasonably enforceable and so fail a test of the appropriateness of conditions.

12. HIGHWAYS AND TRAFFIC

- 12.1 The application indicates that there are 26 car parking spaces available in the shared forecourt. Given the relatively good accessibility of the site the parking provision available is considered acceptable. The gymnasium would utilise existing servicing and access arrangements which are adequate to cater for the proposed use, the requirements of which are not so great as other uses in the Trading Estate or the authorised general industrial use.

13. CONCLUSION

- 13.1 Because of the potential for a significant impact on residential amenity through noise the development is not acceptable and it is considered it is not possible to make it acceptable through the use of conditions. The proposal thereby fails to comply with policies 1.12, S8 and S9 of the UDP and for this reason the recommendation is for refusal.

14. RECOMMENDATION

Refuse planning permission for the following reason:

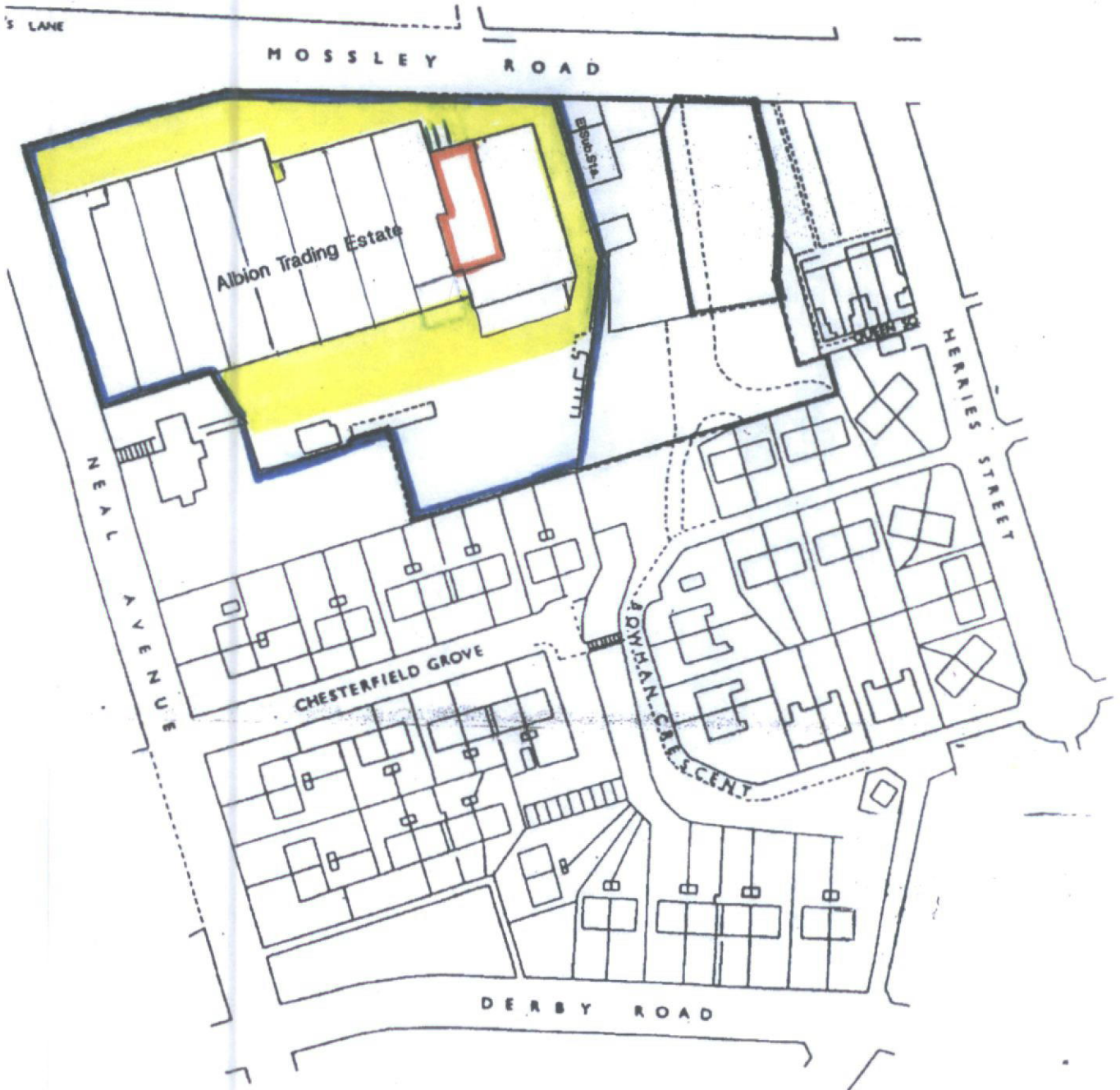
Because of the possible undue impact on residential amenity through noise the development is not acceptable and it is not considered possible to make it acceptable through the use of conditions. The proposal thereby fails to comply with policies 1.12, S8 and S9 of the Tameside Unitary Development Plan.

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TAMESIDE DISTRICT

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Application Number 17/00447/FUL

Proposal Creation of car park

Site Grass Verge at Platting Grove, Ashton-Under-Lyne

Applicant New Charter Housing

Recommendation Grant planning permission subject to conditions

REPORT

1. REASON FOR SPEAKERS PANEL DECISION

- 1.1 A Speakers Panel decision is required because, in accordance with the Council's Statement of Community Involvement, a member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has been given the opportunity to speak also.

2. APPLICATION DESCRIPTION

- 2.1 The application seeks full planning consent for the development of a car park. The proposed car park would provide 11 spaces for use by local residents.
- 2.2 The parking area would be cut in to an existing grassed area and be constructed to adoptable standards using traditional methods of construction but utilising a sustainable urban drainage system (SUDS). Landscaping, involving additional tree planting around part of the site also forms part of the scheme.
- 2.3 To create an entrance to the new car park a length, approximately 19m, of the footway alongside the carriageway in Platting Grove would have to be removed. The existing footway around the southern and eastern boundaries of the site would remain.

3. SITE AND SURROUNDINGS

- 3.1 Platting Grove runs in a loop from Downing Street. The application site is situated on the northern side of the loop and comprises a roughly triangular area of grassland, approximately 470sqm in area. The site is situated alongside the footway and, acting as a large grass verge, separates houses on its southern side from the highway. The row of houses then returns at right angles, parallel with the site's eastern boundary, to return towards the road. The footway forks at the westernmost part of the site so that one fork continues alongside the carriageway whilst the other runs in front of the gardens of the houses before returning to the road. The site has a slight incline towards the south-east, where the two blocks of houses meet.
- 3.2 None of the houses that are separated by the site from the road have any off-street parking provision.

4. PLANNING HISTORY

- 4.1 None relevant.

5. RELEVANT PLANNING POLICIES

Tameside Unitary Development Plan (UDP) Allocation

5.1. Unallocated

Tameside UDP

Part 1 Policies

5.2 1.3: Creating a Cleaner and Greener Environment.

Part 2 Policies

5.3 T1: Highway Improvement and Traffic Management.

T8: Walking.

OL4: Protected Green Space

National Planning Policy Framework (NPPF)

5.4 Achieving sustainable development

Section 8. Promoting healthy communities

Section 10. Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

5.5 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.

6. PUBLICITY CARRIED OUT

6.1 As part of the planning application process notification letters were sent out on 9th June 2017 to 20 neighbouring properties in Platting Grove.

7. RESPONSES FROM CONSULTEES

7.1 The Head of Environmental Services – – Highways has raised no objections to the proposal and has requested informative notes be attached to any approval.

8. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

8.1 Objections have been received from three neighbours; two being from the same address in Platting Grove and the other does not provide an address. The reasons given for objecting are:

- loss of the green space that is used as a play area in sight of houses
- the facility would be used by non-local residents
- parking would remain insufficient and competition for available spaces would increase, resulting in increased road hazards
- other, smaller areas in the estate might be considered
- loss of outlook.

8.2 Messages of support have been received from two addresses in Platting Grove. Support is expressed because the proposal would help alleviate problems caused by on-street parking, and assist passage of emergency vehicles, and allow residents to park in the vicinity of their houses.

- 8.3 Another message received from a resident in Platting Grove expresses neither objection nor support but suggests other residual areas around the estate might be considered to provide additional car parking.

9. ANALYSIS

- 9.1 The principal issues in deciding this application are:-

- 1) The principle of the development
- 2) Highway safety and access.
- 3) Drainage

10. THE PRINCIPLE OF THE DEVELOPMENT

- 10.1 The land is open and grassed and so must be considered as Protected Open Space. The principle of the development must therefore be considered against the policies of Section 8 of the NPPF and UDP policy OL4 and whether built development is acceptable on the area of Protected Open Space.
- 10.2 The site has no special significance to the interest of sports and recreation. Its contribution as open space to the community is mainly visual, and providing limited, informal play space, rather than it serving a functional purpose. It does not provide for any sporting use, but only limited recreational use. Part of the justification, as given by policy OL4, for resisting built development on small areas of open space within the urban area is to avoid town cramming. The proposal does not involve built development. The use of the land for car parking would have only marginal impact on openness in the locality. The easternmost and westernmost parts of the site would remain grassed, with new tree planting, appropriate to the location, taking place. Given the proximity of the large area of open space around Taunton Brook immediately to the north of Platting Grove, the site provides only marginal visual amenity or sense of openness in the locality and this would not be lost completely.
- 10.3 The retention of the site solely for the purpose of limited amenity value for residents immediately adjacent would represent the inefficient use of land within the urban area and would not comply with the Core Principles of NPPF.
- 10.4 The proposal is therefore considered compliant with paragraph 77 of the NPPF and policy OL4 of the UDP and therefore acceptable in principle.

11. HIGHWAY SAFETY AND ACCESS

- 11.1 Being less than 5m wide the carriageway in Platting Grove is relatively narrow. If cars were parked on both sides of the carriageway it would be difficult for a car to pass and not possible for a larger vehicle, such as an ambulance or fire engine. None of the houses surrounding the 'green' are provided with any off-street parking facility and other houses opposite have the space to park only one car on a driveway. The provision of the additional parking facilities would therefore lessen the likelihood of parked cars causing congestion or obstruction.
- 11.2 The width of the opening to the proposed parking area is sufficient to allow free passage of cars in and out without one having to wait for the other. In the interests of highway safety, and to avoid conflict between pedestrians and cars, there would be no indication that the length of footway that would be removed to provide the opening would be a pedestrian crossing. A footway would remain in front of the houses and pass around the parking area.

11.3 By improving highway safety and without impinging unduly on pedestrian access the proposal is considered acceptable and in compliance with policies T1 and T8 of the UDP.

12. DRAINAGE

12.1 It is proposed that surface water from the parking area would be drained in to a permeable surface in order to minimise run off water entering the existing sewer system. In this respect the proposal is considered compliant with Section 10 of the NPPF.

13. CONCLUSION

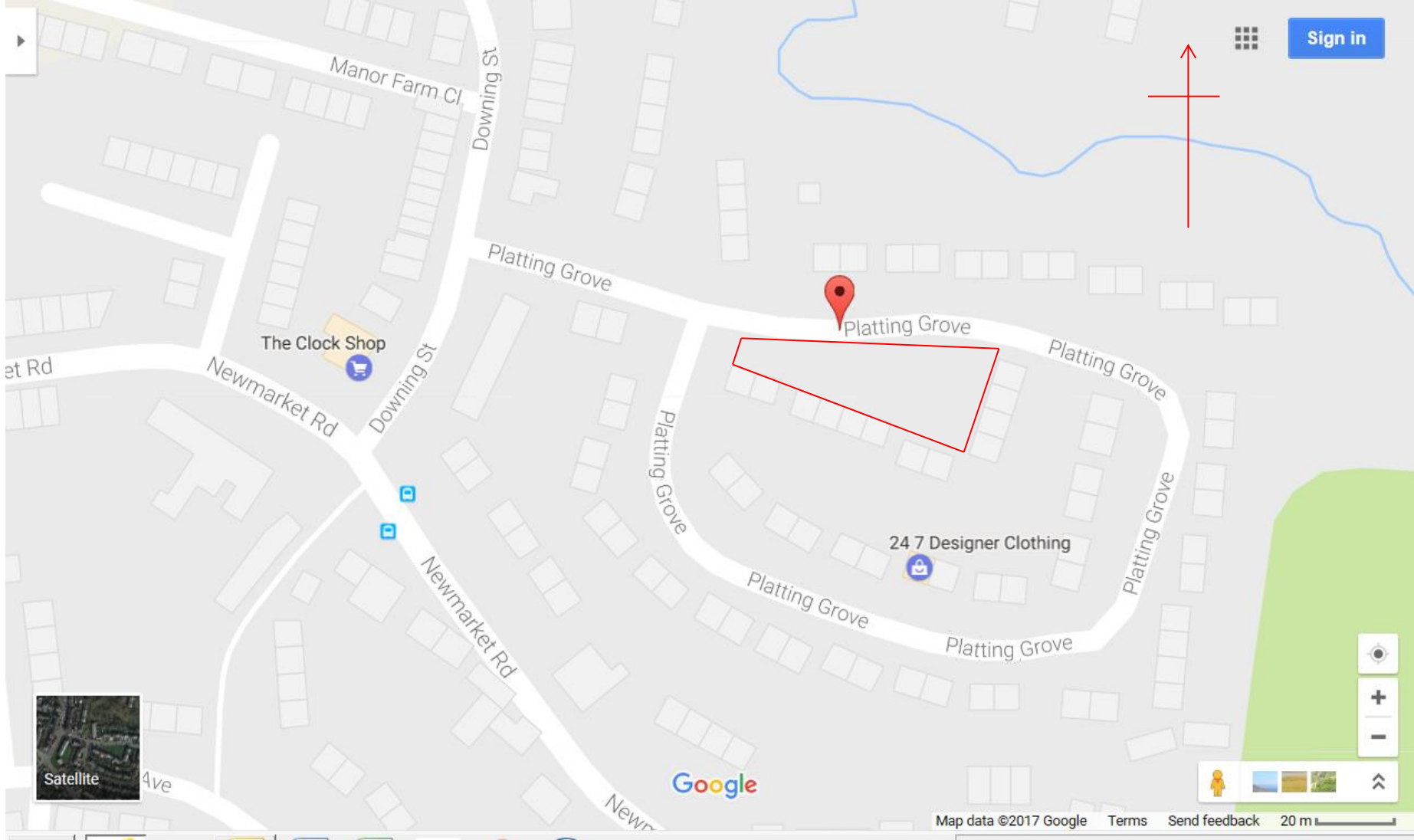
13.1 Without impacting unduly on the sense of openness in the locality but improving highway safety, it is considered that the proposal constitutes a sustainable development that conforms to the relevant requirements of the UDP and the NPPF. The recommendation is therefore for approval.

14. 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.
2. During 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.
3. The new trees indicated on the approved Proposed Site Plan shall be planted prior to the development hereby approved being first brought in to use, or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved planting 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.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: ref. NCHT001 and NCHT003, received on 31/05/17; and the amended Proposed Site Plan, received on 08/08/17.

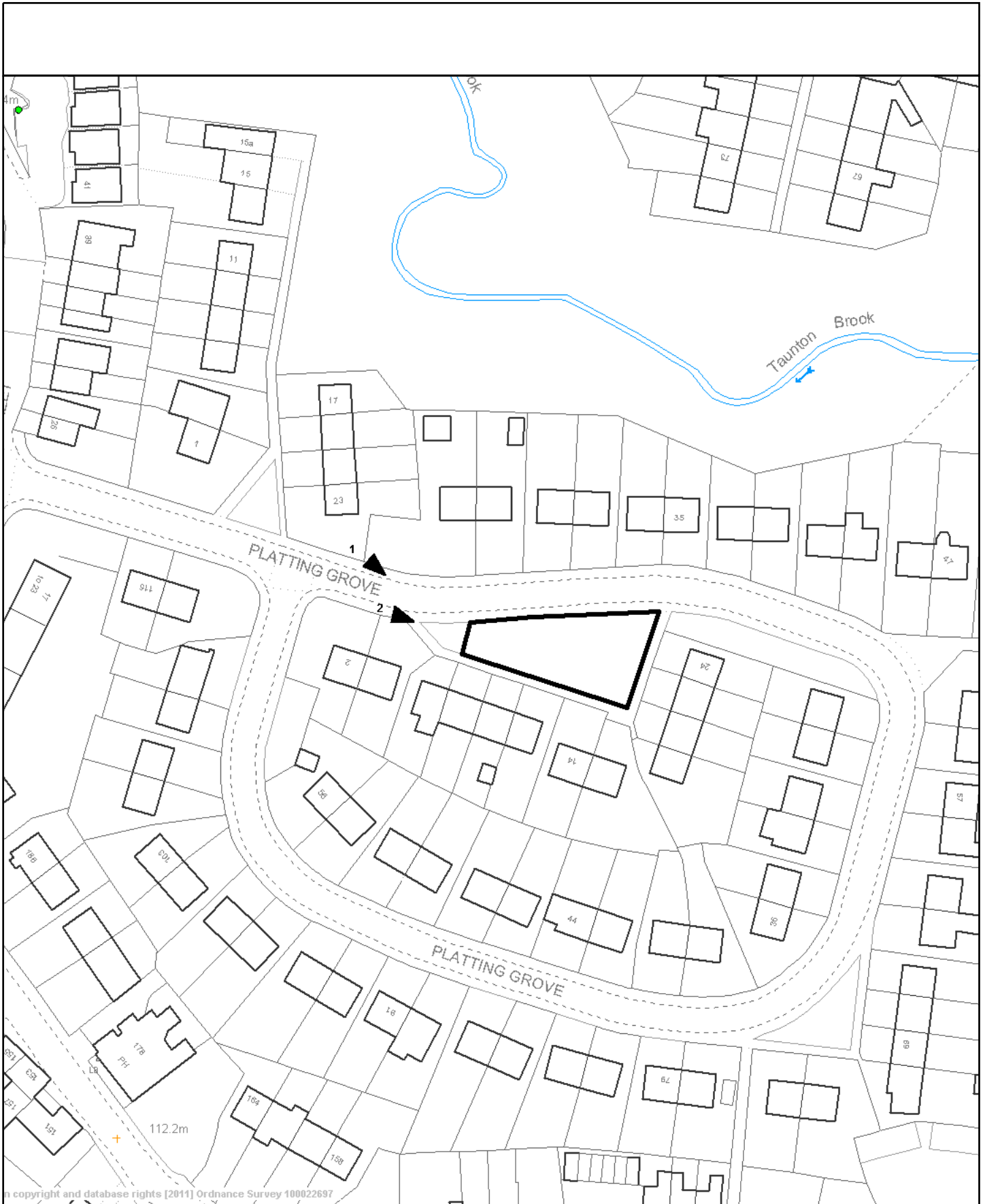
NORTH





NCHT001

Plating Grove



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17/00241/FUL

Proposal: Erection of a new industrial building (2,950 square metres) comprising 3 No. units for Use Class B1 (Business) and B8 (Storage/Distribution) purposes together with the laying out of associated car parking spaces.

**Location: Land at the site of Denton Hall, Oakden Drive, Denton
Application No.: 17/00241/FUL**

1. REASON FOR SPEAKERS PANEL DECISION

- 1.1 A Speakers Panel decision relating to this application is required as the application proposes a major development, as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. APPLICATION DESCRIPTION

- 2.1 The application seeks full planning permission for a new 2,950 square metre industrial building for uses within Class B1 and B8.

- 2.2 The following describes the characteristics of each of the proposed uses:

Use Class B1 a), b) and c) Business – Use of premises for offices other than use within A2, Research and Development of products or processes and for any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area).

Use Class B8 Storage or Distribution – Use of premises for storage and / or distribution centre.

- 2.3 The proposed floor space would be made up of three individual units (Units A, B and C) of varying sizes which would each be used for B1 and B8 purposes. Unit A would have a total floor area of 1,450 square metres over three floors of accommodation including the provision of a balcony on the rear elevation, Unit B would be 700 square metres and Unit C would be 800 square metres. The overall building would have a width of 37.5 metres, a depth of 67.4 metres and height of 9.35 metres to the eaves and 11.00 metres to the ridge. The proposed materials are silver metal cladding to the external elevations with glazed entrances to each of the three units.
- 2.4 The scheme proposes 16 car parking spaces together with 3 cycle parking spaces. The vehicle parking spaces would be provided in a single row to the rear of the proposed units, access to which will be taken from a separate access point off Oakden Drive. The position of the proposed cycle parking spaces would be adjacent to the proposed units.
- 2.5 The proposed servicing areas to each of the units are located in front of the building where the proposal will share the existing service yard and access with the adjoining industrial premises, Francis Kirk & Sons Ltd, who are the applicants.
- 2.6 The application has been submitted with a full set of the appropriate drawings and the following documents in support of the application namely:

Crime Impact Statement
Transport Statement
Design and Access Statement
Sustainability Statement

3. SITE AND SURROUNDINGS

- 3.1 The application site relates to a vacant parcel of land some 0.35 hectares in area located at the eastern side of Oakden Drive, a small cul de sac off Denton Hall Farm Road, Denton. The site is currently vacant and overgrown and enclosed on all boundaries by a security fence. Historically the site had previously formed part of the land and buildings associated with Denton Hall (now demolished).
- 3.2 In terms of its broader setting, the site lies within a predominately industrial area and adjoins Francis Kirk & Sons Ltd industrial premises to the west, Fielding Industrial Estate to the south and Qualtex Industrial Unit lies to the north. To the east of the site is an area of open land which had previously been used as a landfill site. A Public Right of Way adjoins the northern boundary of the site and links Denton Hall Farm Road to the open land adjoining the application site boundary.
- 3.3 The site lies within the Established Employment Area as allocated on the UDP Proposals Map.

4. PLANNING HISTORY

- 4.1 07/0113/FUL Erection of a new industrial unit. Approved with conditions on 18/12/07

5. RELEVANT PLANNING POLICIES

- 5.1 Tameside Unitary Development Plan (UDP) Allocation
Established Employment Area

Tameside UDP

5.2. **Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People.
- 1.3: Creating a Cleaner and Greener Environment.
- 1.9: Maintaining Local Access to Employment and Services.
- 1.10: Protecting and Enhancing the Natural Environment.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

5.3 **Part 2 Policies**

- E3: Established Employment Areas.
- E6: Detailed Design of Employment Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- MW10: Development on or near Landfill Sites
- MW11: Contaminated Land.
- N3: Nature Conservation Factors
- N7: Protected Species
- C1: Townscape and Urban Form
- C10: Development Affecting Archaeological Sites
- U4: Flood Prevention

Other Policies

- 5.4 Employment Land Supplementary Planning Document.

National Planning Policy Framework (NPPF)
Section 1 Building a strong, competitive economy

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.

6. PUBLICITY CARRIED OUT

- 6.1 As part of the planning application process notification letters were sent out on 30 May 2017 to neighbouring industrial premises. A notice was posted at the site and published in a local newspaper on 8 June 2017.

7. RESPONSES FROM CONSULTEES

- 7.1 The Head of Environmental Services – Highways has raised no objections to the proposal but referred to the location of a public right of way which runs adjacent to the side boundary of the application site.
- 7.2 The Head of Environmental Services – Environmental Protection has raised no objections subject to conditions relating to construction hours, hours of use/operation, contamination and acoustic treatment of all plant and machinery.
- 7.3 United Utilities has raised no objections to the proposal and has requested that conditions be attached to any approval relating to Sustainable Urban Drainage Systems (SUDS) and their maintenance and management.
- 7.4 Greater Manchester Police (Design for Security) have stated that the proposed development should be designed and constructed in accordance with the recommendations contained within the submitted Crime Impact Statement and a planning condition should be added to reflect the physical security specification listed within section 4 of the appendices within the submitted Crime Impact Statement.
- 7.5 Greater Manchester Archaeological Advisory Service has requested that a condition be attached to any planning permission relating to the submission of a written scheme of investigation relating to a programme of archaeological works having regard to the former siting of Denton Hall in the vicinity of the application site. .
- 7.6 Greater Manchester Ecology Unit has advised that there are records of mammals and amphibians in the area and there is a small possibility that mammals/amphibians could be found in the works area. To avoid any possible harm to these species Reasonable Avoidance Measures (RAMs) should be adopted in full during the construction works and a condition should be attached to any planning permission to this effect.

8. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 8.1 One letter of objection has been received from the owner/occupier of a neighbouring industrial unit on Oakden Drive. Main points raised relate to:
- The proposed turning circle is too close to the proposed buildings, it should be after the parked cars. The distance between the buildings should be greater to allow for this.
 - The height of the new building (unit A) will restrict the light entering our building due to its close proximity.

- The building (unit A) is too close to our building we feel it should be set back, to a position in line with the landscaping on unit 01.

9. ANALYSIS

9.1 The principal issues in the determination of this application relate to:-

- 1) The principle of the development
- 2) Design, appearance and impact on Visual Amenity
- 3) Highways, Access and Parking
- 4) Residential amenity
- 5) Crime and Disorder
- 6) Contamination
- 7) Flood Risk and Drainage
- 8) Other

9.2 The principle of the development

9.3 The proposed industrial unit will be located on a currently vacant parcel of land adjacent to the boundary with the existing industrial premises at Francis Kirk & Sons Ltd off Oakden Drive, Denton and lies wholly within the Established Employment Area as allocated on the Councils UDP Proposals Map.

9.4 Section 1 of the NPPF advocates that planning should operate to encourage and not act as an impediment to sustainable growth and therefore significant weight should be placed on the need to support economic growth through the planning system.

9.5 UDP policy E3 states that, in established employment areas, the Council will permit development for employment purposes. Industrial development has previously been approved in principle on the application site in 2007 and the Industrial Park in which the development is proposed is allocated as an established employment area and so the principle of the development is wholly appropriate.

Design, appearance and impact on Visual Amenity

9.6 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. UDP Policies C1 and E6 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

9.7 The proposed building would comprise a large, single industrial unit providing (in parts) some three floors of accommodation. It would be finished in metal cladding with glazed openings. Whilst it is accepted that the industrial unit will have a significant mass and bulk, given its scale and footprint, it has been designed to meet its proposed function and would reflect the scale of other industrial units nearby.

9.8 It is considered that the proposed design and appearance would be of an acceptable standard and the unit would sit comfortably in terms of its design, scale and appearance within the context in which it would be set. It is therefore considered that the appearance of the proposal is acceptable and would comply with the requirements of UDP Policies C1 and E6 and Section 7 of the NPPF.

Highways, Access and Parking

- 9.9 The NPPF outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. In considering developments that generate significant amounts of movements, local authorities should seek to ensure that they are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 9.10 Paragraph 32 of the NPPF states that “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 9.11 The application is accompanied by a Transport Statement (TS) which assesses existing transport conditions in the area and the likely impact of the proposed development.
- 9.12 The submitted TS sets out the likely trip calculations associated with the proposed use and potential impact of additional vehicle movements associated with the overall scheme. In addition an assessment of the impact upon the surrounding highway network has been provided as part of the TS. This concludes that the proposed B8 Use is predicted to generate 17 and 12 two way vehicle movements in the AM and PM peak periods respectively. The TS also confirms that this is considered to be a marginal change in traffic movements over baseline traffic conditions. Based on observed traffic conditions on Windmill Lane this change in traffic flow is considered to be well within the day to day variation of flow on the highway network and will not have a 'severe' impact when the development is in operation.
- 9.13 The Head of Environmental Services (Highways) has considered the impact of the proposed development upon the highway network and has not raised any objections.
- 9.14 In terms of parking provision, the application proposes 16 car parking spaces which are to be allocated to the proposed units. This is considered to be appropriate level based on a mix of B1 and B8 Uses. The scheme also proposes 3 cycle spaces and it is recommended that a condition be attached to any approval providing final details of covered and secure cycle parking.
- 9.15 With regard to access arrangements and servicing, suitable space would remain in front of the building for the safe manoeuvring of goods vehicles. The proposed shared service access for the existing industrial unit at Francis Kirk and Sons Ltd and the proposed units is also suitable for its intended purpose. The proposed access and servicing arrangements are therefore considered acceptable and in accordance with the relevant requirements of UDP policies E6 and T1 and the Employment Land SPD.
- 9.16 Overall, in relation to highway matters, the increase in vehicular movements associated with the proposed floor space would not have a significant impact on the capacity of the highway network or highway safety, as confirmed in the submitted TS. The proposed access arrangements together with vehicular and cycle parking provision is also considered to be acceptable as confirmed by the Head of Environmental Services (Highways). As a result, the scheme is considered acceptable from a highway point of view and complies with UDP Policies T1, E6 and paragraph 32 the NPPF.

9.17 A Public Right of Way runs alongside the site. There is no proposal to block or divert the right of way and therefore there is no objection in this respect.

Residential Amenity

9.18 The NPPF identifies a set of core land use planning principles that should underpin both plan making and decision making. Amongst these core principles include a requirement that planning should seek to secure a good standard of amenity of all existing and future occupants of land and buildings. These principles are supported by UDP Policy E6.

9.19 The application sites lies wholly within the Established Employment Area as identified on the UDP Proposals Map and is adjacent to other industrial uses. The nearest residential properties lie on Kennedy Way, some 313 metres to the boundary of the application site area.

9.20 Given the location of the building adjacent to existing industrial premises, together with its siting some 313m away from the nearest residential property, it is not considered that the proposal would result in any significant noise impacts and therefore the amenity of surrounding residential properties would not be harmed as a result of the proposed development. It should also be noted that the Head of Environmental Services (Environmental Protection) has not raised any objections to the proposal on noise grounds. The proposal therefore complies with UDP Policy E6 and the NPPF.

Crime and Disorder

9.21 S17 (1) of the Crime and Disorder Act 1998 places a duty to consider crime and disorder implications on local authorities. In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. This requirement is reflected in the National Planning Policy Framework which states that planning policies and decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.22 Given the scale and nature of the proposal, together with its location, it is considered that the proposal would not lead to crime and disorder in the local community and accord with the requirements of the National Planning Policy Framework in this regard.

9.23 The more detailed Crime Impact Statement (CIS) submitted with the application states that the level of crime in the locality is low and the proposed development has been well considered from a crime prevention perspective. The views of Greater Manchester Police (Design For Security) on the submitted CIS are awaited and will be reported verbally to Members.

Contamination

9.24 Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination, responsibility for securing a safe development rests with the developer or land owner.

9.25 Policy MW11 Contamination of the UDP states that where development is proposed on a site that based on historical knowledge may have a contamination problem, conditions will be attached to any planning permission that is granted.

9.26 The Councils Head of Environmental Services (Environmental Protection) has been in discussion with the applicants appointed Environmental Consultants regarding ground conditions on the site and has recommended that a contaminated land condition be attached to any planning permission to secure remedial measures required to remove,

stabilise, contain or treat potential contamination on site prior to the commencement of the development.

Flood Risk and Drainage

- 9.27 The site lies within Flood Zone 1 and is therefore located within an area which is at the lowest risk of flooding.
- 9.28 In terms of drainage, the scheme would be required to incorporate a sustainable drainage system (SUDS). In a Written Ministerial Statement in December 2014, the Secretary of State for Communities and Local Government set out the Government's expectation that sustainable drainage systems (SUDS) will be provided in new developments, where this is appropriate. The Statement requires decisions on planning applications relating to major developments to ensure that SUDS for the management of surface water run-off are put in place, unless demonstrated to be inappropriate. Under these arrangements, Local Planning Authorities should consult the relevant Lead Local Flood Authority (LLFA) on the management of surface water, satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.
- 9.29 Particular types of sustainable drainage systems may not be practical in all locations. Any future drainage design would need to consider the drainage hierarchy laid down in the NPPF and provide evidence to inform the final design. The SUDS should be designed to ensure that the maintenance and operation requirements are economically proportionate.
- 9.30 The NPPF states that whether SUDS should be considered will depend on the proposed development and its location, for example whether there are concerns about flooding. Whether a SUDS system is appropriate to a particular development proposal is a matter of judgement for the Local Planning Authority and advice should be sought from relevant flood risk management bodies, principally the LLFA.
- 9.31 The application submission does not include any detailed drainage designs. However, it is considered that these could be secured by a planning condition with any detailed design subject to consultation with the LLFA.
- 9.32 Overall given that the application site is located within Flood Zone 1 and subject to a condition securing a detailed drainage scheme and details of ongoing maintenance, the proposed scheme is not considered to be at risk of flooding, nor would it result in flood risk elsewhere.

Archaeology

- 9.33 The site is on the former site of Denton Hall which was destroyed by fire and the remaining structure re-located in the mid-1970s. The remains of the hall building were fully exposed and recorded during excavations by the local archaeological society and later still by Greater Manchester Archaeological Advisory Unit (GMAAS).
- 9.34 GMAAS have been in discussion with the applicant and have concluded that it would be appropriate and necessary to attach a condition requiring the implementation of archaeological works having regard to the requirement in the NPPF at paragraph 141 "to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)" and "to make this evidence (and any archive generated) publicly accessible".

Ecology

- 9.35 The applicant consulted with the Greater Manchester Ecological Unit (GMEU) prior to submission of the planning application. It was determined that there was no requirement to carry out an ecological survey to support the application.

9.36 It is recommended that there be a condition attached to ensure that "Reasonable Avoidance Measures" are adopted during construction works to protect any mammals or amphibians that may be in the area.

9.37 It is considered that subject to this condition there is no objection to the proposal on ecological grounds.

Other

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

9.39 The proposal is considered not to be EIA development under either schedule 1 or 2 of the EIA Impact Regulations 2011 or a variation/amendment of previous EIA development nor taken in conjunction with other development that is likely to have a significant environmental effect.

9.40 Concern has been expressed from the occupier of a neighbouring industrial unit regarding the size, scale and close proximity of the proposed industrial unit to their premises and the fact that it will block out light. Whilst the close proximity of the proposed industrial building in relation to adjoining industrial premises is noted, policies in the UDP do not protect the amenities of existing occupiers of industrial premises from such proposals.

9.41 It is considered that the development complies with the Development Plan when read as a whole and there are no other material considerations that would justify any decision contrary to the development plan. Having regard to paragraph 12 of the NPPF which requires proposals which accord with the development plan to be approved unless material considerations indicate otherwise, it is recommended that permission be granted subject to conditions.

10. 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.
- 2) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
- 3) Foul and surface water shall be drained on separate systems.
- 4) 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.

The development shall be completed in accordance with the approved details.

- 5) Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

- 6) 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.
- 7) The use hereby permitted shall not be operated on Sundays and Bank Holidays and outside the hours of 07:00 to 18:00 Monday to Saturday.
- 8) All fixed plant and machinery shall be acoustically treated/designed in accordance with a scheme to be agreed in writing with the Local Planning Authority. The agreed measures shall be maintained thereafter.
- 9) Prior to bringing the development into use the car parking, cycle parking, servicing and turning facilities indicated on the approved plan shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for their intended purposes. Vehicles must be able to enter and leave the site in forward gear at all times.
- 10) No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 1. A programme of archaeological investigation to include:
 - targeted evaluation of the moat through trial trenching
 - informed by the above, more detailed, targeted excavation and recording.
 2. A programme for post investigation assessment to include:
 - (where necessary) finds conservation
 - Analysis and reporting of finds
 - Production of a final report on the significance of the archaeological interest.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record and Tameside Local Studies Library.
 4. Dissemination of the results.
 5. Provision for archive deposition of the report and records of the site investigation.
 6. Nomination of a competent person or persons/ organisation to undertake the works set out within the approved WSI.
- 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) Notwithstanding the submitted details, prior to the commencement of development details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the occupation of the development and shall thereafter be retained to the satisfaction of the Local Planning Authority.
- 13) Reasonable Avoidance Measures (RAMs) for the protection of mammals /amphibians should be adopted in full during any construction works related to and including the development. These shall include -
- (a) All excavations on site should be covered at night or a ramp should be provided to allow mammals/amphibians to exit excavations. All excavations should be checked for these species each morning prior to the re-commencement of any works.
 - (b) All exposed new pipework and drains should be capped at night so as to avoid trapping amphibians.
 - (c) All excavated materials/waste should be stored in skips or similar and not on the ground where it could be used as a refuge/resting area by amphibians. Alternatively all waste should be removed from site daily.
 - (d) All stored building materials that might be used as temporary resting places by amphibians should be stored off the ground on pallets or similar.
 - (e) Scaffold footings will be placed on sand to prevent newts taking temporary refuge underneath the footings.
- 14) The development shall not be brought into use until details of a Travel Plan have been submitted to and approved in writing by the local authority. The approved travel plan shall be implemented to the satisfaction of the local Planning Authority prior to occupation of any part of the development.
- 15) A scheme of security lighting to the northern boundary of the site (adjacent to Public Right of Way DEN/13) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme shall be installed and be operational prior to the first occupation of the development. The scheme shall be retained at all times thereafter.

- 16) The development hereby approved shall be carried out in accordance with the submitted Crime Impact Statement Version 'A' dated 26/05/2017 (Ref 2017/0174/CIS/01) and received by the Local Planning Authority on 6 July 2017 and its associated recommendations.
- 17) The development hereby approved shall not be occupied or used until the local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.
- 18) Prior to the commencement of development details of covered and secure cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the development hereby approved and unless otherwise first agreed in writing by the Local Planning Authority maintained as such at all times thereafter.
- 19) The development hereby approved shall be carried out in strict accordance with the following drawings received by the Council on 22 May 2017.
 - 17 001-1 Rev B (Site Plan)
 - 17 001-3 Rev B (First Floor)
 - 17 001-4 Rev B (Second Floor)
 - 17 001-6 Rev B (Elevations Sheet 1)
 - 17 001-7 Rev B (Elevations (Sheet 2) and Images)
 - 17 001-8 Rev C (Sections & Images)
 - 17 001-9 Rev B (Fix 8 Ground Floor)
 - 17 001-10 Rev B (Fix 8 First Floor)
 - 17 001 – 11 Rev B (Fix 8 Second Floor)
 - 17 001-12 (Site Location Plan)

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Application Number: 17/00241/FUL

Photo 1

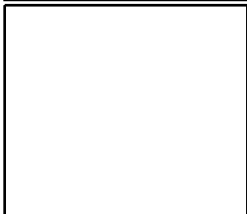
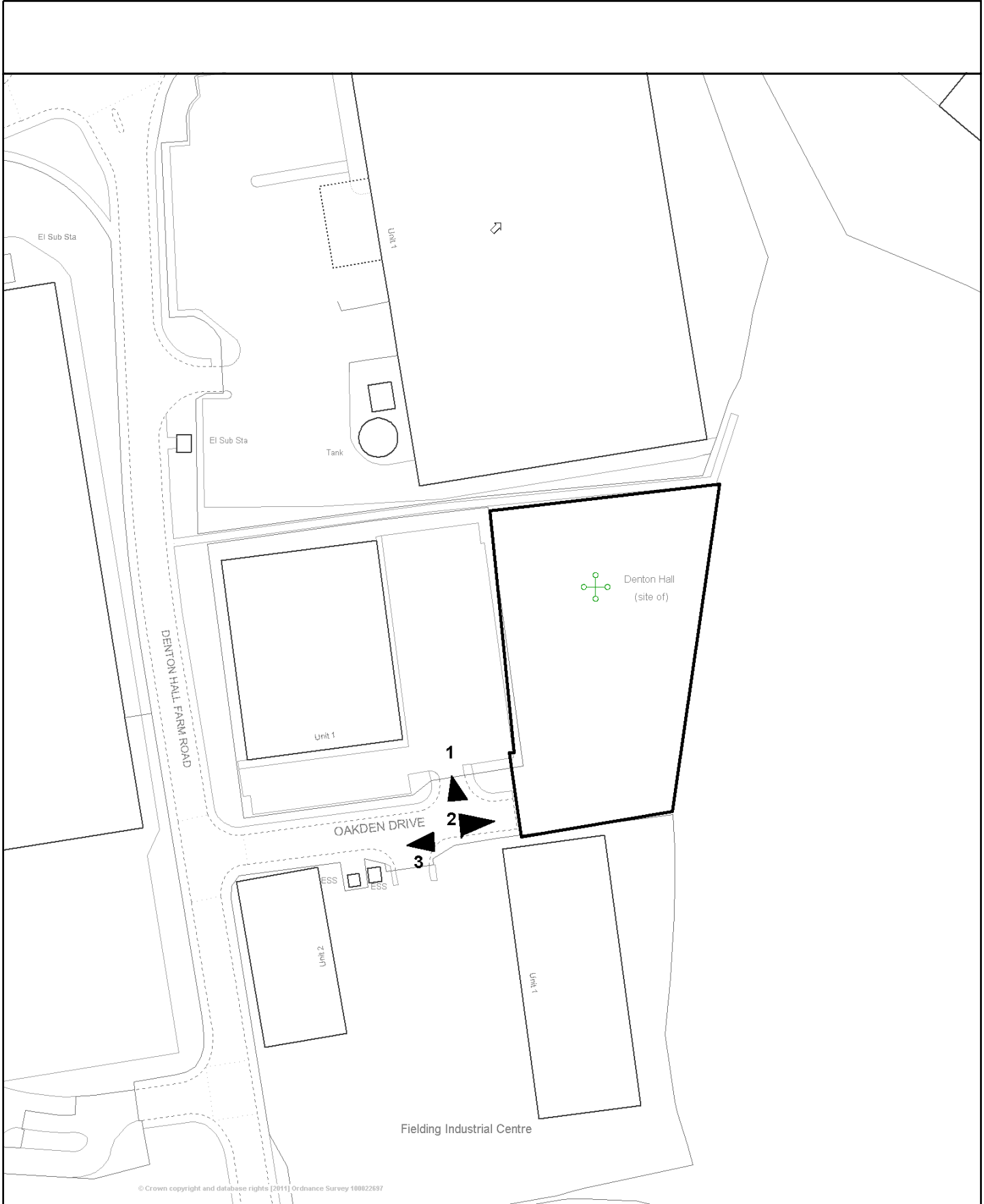


Photo 2



Photo 3





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Application Number 17/00487/FUL

Proposal	Retrospective planning permission for 2 no semi detached houses to regularise height difference (on plan) with neighbouring property and alternative roof design (following grant of planning permission 14/00721/FUL).
Site Location	87 Town Lane, Denton
Applicant	Mr P Eade
Recommendation	Grant Planning permission subject to conditions
Reason for report	The Head of Planning has chosen not to exercise delegated powers and instead present the item to speaker panel for determination due to the level of local interest in the application

REPORT

1. APPLICATION DESCRIPTION AND BACKGROUND

- 1.1 In 2014 the Council granted planning permission for two new homes on this site under application 14/00721/FUL. These homes were designed as a pair of semi-detached properties and were approved with a mansard style roof.
- 1.2 In 2016 the houses were constructed and at this point the Council received complaints from local residents that the houses had not been constructed in accordance with the approved plans. Upon investigation, two issues were revealed.
- 1.3 Firstly the originally submitted drawings were found to have been inaccurate and had shown the roof of the neighbouring property to be much higher than was actually the case.
- 1.4 Secondly the roof to the new build homes had been enlarged by increasing the height of the mansard section of the roof by 1.45m. This had been achieved through a combination of lowering the eaves and raising the height of the top of the mansard. Whilst the overall height of the ridge remained as permitted, the homes appeared to be much taller due to the error in representing the height of the neighbouring property on the originally permitted drawings. As a result the houses as constructed do not have planning permission.
- 1.5 Following on from the above, discussions took place with the Planning Enforcement team and the current application was submitted which seeks planning permission to regularise this development situation subject to further changes to the elevations to incorporate a gable style roof instead of the current mansard style roof.
- 1.6 Members may recall a previous application was reported to Speakers panel in May earlier this year under application reference 16/00533/FUL this application was refused due to Members concerns regarding the incorporation of twin gables and the roof design together with roof volume which members considered constituted poor design which failed to respect the character and appearance of existing residential properties in the area.
- 1.7 The current proposal has sought to address these concerns by revising the scheme to incorporate a twin gabled roof to the rear elevation which gives a more balanced appearance to the roof.

- 1.8 At present the houses remain unoccupied until such time as this matter is resolved and during this period, there have been a number of issues at the site in terms of crime and anti-social behavior. The applicant is therefore keen to see this situation resolved and has committed to implementing these changes to the scheme quickly should planning permission be granted to marketing of the properties to commence.

2. SITE & SURROUNDINGS

- a. The application site is located to the corner of Town Lane and Merlyn Avenue in Denton and formerly contained derelict garages prior to the construction of the two new homes.
- b. The site has good access to public transport with bus services running along Town Lane and the nearest bus stops are immediately outside of the site.

3. PLANNING HISTORY

- 3.1 16/00533/FUL Retrospective planning permission for 2 no semi detached houses to regularise height difference with neighbouring property and alternative roof design, refused May 2017 for the following reason;

"The proposed development by virtue of the proposed large twin gables and roof volume constitutes poor design and would fail to respect the character and appearance of existing residential properties in the area. The proposed development is therefore contrary to policies H10 'Detailed Design of Housing Development' and C1 'Townscape and Urban Form' and Section 7 of the NPPF which attaches great importance to the design of the built environment"

- 3.2 14/00721/FUL Demolition of garages and erection of 2 no semi-detached houses, permitted November 2014.

4. RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation
Within Settlement Boundary

4.2 Tameside UDP

Part 1 Policies

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

Part 2 Policies

- H2: Unallocated Sites.
- H7: Mixed Use and Density.
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T11: Travel Plans.
- C1: Townscape and Urban Form
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- N7: Protected Species
- MW11: Contaminated Land.
- U3: Water Services for Developments

4.3 **Other Policies**

- 4.4 Greater Manchester Spatial Framework – Publication Draft October 2016
The Greater Manchester Joint Waste Development Plan Document April 2012
The Greater Manchester Joint Minerals Development Plan Document April 2013
Residential Design Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.5 **National Planning Policy Framework (NPPF)**

- 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

4.6 **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. **PUBLICITY CARRIED OUT**

- 5.1 As part of the planning application process 7 notification letters were sent out to neighbouring properties on 3rd August 2017.

6. **RESPONSES FROM CONSULTEES**

- 6.1 Environmental Protection: Recommend condition is applied to limit hours of demolition / construction work and deliveries.
6.2 Highways: No objections subject to conditions to provide and retain parking & access.

7. **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the original notifications 1 objection has been received notifying the Council that they would like to speak at Panel before a decision is made.

8. **ASSESSMENT**

- 8.1 The principal issues in determining this application are:
- Principal of development
 - Layout & Design
 - Amenity

9. **PRINCIPLE OF DEVELOPMENT**

- 9.1 The principle of residential development was established by the grant of planning permission for residential development in 2014 where the redevelopment of a former garage site on previously developed land was found to be acceptable. The previous consent for the development was also for two houses of identical footprint but with a different roof design.

- 9.2 In dealing with the current application, there are deemed to be three principal considerations which need to be considered. These are;
- Impact of the changes to the height and design of the homes
 - The impact on residential amenity as a result of the changes
 - Highway Safety regarding the layout and car parking provision

These matters are dealt with in turn below.

10. CHANGES TO HEIGHT & DESIGN

- 10.1 In terms of assessing this issue, the key policy for consideration is RD22: Infill & Backland Sites which requires development proposals to ensure they do not harm the existing character of an area and retain adequate outdoor amenity space, parking and access.
- 10.2 The current proposals would be the same overall ridge height as the previously approved scheme but with an amended design proposed to create twin, front and rear facing gables. These changes would be beneficial in terms of ensuring that the design better reflects the character of the local area and would reduce the apparent bulk and mass of the roof particularly when viewed in the context of the rest of the street.
- 10.3 The revised design is therefore considered to be an improvement in terms of its visual appearance on both the previously approved scheme and the building as it now stands. As such the proposal would be considered to meet the requirements of policy RD22 of the Council's residential design guide and policy H10(a) of the UDP.
- 10.4 In terms of layout the rear garden areas for the proposed dwellings are small, but no smaller than previously approved. Parking is made available for a single car for each house compared with a car parking space and a garage, however, this is considered acceptable for a 2 bed property in a sustainable location and the proposals are considered to be compliant with UDP policies RD22 and HOU10(b).

11. AMENITY

- 11.1 In terms of amenity this was assessed as being acceptable with regard to the previously approved scheme. Whilst the design of the roof is proposed to change this would not have any greater impact upon the amenities of neighbouring properties and the proposals would have no greater impact than the previously approved scheme and in this respect the proposals are considered compliant with policy H10 (a) of the UDP.

12. HIGHWAYS SAFETY

- 12.1 Whilst matters of highways safety are raised by neighbours, the design and position of the access is identical to that previously approved and it is not considered that any new issues of highway safety are raised by the proposals and the previous application was not refused on the basis of any such concern.
- 12.2 Ultimately, the Council's Highways Engineer has no objections to the proposal and it is not considered that there are any grounds to refuse the application on the basis of the minor changes to the proposed parking provision which can be secured by condition.

13. CONCLUSION

- 13.1 As planning permission has already been approved for the development of two new homes on this site, the key issue is whether the proposed changes to the approved scheme are considered to be acceptable.
- 13.2 In this respect, it is considered that the changes to the scheme are an improvement to the visual appearance of the building over the previously approved scheme and are acceptable in terms of the revised height, design, car parking and impact on residential amenity. As such the proposals would accord with planning policy and the grant of planning permission for the revised scheme would allow the completion of works to be finalised and occupied, thus also resolving other concerns regarding problems with crime and anti-social behaviour at the site.
- 13.3 Should members reach a view that they do not accept the officer recommendation then it will also be important for members to consider the expediency of taking formal enforcement action against the current unauthorised development. In this respect, it would be critical for Members to set out very clear reasons why it is considered appropriate and expedient to take enforcement action in this instance.

14. RECOMMENDATION

To grant planning permission subject to the conditions set out below:-

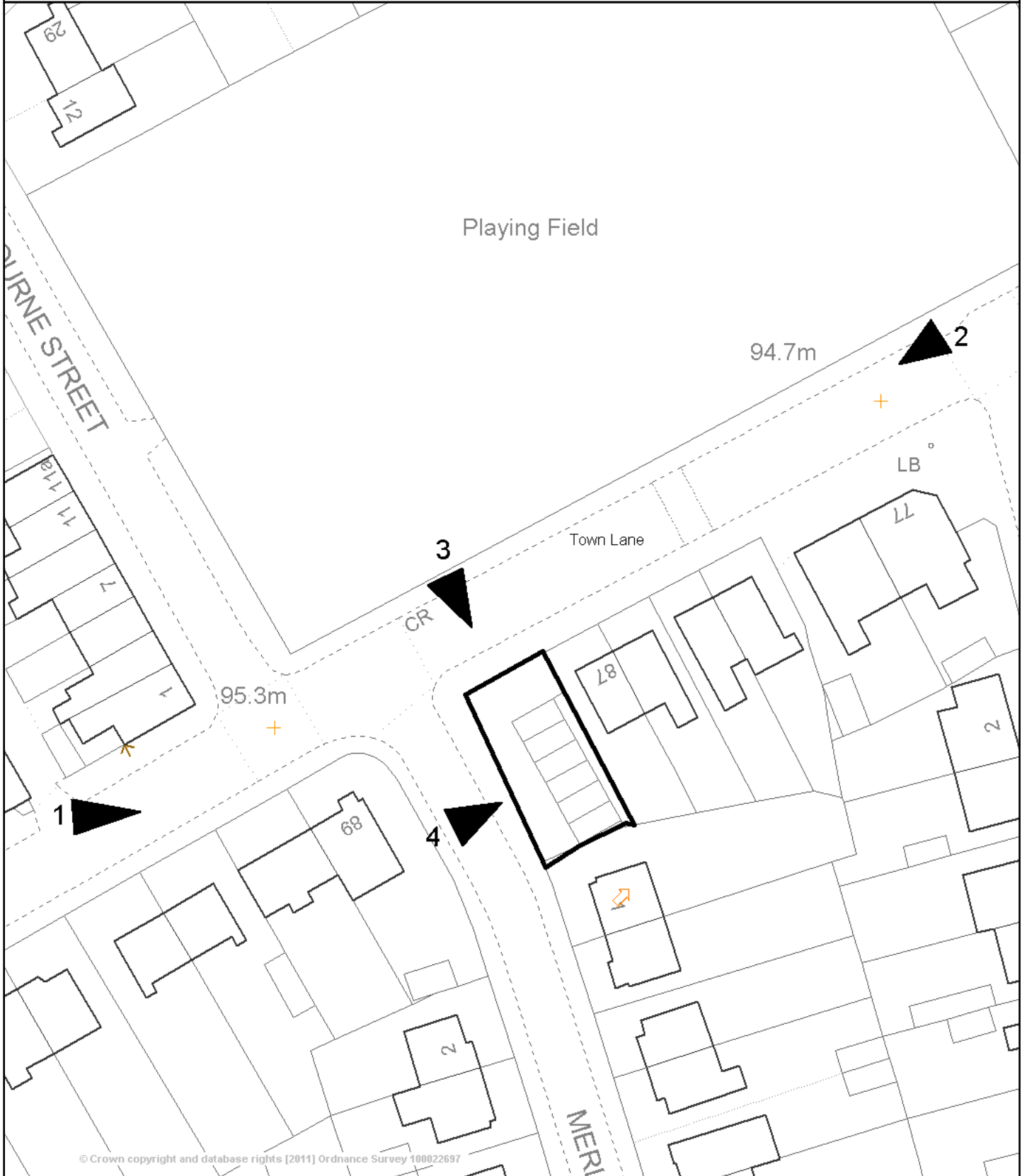
1. The development shall be carried out in accordance with the following approved plans;
 - Proposed Elevations and Roof Plan Drawing no. 12b
 - Proposed Floor Plans and Site Plan Drawing no. 13a
 - 1:1250 Location Plan licence number 100022432
2. During demolition/construction no work, including vehicle 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.
3. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the 'Proposed Floor Plans and Site Plan Drawing no. 13' prior to the occupation of any part of the development. 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.
4. A clear view shall be provided on both sides of the site access where it meets the footway in Merlyn Avenue. It shall measure 2.4 metres 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. The roof shall be finished using Marley modern grey roof tiles unless otherwise agreed in writing with the local planning authority.
6. The development shall be carried out in full accordance with the approved plans and completed within 6 months of the date of this permission.
7. Prior to occupation of the dwelling houses, a car parking plan showing the availability of a minimum of 3 car parking spaces shall be submitted to the Local Planning Authority for approval. The approved parking spaces shall thereafter be provided in accordance with the approved plan prior to the first occupation of any part of the development. The approved parking

shall thereafter be kept unobstructed and available for its intended purpose and shall be maintained and kept available for the parking of vehicles at all times.

8. The development hereby approved shall not be occupied/brought in to use until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with details which have first been submitted to and approved in writing by the local planning authority.

The reasons for the conditions are:

1. To define the permission and for the avoidance of doubt
2. To protect the amenities of occupants of nearby dwelling houses in accordance with UDP policies 1.12 and H10.
3. In the interests of the character and appearance of the area.
4. To allow users of the site access and highway to see each other approaching
5. To safeguard the character and appearance of the area.
6. To safeguard the character and appearance of the area.
7. To ensure adequate car parking arrangements.
8. To secure the provision of satisfactory access to the site and in the interests of road safety.



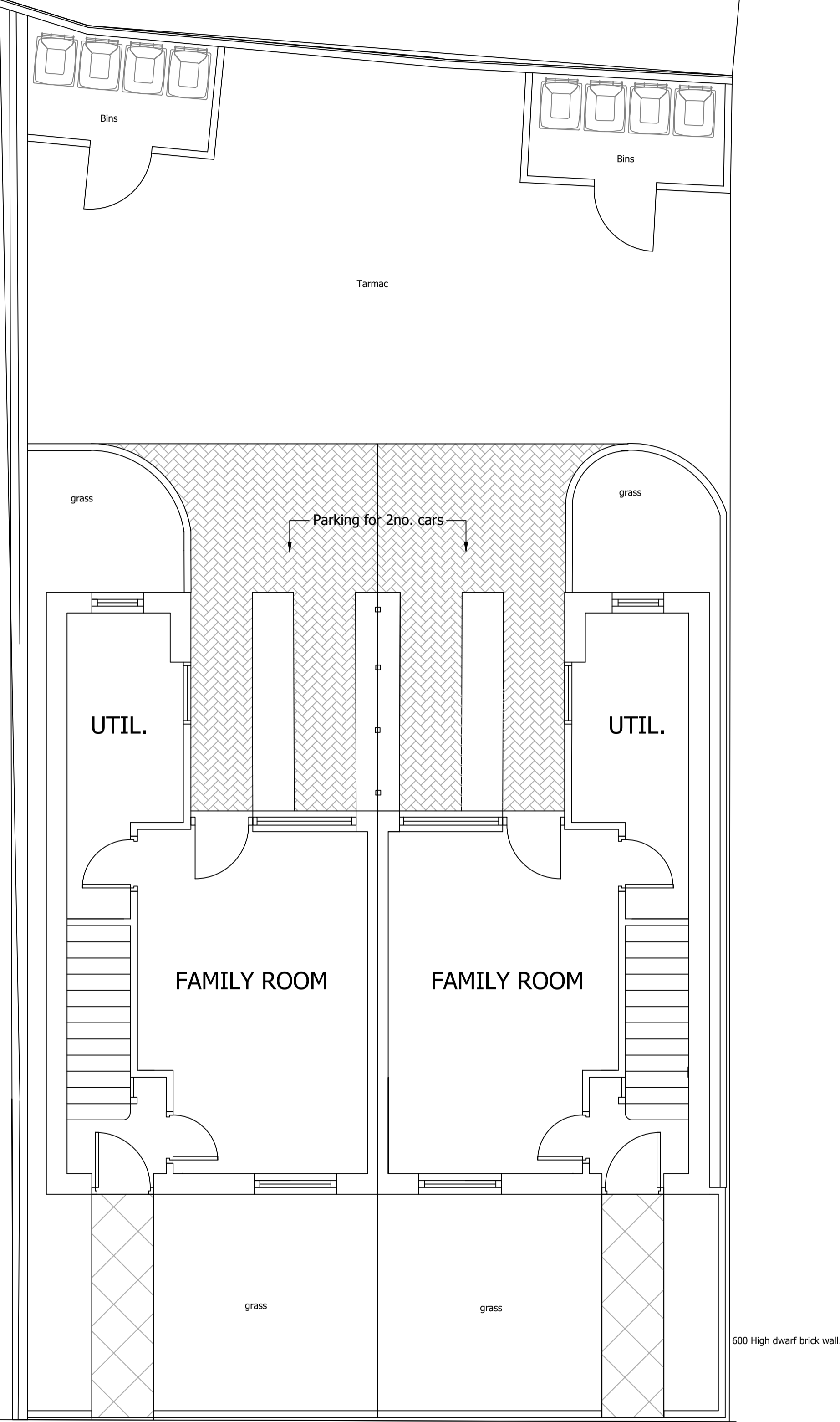
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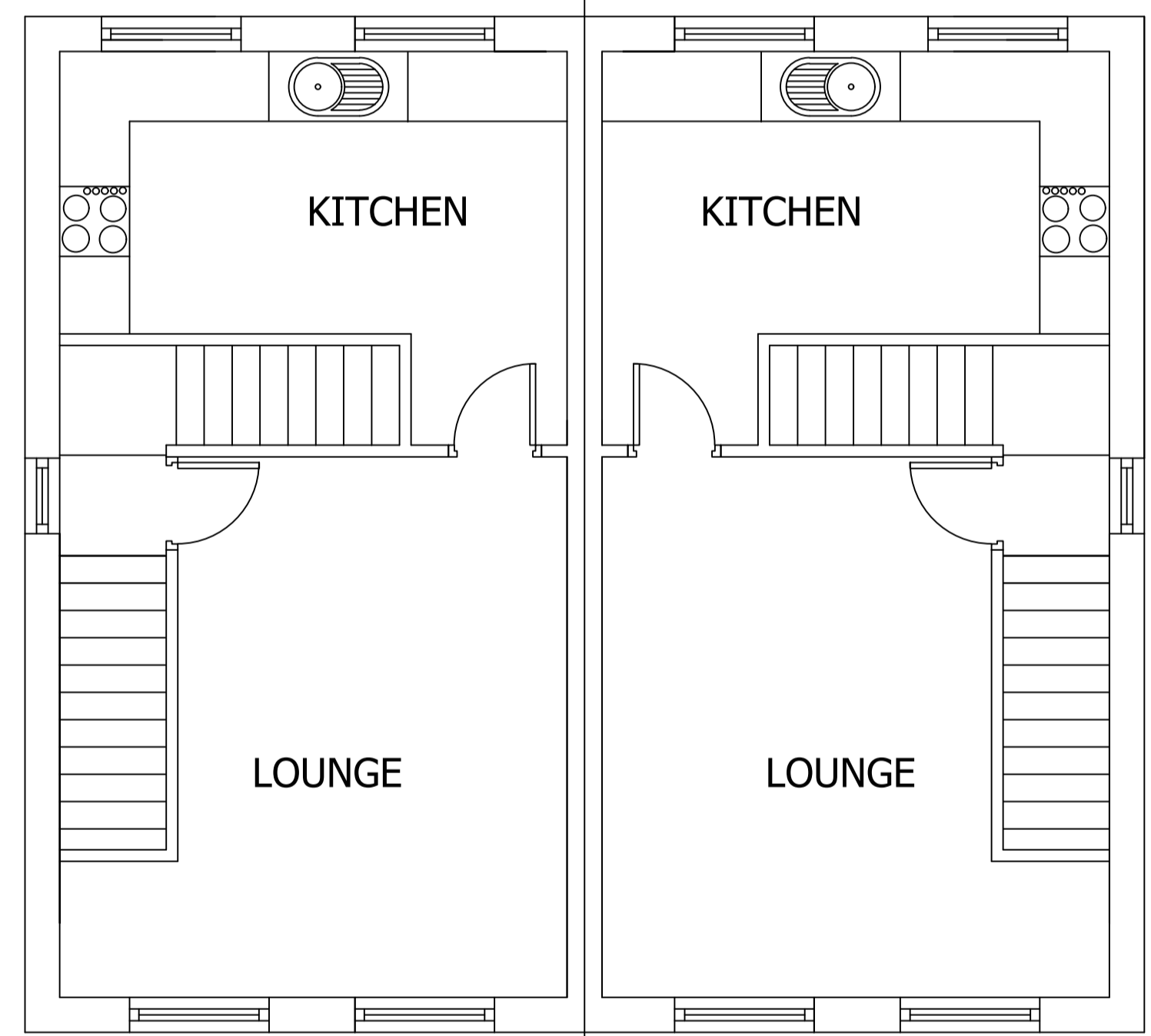
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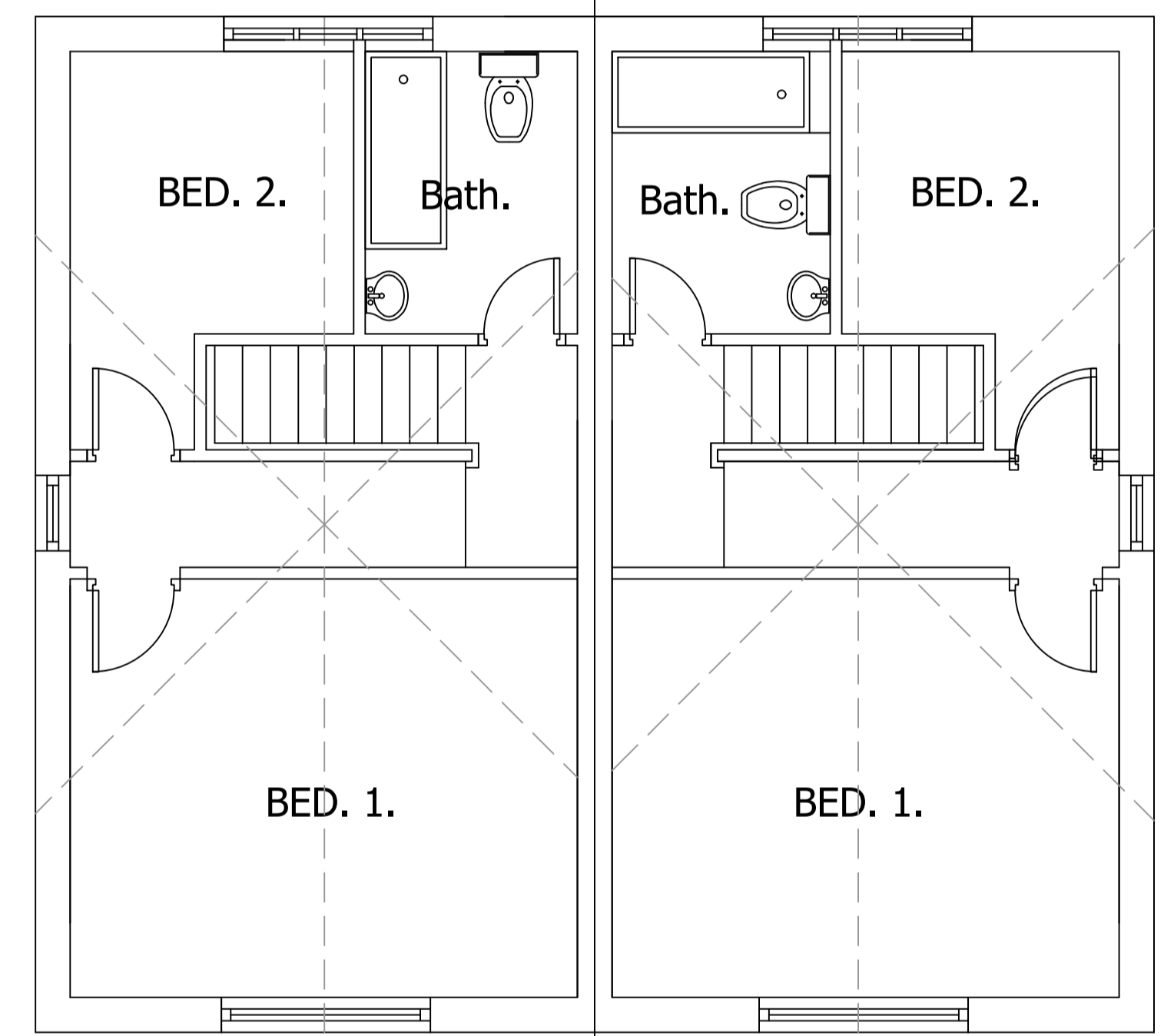
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GROUND FLOOR and SITE PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Rev A: Drawing update for Planning - 14.06.17

Client : P.EADE		
Project : 87A & 87B Town Lane Denton	Scale See figured dims	
	Date 02/17	
Drawing: Floor Plans as proposed	Drawn	Drawing 1.3A

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Application Number: 17/00487/FUL

Photo 1



Photo 2



Photo 3



Photo 4



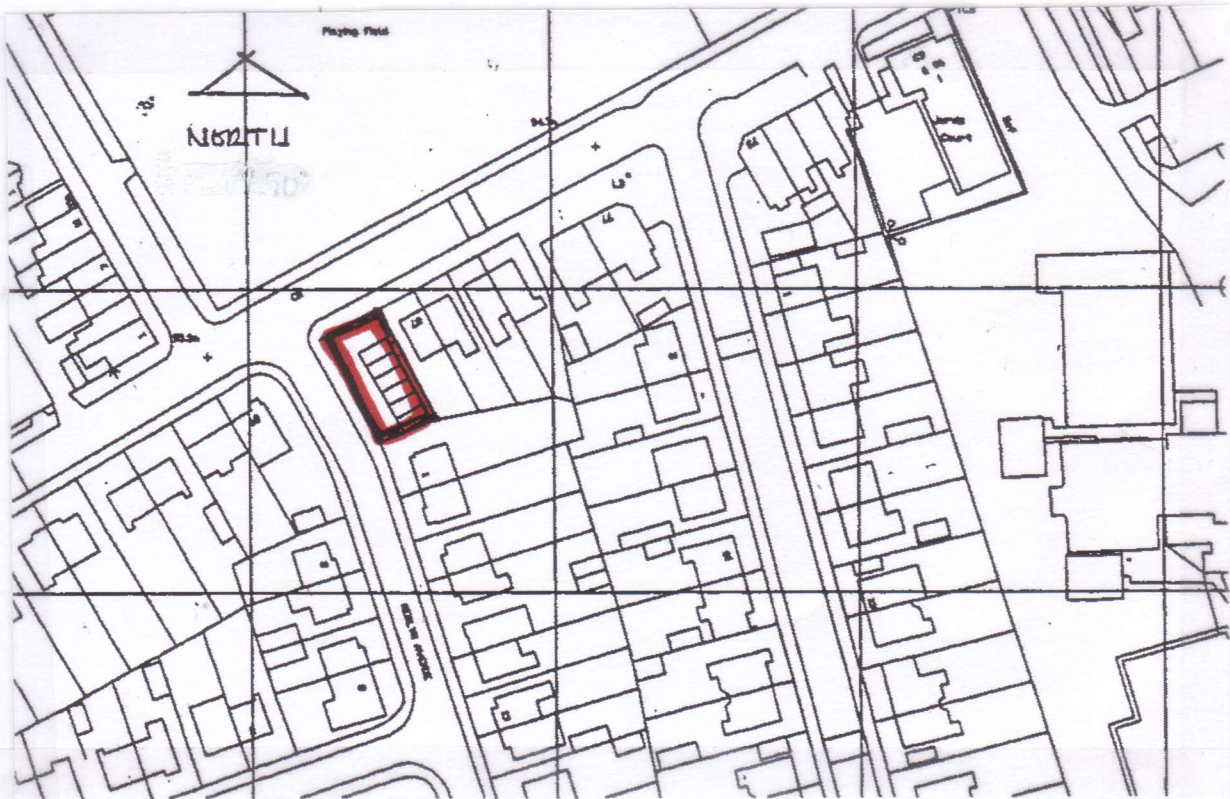
JOHN BARNES – ARCHITECT

Moordale Paddock Huddersfield Road Diggle Oldham OL3 5NT
Tel 01457 873373 email jbarnesarchitect@btconnect.com

Job No. 16619	Project 87 Town Lane, Denton	Date June '17
Drawing no LP01	Drawing Location Plan	Scale 1:2500

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Do not scale off this drawing



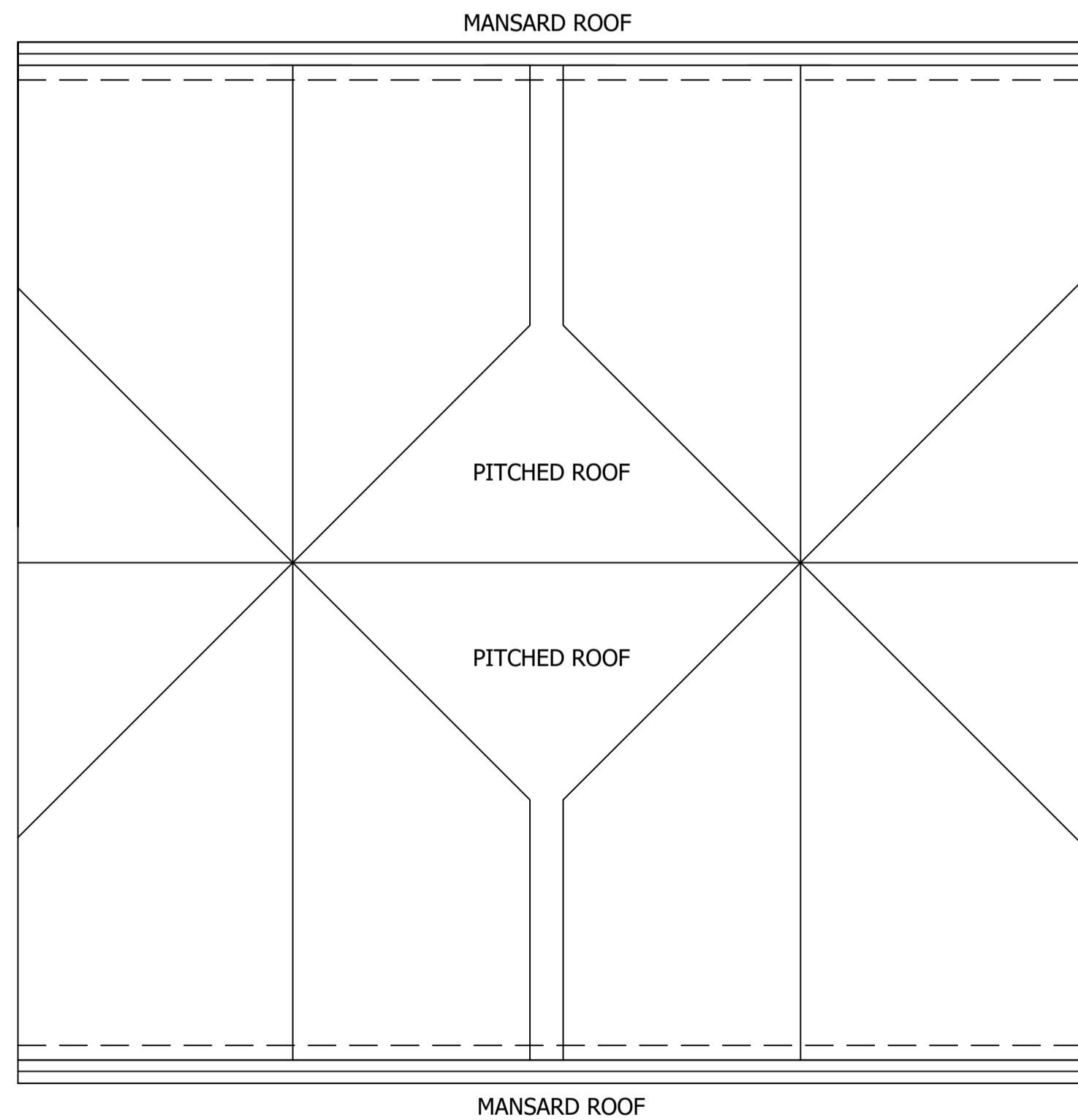
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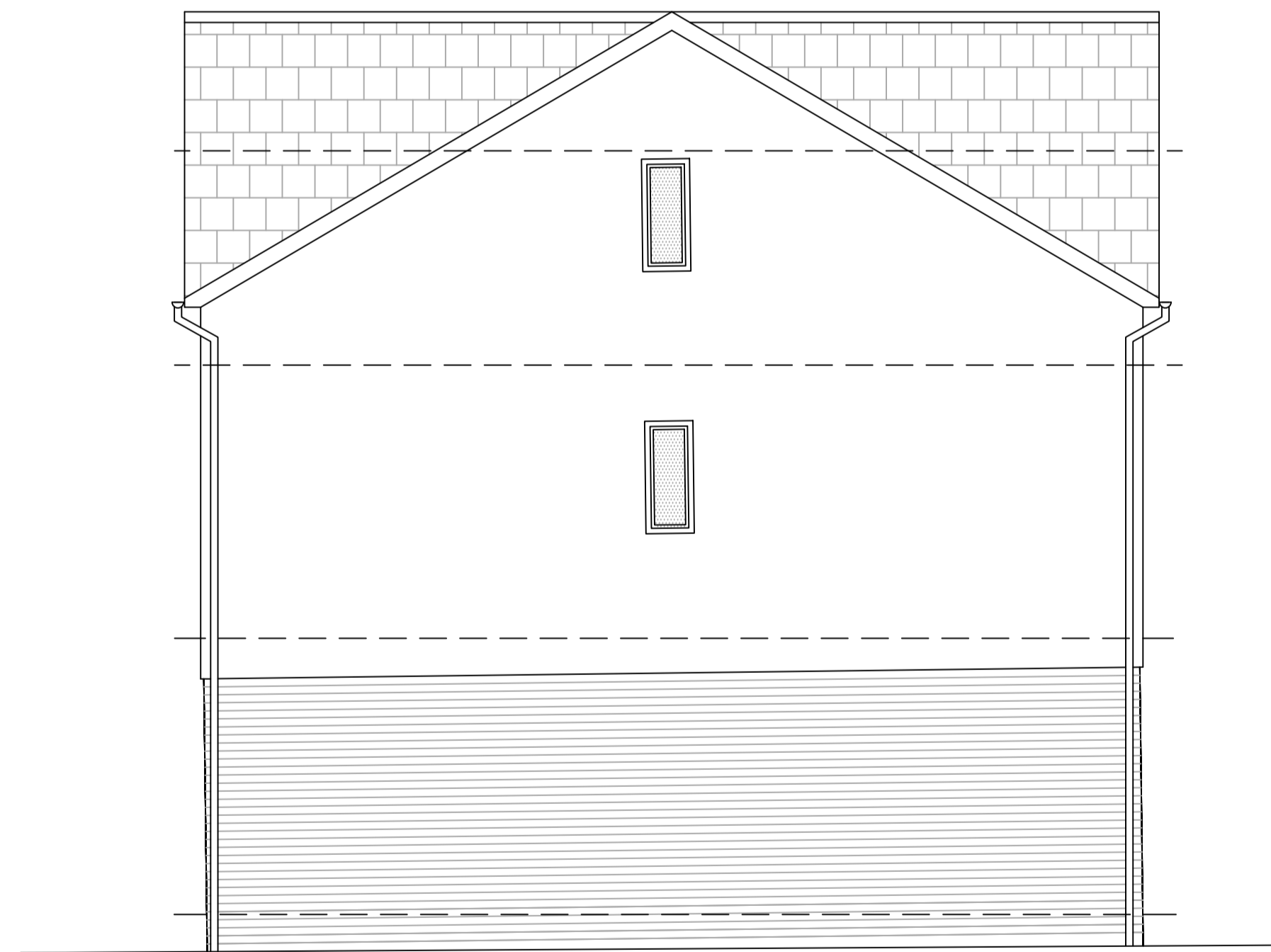
FRONT ELEVATION



REAR ELEVATION

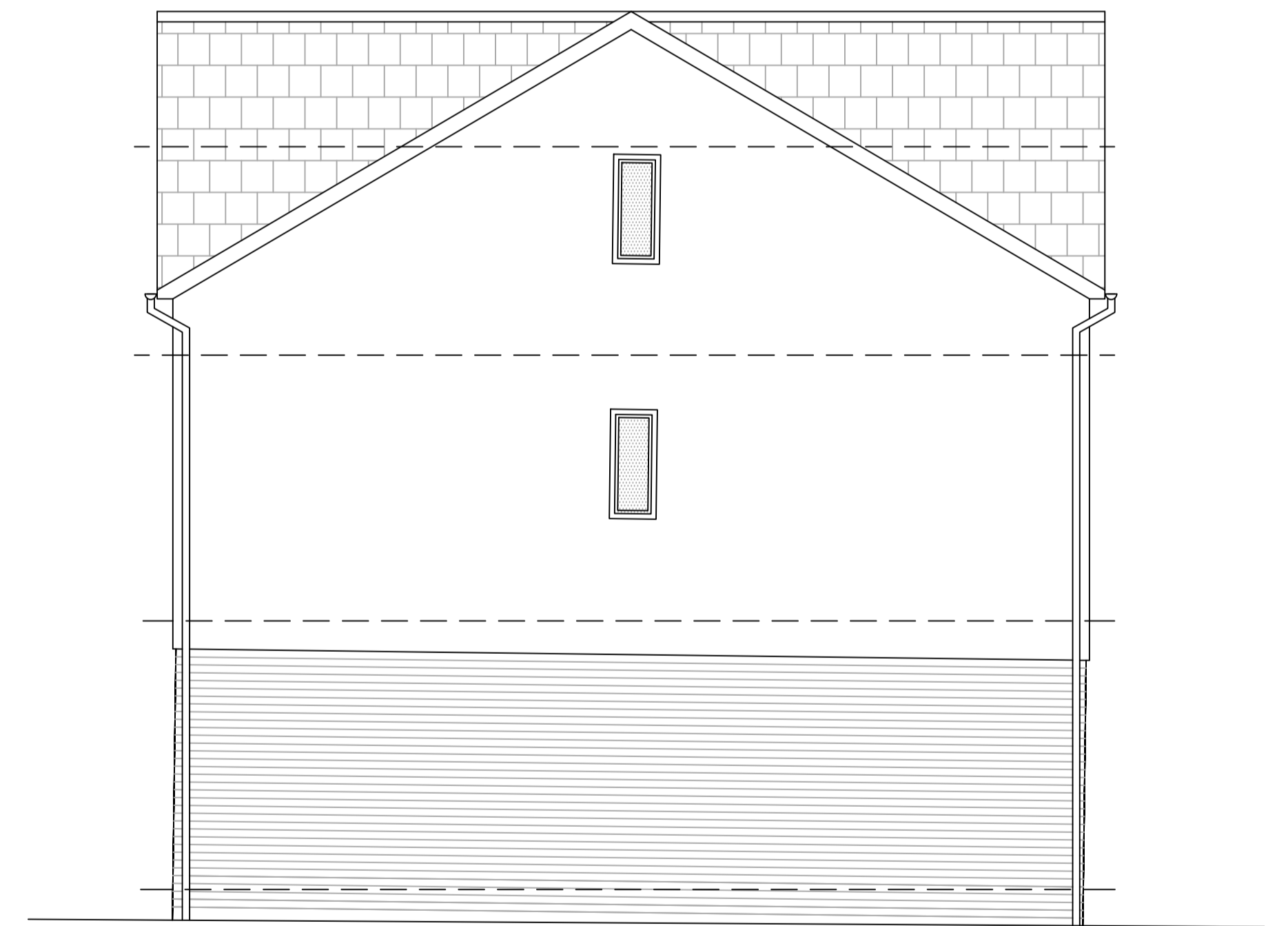


ROOF PLAN



SIDE ELEVATION to no. 87.

WALLS : To be constructed using good quality red brown facing brickwork off white sand/cement render.
 ROOF : To be constructed using dark grey interlocking concrete roof tiles.
 WINDOWS : Grey uPVC.
 DOORS : Grey uPVC.



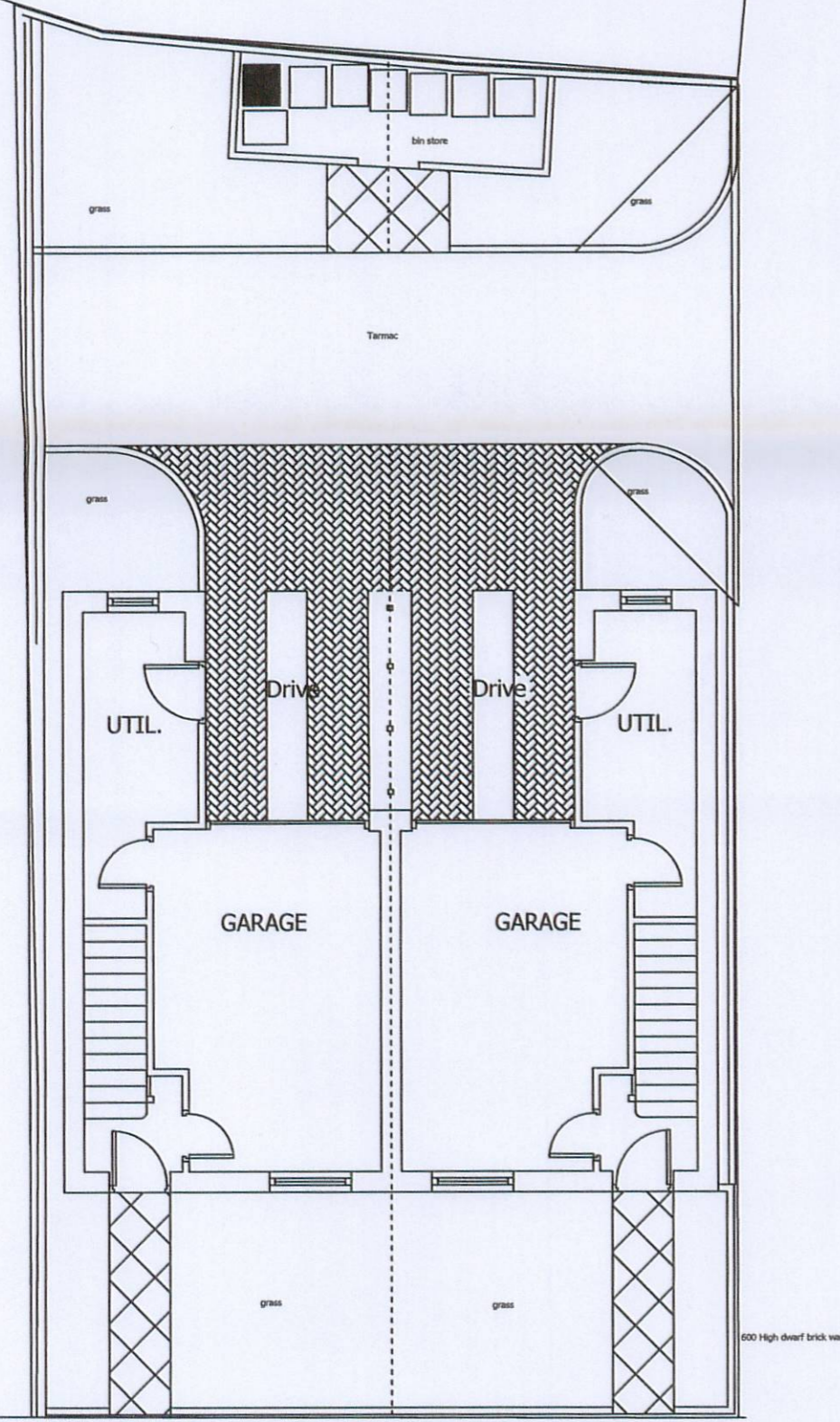
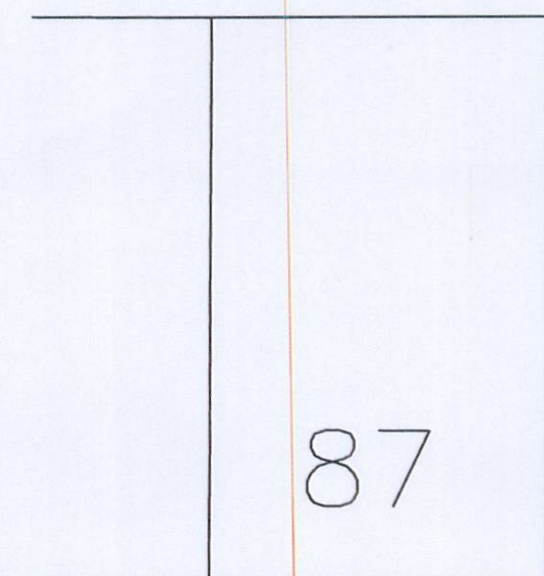
SIDE ELEVATION to Merlyn Avenue

CURRENT PROPOSAL

Rev B: Drawing update for Planning – 14.06.17
 Rev A: Drawing update for Planning – 21.02.17

Client : P.EADE		
Project : 87A & 87B Town Lane Denton	Scale See figured dims	Drawing 12B
	Date 02/17	
Drawing: Roof Plan + elevs as proposed	Drawn	

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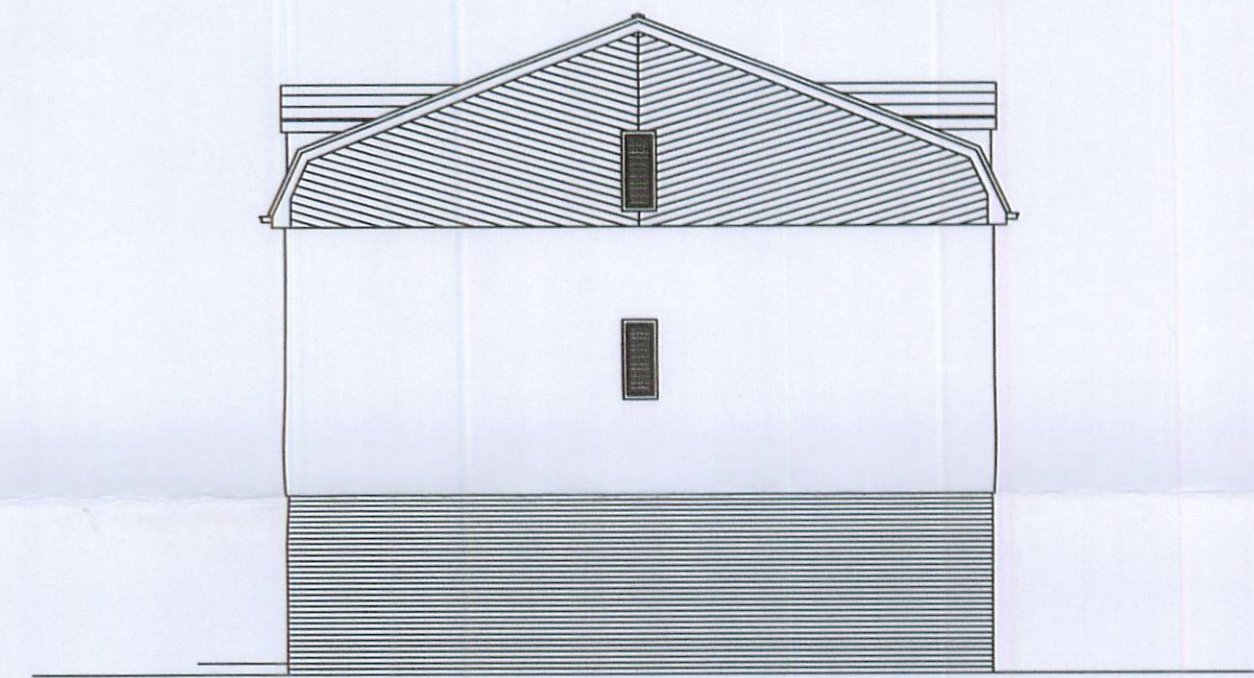


GROUND FLOOR and SITE PLAN

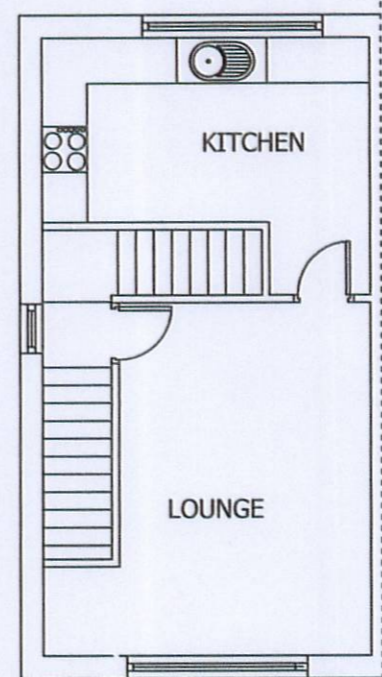


FRONT ELEVATION

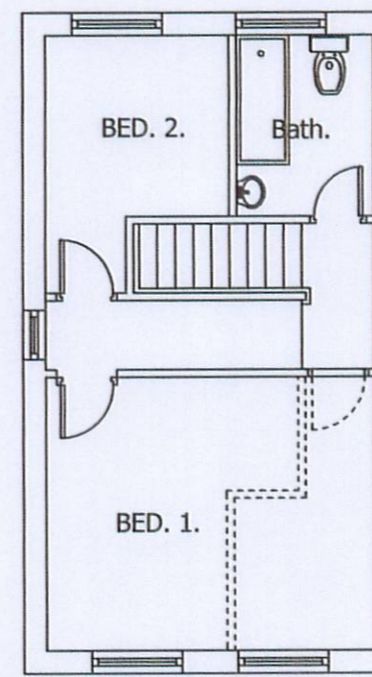
WALLS : To be constructed using good quality red brown facing brickwork off white sand/cement render and natural cedar boarding.
 ROOF : To be constructed using dark grey interlocking concrete roof tiles.
 WINDOWS : Grey uPVC.
 DOORS : Grey uPVC.
 New drainage connections to be made into adjacent existing main sewer.



SIDE ELEVATIONS

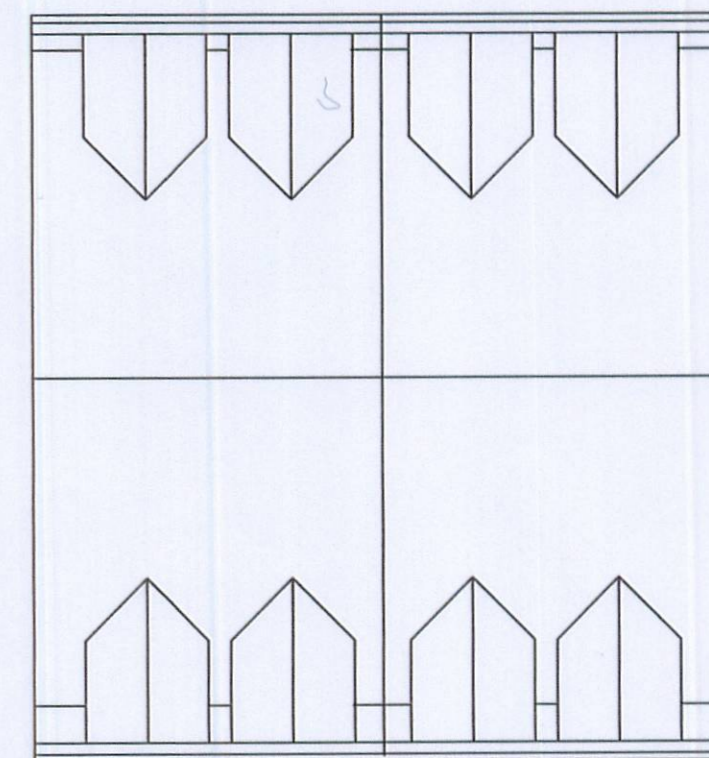


FIRST FLOOR PLAN



FIRST FLOOR PLAN

AS APPROVED

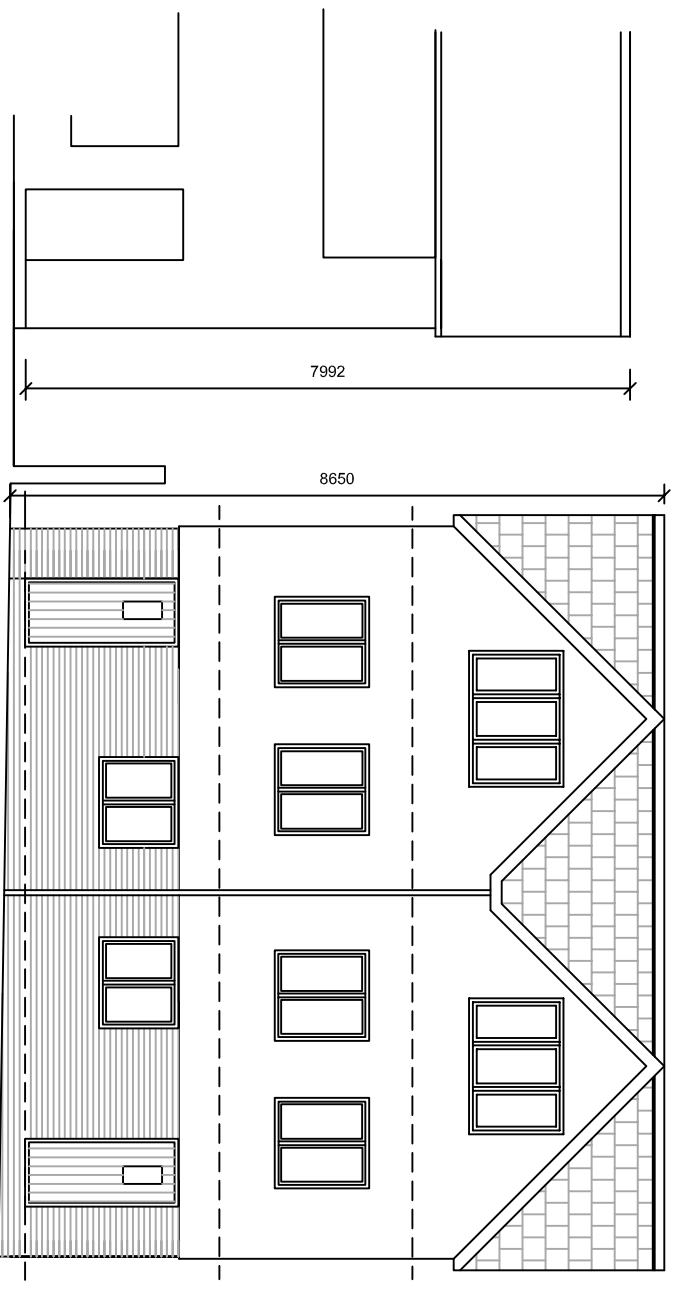


ROOF PLAN

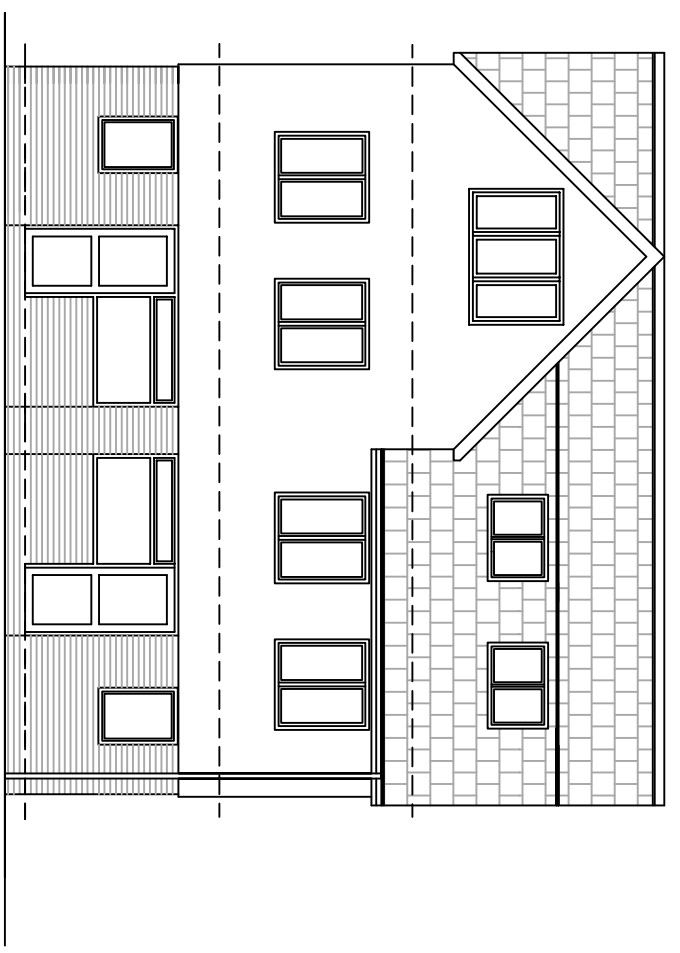
Client : P. Eade		
Project : 87A & 87B Town Lane Denton	Scale 1:1000A1	Contract No. 1979-03
Drawing: plans + elevs as proposed	Date 05/14	Drawing 03
	Drawn ps	

PETER SUMMERSGILL MCIAT
 Architectural & Design Consultant
 Technicians
 45 Coe Green Road Mingle Budge Stockport SK6 5EW
 Tel & Fax: 0161 427 8776 Mobile 07971 458 730

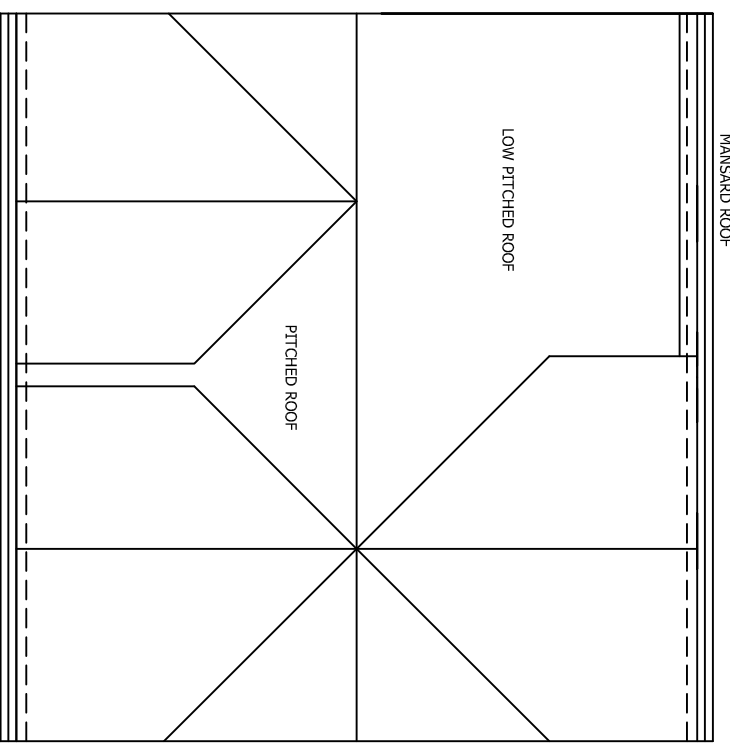
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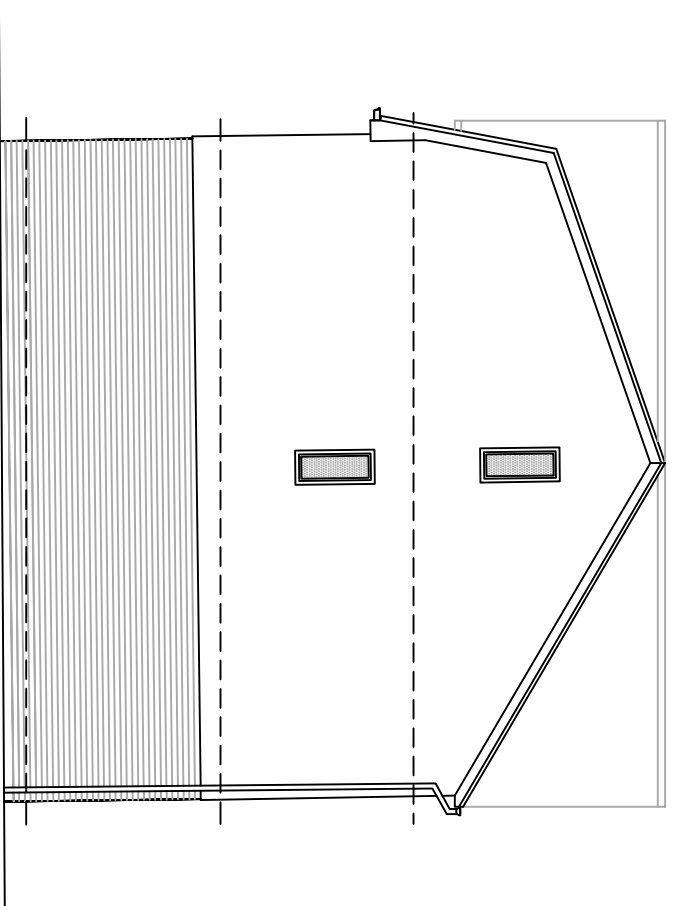
FRONT ELEVATION



REAR ELEVATION

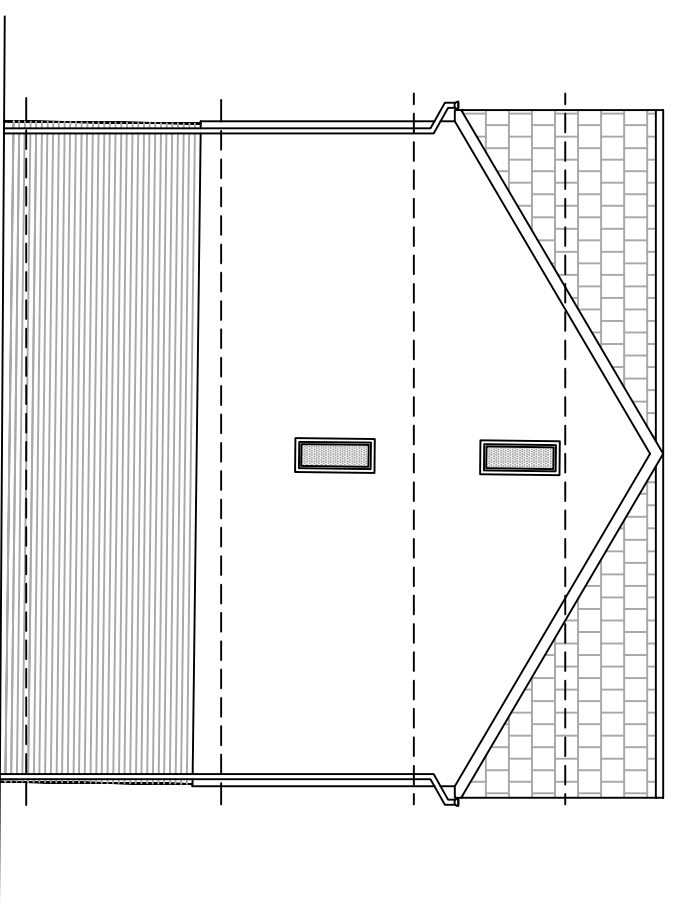


ROOF PLAN



SIDE ELEVATION to no. 87.

WALLS : To be constructed using good quality red brown facing brickwork off white sand/cement render.
 ROOF : To be constructed using dark grey interlocking concrete roof tiles.
 WINDOWS : Grey uPVC.
 DOORS : Grey uPVC.



SIDE ELEVATION to Merlyn Avenue

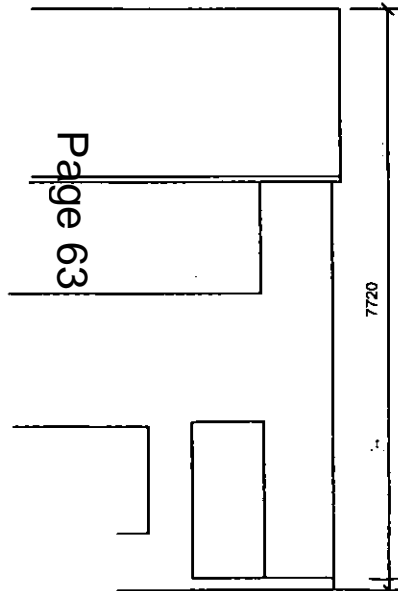
PREVIOUS REFUSAL

Rev A: Drawing update for Planning - 21.02.17

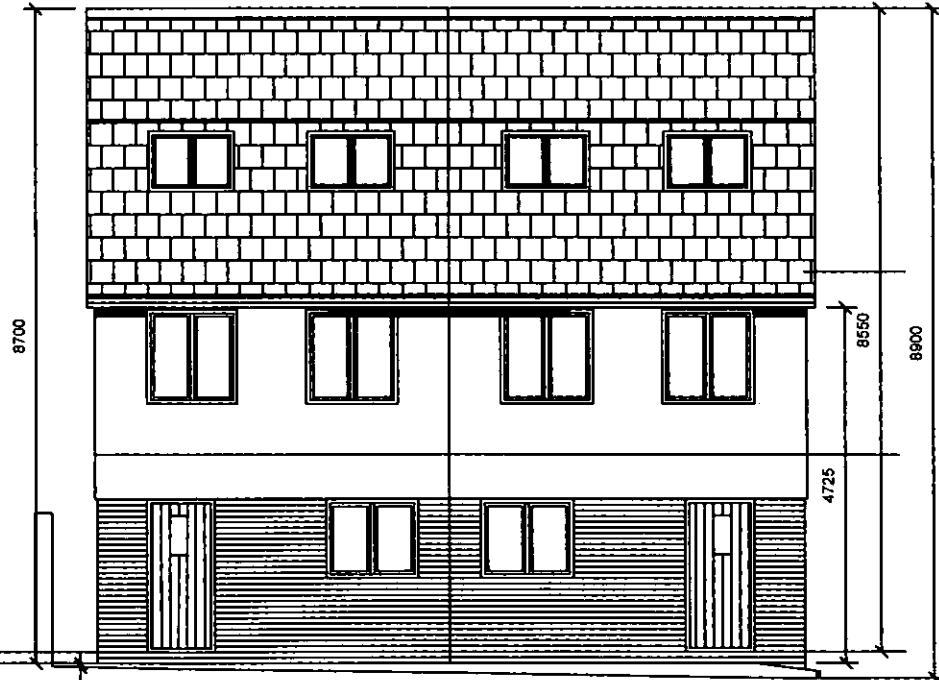
Client : P/EADE		Scale	Drawing
Project : 87A & 87B Town Lane		See figured dims	
Denton		Date 02/17	12A
Drawing: Roof Plan + elevs as proposed		Drawn	

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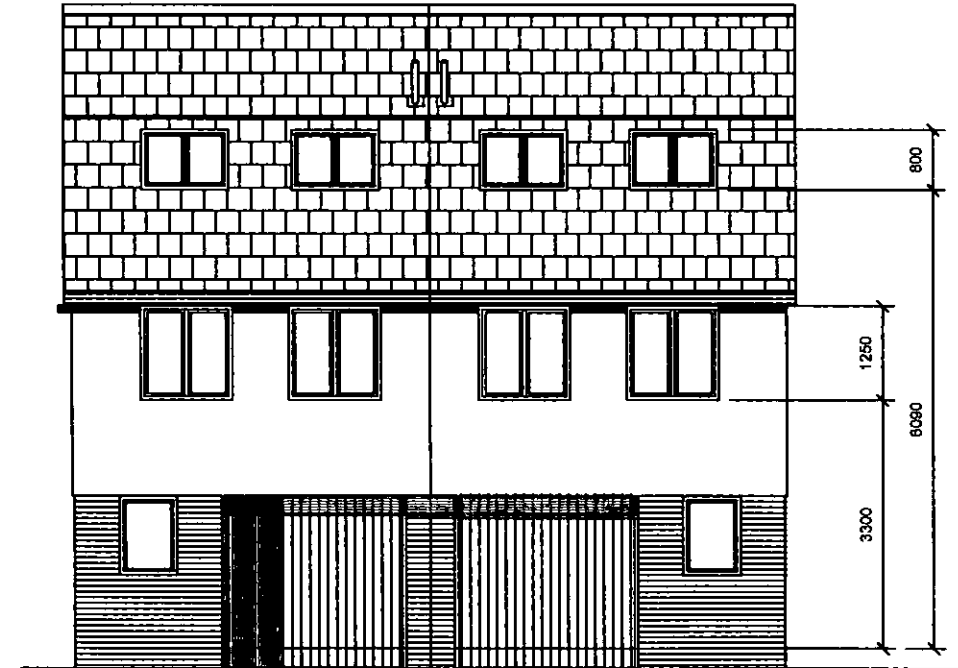
AS BUILT



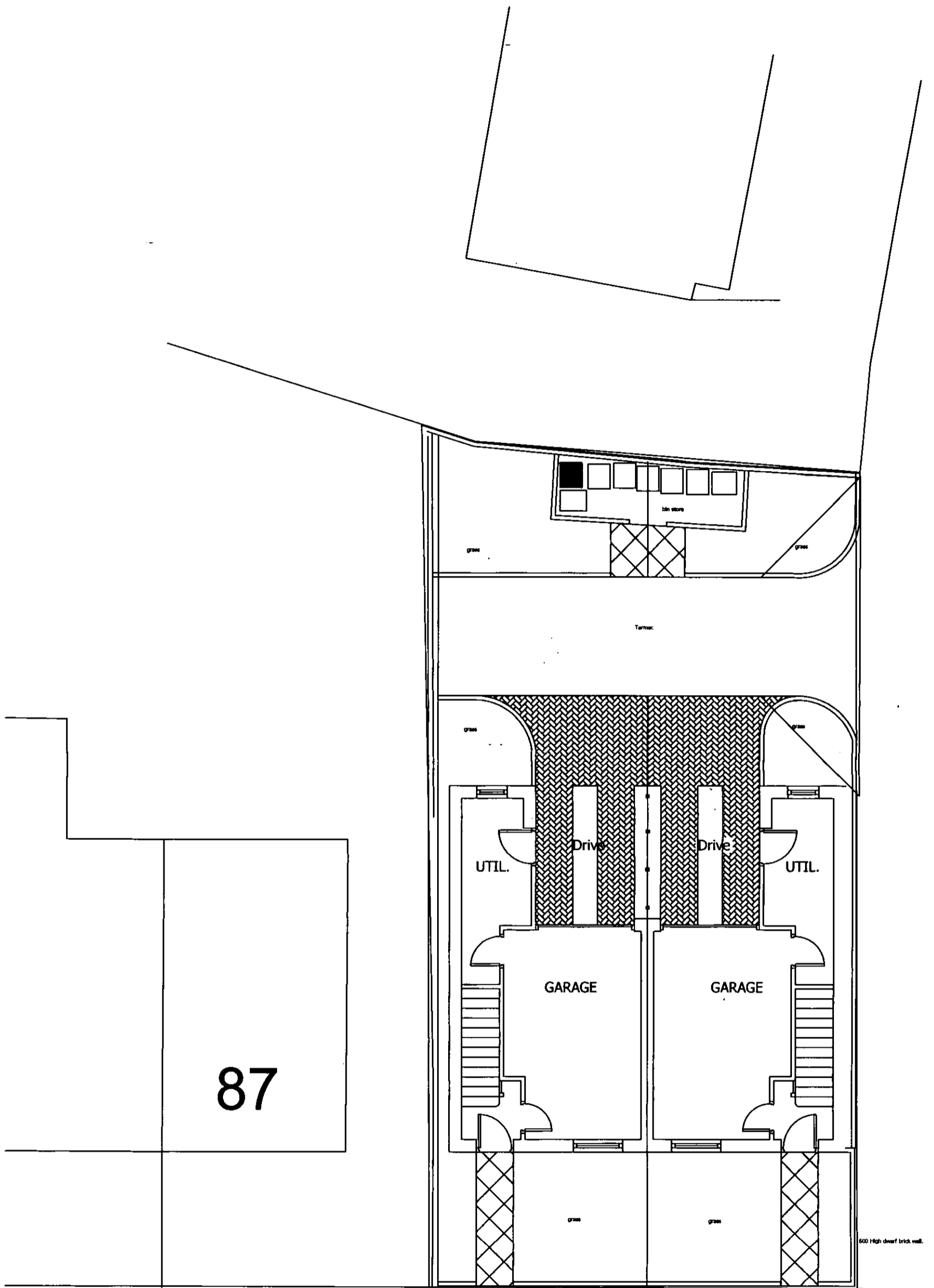
Page 63



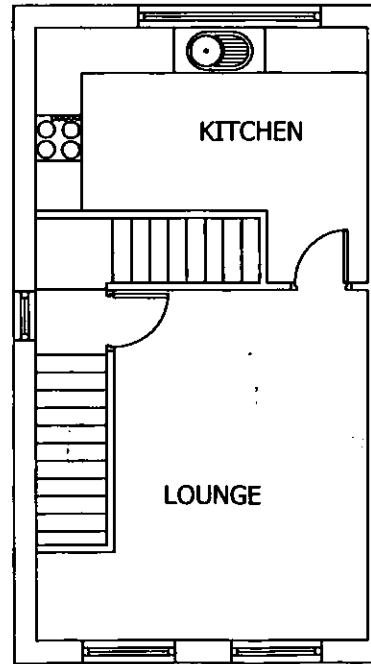
FRONT ELEVATION



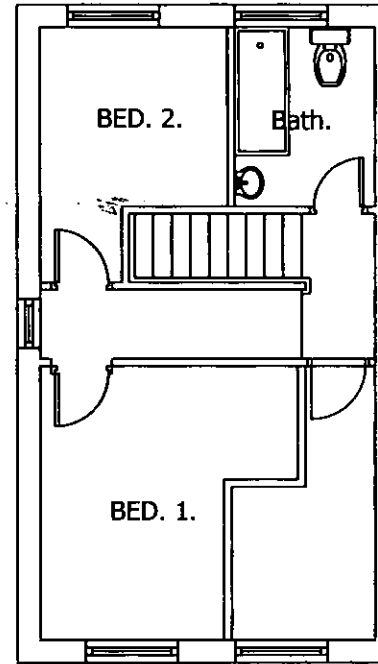
REAR ELEVATION



GROUND FLOOR and SITE PLAN



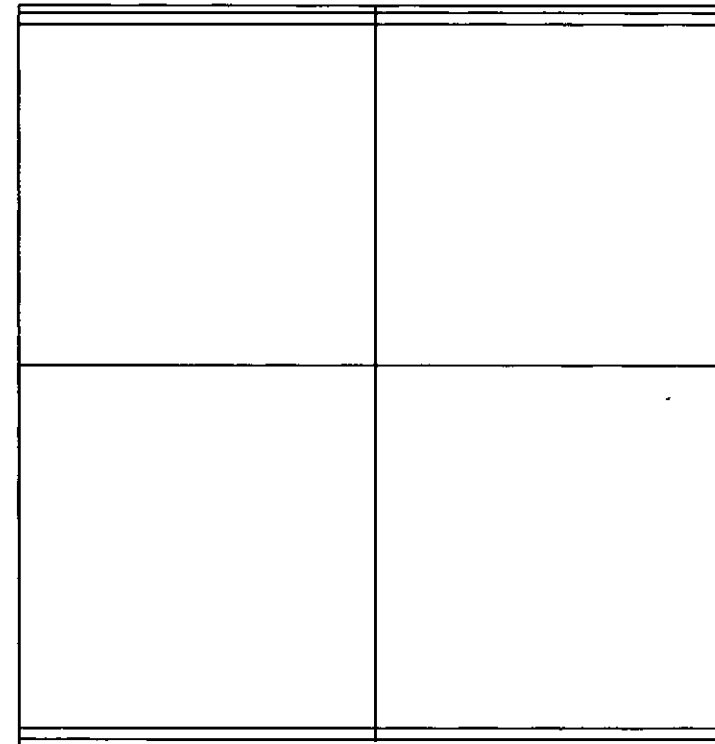
FIRST FLOOR PLAN



FIRST FLOOR PLAN



SIDE ELEVATIONS



ROOF PLAN

Client: P. Eade		
Project: 87A & 87B Town Lane Denton	Scale: 1:1000A1	Contract No. 1979-04
Drawing: plans + elevs as proposed	Date: 05/16	Drawing: 04
	Drawn: pe	

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