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### SPEAKERS PANEL (PLANNING)

ASHTON-UNDER-LYNE AUDENSHAW DENTON DROYLSDEN DUKINFIELD HYDE LONGDENDALE MOSSLEY STALYBRIDGE

Day:	Wednesday
Date:	16 January 2019
Time:	10.00 am
Place:	Guardsman Tony Downes House, 5 Manchester Road,
	Droylsden, M43 6SF

ltem 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	1 - 6
	The Minutes of the meeting of the Speakers Panel (Planning) held on 12 December 2018, having been circulated, to be signed by the Chair as a correct record.	
4.	APPEAL DECISION NOTICES	
a)	APP/G4240/D/18/3213381 - 17 CALICO CRESCENT, STALYBRIDGE. SK15 3FL	7 - 8
5.	PLANNING APPLICATIONS	
	To consider the following applications:	
a)	18/00930/FUL AND 1800946/LBC - 53 - 55 STOCKPORT ROAD, DENTON. M34 6DB	9 - 40
b)	18/00409/FUL - LAND ADJACENT TO 30 IVY COTTAGES, DENTON.	41 - 56
C)	18/01015/FUL - TAMESIDE TRANSMISSIONS, ALBERT STREET, DROYLSDEN.	57 - 66
d)	18/00961/FUL - LAND BOUNDED BY ASHWORTH LANE AND CHAIN BAR LANE, MOTTRAM.	67 - 76
6.	URGENT ITEMS	
	To consider any other items, which the Chair is of the opinion should be	

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)

#### 12 December 2018

Commenced: 10.00am	Terminated: 12.00pm
Present:	Councillor McNally (Chair)
	Councillors Choksi, Dickinson, Glover, Gosling, Pearce, Ward and Wild.
Apologies for absence:	Councillors Quinn, Ricci, Robinson and Wills

#### 34. MINUTES

The Minutes of the proceedings of the meeting held on 14 November 2018 having been circulated, were taken as read and signed by the Chair as a correct record.

#### 35. DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Dickinson	Agenda Item 5(a) Planning application: 18/000823/FUL 222 Mottram Road, Stalybridge	Prejudicial	Pre-determined views against this proposal.
Councillor Choksi	Agenda Item 5(h) Planning application: 18/00119/FUL Land south of Grove Street, Ashton-under- Lyne	Prejudicial	Pre-determined views against this proposal.

During consideration of the above items, Councillors Dickinson and Choksi respectively, removed themselves from the Panel to be seated in the public gallery and spoke in objection to the relevant application, when invited to do so. They then left the meeting whilst deliberation and voting took place and paid no part in the discussion and decision making process thereon.

#### 36. APPEAL DECISIONS

Application reference/Address of Property.	Description	Appeal Decision
APP/G4240/W/18/32007882 Land off Bury Street, Mossley. OL5 9HN	Erection of 4 dwellings.	Appeal dismissed.
APP/G4240/D/18/3203387 41 Peterborough Close, Ashton- under-Lyne. OL6 8XW	Single storey side extension and existing garage conversion to habitable room.	Appeal dismissed.
APP/G4240/D/18/3213310 1 Holden Clough Drive, Ashton- under-Lyne. OL7 9TH	Part two storey part single storey rear extension. Bay windows at front	Appeal dismissed.

#### 37. 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:	18/00823/FUL Mr T Price
Proposed Development:	Removal of condition 10 of planning permission 03/01701/FUL which restricted the use of the property to a single dwelling house as defined by Class C3(a).
Speaker(s)/Late Representations:	Councillor Dickinson spoke in objection to the submitted application.
	Catherine Stellfox spoke in objection to the submitted application.
	Mr Price (applicant) and Mr Jones spoke in support of the submitted application.
Decision:	Approved subject to the condition as detailed in the submitted report.

Name and Application No	18/00862/FUL Messrs Kennedy & Waugh
Proposed Development:	Erection of a pair of semi-detached dwellings. Land off Greaves Street, Mossley
Speaker(s)/Late Representations:	Councillor S Homer spoke in objection to the submitted application. Mr Flatman (Agent), spoke in support of the submitted
	application.

Decision:	Approved	subject	to	conditions	as	detailed	within	the
	submitted	report.						

Name and Application No:	18/00119/FUL Darson Homes Ltd
Proposed Development:	Construction of 5 no. detached houses and associated works. Land South of Grove Street, Ashton-under-Lyne
Speaker(s)/Late Representations:	Councillor Choksi spoke in objection to the submitted application.
	David Broadbent spoke in objection to the submitted application.
Decision:	Approved subject to conditions as detailed within the submitted report.

Name and Application No:	17/00911/FUL New Charter (now Jigsaw Homes), 249 Cavendish Street, Ashton-under-Lyne.
Proposed Development:	Redevelopment of land surrounding Cavendish Mill to create 50 no. dwellings, with associated landscaping, public space and access roads, following the demolition of the existing building at 85 Cavendish Street.
Speaker(s)/Late Representations:	The Development Manager requested that consideration of this item be deferred to a future meeting in order that further highways issues could be considered and addressed.
Decision:	That consideration of planning application 17/00911/FUL be deferred to a future meeting of the Panel.

Name and Application No:	18/0830/FUL
	De Trafford, Suite 26G, Building 26, Alderley Park, Alderley Edge. SK10 4TG
Proposed Development:	To vary condition 6 (materials), 8 (contaminated land), 9 (foul and surface water drainage), 23 (street lighting), 27 (biodiversity enhancements) and 28 (control of Japanese Knotweed) of planning permission 15/00030/OUT. Victoria Mill, Buckley Street, Droylsden
Speaker(s)/Late Representations:	Jason Dugdale (Agent) spoke in support of the submitted application.
Decision:	Approved subject to conditions as detailed within the submitted report.

Name and Application No:	18/00487/OUT			
	Willsgrove Developments Limited			
Proposed Development:	The redevelopment of land for residential (C3), including the provision of public open space and the means of access (details of the layout, scale, appearance and landscaping of the development are reserved).			
	Land at Manchester Road, Ashton Hill Lane, Fitzroy Street and Williamson Lane, Droylsden.			
Speaker(s)/Late Representations:	The Principal Planning Officer explained that there was a typographical error in last sentence of paragraph 13.14 of the report, which should read as follows:			
	'A condition requiring this infrastructure to be implemented prior to the first occupation of any of the dwellings is attached to the recommendation to ensure that the impact of the development is mitigated from the first use of the development'.			
	Mr Hughes spoke in opposition to the submitted application.			
	Mr Downes spoke in support of the submitted application.			
Decision:	Approved subject to the prior completion of a Section 106 Agreement to secure the following contribution:			
	A total contribution of £400,000 towards highways improvement works as detailed in the report;			
	A contribution of between £78,176.42 and £377,201.22 (depending on the housing mix) towards an extension to Aldwyn Primary School;			
	A clause requiring the submission and approval of a scheme to provide public open space on site or a contribution of up to $\pounds 207,334.04$ (a specific cost per dwelling to be detailed in the Section 106 Agreement) towards equivalent off-site provision to include:			
	<ul> <li>£100,000.00 – towards improvements at Sunny Bank park – scheme to include playground and pitch improvements;</li> </ul>			
	<ul> <li>£57,334.04 towards improvements to Copperas Fields including improvement to footpaths, signage and new furniture; and</li> </ul>			
	<ul> <li>£50,000.00 towards play improvements at Floral Gardens.</li> </ul>			
	5% affordable housing provision.			
	A management and maintenance plan relating to the upkeep of communal green space and parking areas within the site and the surface water drainage system to serve the development.			
	And the conditions as set out in the report.			

Name and Application No:	18/00614/FUL Melia McCance
Proposed Development:	Raised external deck to west elevation for beer garden/smoking area. Church Inn, 82 Stockport Road, Mossley. OL5 0RD

Speaker(s)/Late Representations:	Mr Scally spoke in objection to the report.
Decision:	Approved subject to conditions as detailed within the submitted report.

Name and Application No:	18/00495/FUL Mrs Wibberley
Proposed Development:	Two steel shipping containers to be placed on the land for the purpose of secure tool storage and a 2.4m high mesh fence to the west boundary with 2 sets of access gates. Allotment Gardens adjacent 1 Woodend Lane, Hyde
Speaker(s)/Late Representations:	The Development Manager explained that Councillor Chadwick had submitted an email in advance of the Panel hearing, which had been circulated to all Panel Members. Councillor Chadwick was not able to attend the meeting due to work commitments.
	He raised concerns that the containers would not be in keeping with the local environment and the route that the containers would travel would be unsuitable.
	Mrs Wibberley (applicant) spoke in support of the submitted application.
Decision:	Approved subject to conditions as detailed within the submitted report.

Name and Application No:	17/01034/FUL Droylsden Site Investments
Proposed Development:	Erection of 116 no. dwellings with associated works including car parking, access road and landscaping. Vacant land at Edge Lane, Droylsden
Speaker(s)/Late Representations:	The Development Manager explained that Members had resolved to grant planning permission for this development at the meeting of Speakers' Panel (Planning) held on 23 May 2018 subject to the prior completion of a Section 106 Agreement, under the provisions of which, contributions totalling £404,570.97 were to be sought towards improvements in education, highways and local green space and

	infrastructure.
	Following that meeting, the applicant submitted a viability assessment of the proposals. The initial assessment indicated that no Section 106 contributions could be afforded in order to allow the developer to achieve a return that would allow delivery of the scheme. However, that appraisal was based on an existing use value of £1.250,000, which officers considered to be excessive, given the lack of interest shown in the site for employment purposes during the marketing exercise.
	Following negotiations between officers and the applicant, the existing use value had been reduced by £390,000. The appraisal included relatively low figures in relation to contingency (below 3%) and that the profit margin would remain below 15% if the full sum of £390,000 was attributed to Section 106 contributions. Given this situation, it was considered that a contribution of £350,000 could be made towards improving off site infrastructure, allowing the scheme to remain viable.
	The revised figures towards the provision of education, highways and green space enhancements were detailed in the report. The report had also been amended to update the sections of the revised version of the National Planning Policy Framework that were considered relevant to the assessment of the application. The changes from the previous version of the NPPF, which was introduced following the May meeting, were considered not be material to the issues that needed to be weighed in the planning balance or the weight to be attributed to particular considerations in this case. Mr Harris (Agent) spoke in support of the submitted application.
Decision:	Approved subject to conditions as detailed within the submitted report.

#### 38. URGENT ITEMS

The Chair advised that there were no urgent items of business for consideration by the Panel.

CHAIR



## **Appeal Decision**

Site visit made on 3 December 2018

#### by Christopher Thomas BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

#### Decision date: 21 December 2018

#### Appeal Ref: APP/G4240/D/18/3213381 17 Calico Crescent, Stalybridge, SK15 3FL

- 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 Matt Lomas against the decision of Tameside Metropolitan Borough Council.
- The application Ref 18/00412/FUL, dated 1 May 2018, was refused by notice dated 10 August 2018.
- The development proposed is single storey side extension.

#### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 17 Calico Crescent, Stalybridge, SK15 3FL in accordance with the terms of the application, Ref 18/00412/FUL, dated 1 May 2018, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

3) The development hereby permitted shall be carried out in accordance with the approved drawings nos. 01, 02, 04.

#### Main Issue

2. The appeal site lies within the Carrbrook conservation area but since the surroundings are a relatively new housing estate the Council considers that there would be no harm to the character and appearance of the heritage asset. Accordingly the main issue is limited to whether the living conditions of the occupiers of the adjacent flats at 3-15 Calico Crescent would be harmed by reason of the effect of the proposal on outlook.

#### Reasons

3. The proposed side extension, intended for use as a garage, would reduce to approximately 6.5m the separation distance between the north east elevation of the adjacent block of flats at 3-15 Calico Crescent and the building on the appeal site according to the Council's calculations. This is less than the recommended minimum sunlight distance of 10m set out in section C of Policy RED2 of the Council's Residential Design SPD between a habitable room and a

single storey wall. The policy allows for a reduction in this distance if the affected window is not the main source of natural light to the room. However, the Council has not objected to the proposal for the reason that there would be a harmful effect on the living conditions of the occupiers of the flats because of a loss of sunlight and/or daylight to habitable rooms. The objection has been framed on the basis of the effect on outlook in terms of an overbearing and oppressive appearance and I have dealt with the appeal on that basis.

- 4. Because of the difference in levels between the appeal site and the adjacent flats the two ground floor windows facing the appeal site presently afford an outlook which is partially on to a stepped retaining wall. Above that the outlook is on to the upper portion of the gable wall of the appeal property. Although the side of the proposed garage would be approximately 6.5m away and elevated above the windows, nevertheless only a marginal element of the garage wall together with the mono pitched roof would be visible. The remaining part of the house gable, which is part of the present outlook, would still form part of the outlook from these windows. Taking these factors into account I consider the outlook from the ground floor windows towards the proposed garage would not be unduly overbearing or oppressive.
- 5. The elevated position of the first and second floor windows of the flats ensures that the occupiers would largely be looking at or down on the garage roof and at the side elevation of the house which would remain visible. In my judgement such an outlook would be neither overbearing nor oppressive.
- 6. I have therefore concluded that the proposal would not harm the living conditions of the occupiers of the adjacent flats at 3-15 Calico Crescent by reason of the effect on outlook. Accordingly, the proposal would not conflict with policy C1 (Townscape and Urban Form) or policy H10 (Detailed Design of Housing Developments) of the adopted Tameside UDP (November 2004).
- 7. In reaching my decision on the appeal I consider there is no conflict with the National Planning Policy Framework (2108) which expects 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, taking into account any local design standards or style guides in plans or supplementary planning documents.
- 8. I consider that conditions should be imposed relating to the time scale for implementation, that in the interests of appearance the external materials should match those used in the original building and that for clarity the proposal should be carried out in accordance with the submitted and approved drawing.
- 9. I have taken into account all other matters raised but for the reasons set out above this appeal is allowed subject to conditions as specified.

C Thomas

INSPECTOR

# Agenda Item 5a

Application Number 18/00930/FUL & 18/00946/LBC

- Proposal Change of use of a listed building from B1(offices) to Sui Generis (12 no. unit House of Multiple Occupation).
- Site 53 55 Stockport Road, Denton, M34 6DB
- Applicant Infinity Property Investing Ltd.
- Recommendation Approve, subject to conditions
- **Reason for report** Application called up by Councillor Allison Gwynne

#### REPORT

#### 1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission and listed building consent for the change of use of the building from former offices (use class B1) to a large House in Multiple Occupation (Use class sui generis) for up to 12 persons. Amendments sought through the process have resulted in the removal of a room from the proposed accommodation.
- 1.2 The accommodation would be spread over three floors. The smallest of the bedroom would measure 19.4sqm with the largest 28.2sqm, each bedroom would have en-suite facilities in addition to a kitchen preparation area. Communal kitchens would be provided on ground and first floors in addition to single communal lounge. The basement would provide secure cycle and storage facilities and there would be 3 dedicated parking bays within the rear yard of the property.
- 1.3 With reference to listed building works the proposals seek to work to the original floor plates with minimum partitioning. Maintenance and restoration works would be undertaken to the external facades which includes installation of new traditional wooden 6 panelled doorways, repair to slate roof and tidying up and repointing of brickwork. Internally a secondary staircase would be repositioned within the central hallway and existing plasterworks and joinery would be retained and restored where appropriate.
- 1.4 The application has been accompanied with the following documents:
  - Heritage Statement
  - Company Profile
  - Management Plan
  - Economic Viability Statement
  - Supporting letters from estate Agency
  - Reference/Letter of commendation from Oldham Council

#### 2. SITE AND SURROUNDINGS

2.1 The application property fronts onto Stockport Road and is located central to Denton town centre. The property is an example of a 3 storey Georgian townhouse which also includes basement accommodation. The property adjoins no.53 which is currently in office use, it forms part of a small terrace that includes the Toll Point Public House. The property is set back from the highway behind a small enclosed garden from which steps lead to a central doorway. To the rear of property there is an enclosed yard which is shared amongst other commercial buildings. Neighbouring uses include offices, a petrol station, builder's yard and supermarket /retail.

- 2.2 The property is a long-term vacancy and as a consequence the majority of the rooms are in a state of disrepair. The ground floor of the building is the most intact with original features limited to examples of plasterwork and coving, wooden panelled doors and joinery. In the main rooms have been stripped back to bare walls, this is particularly the case of the upper first and second floors which are largely void of original features. There are signs of fire damage and water egress to several areas of the building and the southern gable has shown signs of movement. Windows within the building have been replaced but holes within the roof-structure have resulted in an infestation of pigeons which is of further detriment to the building.
- 2.3 Externally the building has a secondary entrance located within a lean-to on the southern gable (appears to have belonged to a demolished building). This entrance is currently bricked up and the roof structure has failed. In the main the majority of the external fabric of the building is in a reasonable condition, replacement windows are wooden of a traditional sash design. The southern gable has been rendered and is showing signs of failure. The rear courtyard shared with adjoining businesses is enclosed with the surface untreated. Parking spaces are currently unallocated within this area.

#### 3. LISTING RECORD PLANNING HISTORY

- 3.1 53 & 55 Stockport Road Grade II Listed 14 July 1987 details:
- 3.2 House. Early C19. Flemish bond brick with slate roof. 3- bay central-staircase plan with 3 storeys and a later C19 3- bay addition to left. Stone plinth. Central 6-panel door with fanlight and open pediment on 3/4 columns. 2 ground floor and 3 first and second floor replaced casement windows with wedge lintels and stone sills. Eaves cornice. Gable chimney stacks. Later addition has similar windows and is raised above a basement level. Rendered right gable-end. Small 2-storey wing to rear.
- 3.3 10/00493/LBC Replacement Windows and rebuilding of Chimney Stack Approved 19/07/2010
- 3.4 13/01037/FUL Change of use of building from commercial use to 9no. one bedroom apartments together with alteration to the rear elevation with installation of a window Approved on 27/02/2014
- 3.5 15/00170/FUL Proposed external metal staircase to rear of building, the provision of a new window to rear and two additional windows to the south gable Approved 27/04/2015
- 3.6 15/00171/LBC Listed Building Consent for a proposed external independent metal staircase to rear of building, provision of new window to rear and two additional windows to the south gable Approved 22/04/215

#### 4. RELEVANT PLANNING POLICY

4.1 **Tameside Unitary Development Plan (UDP) Allocation** The site is located within the Town Centre boundary of Denton.

#### 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
- 1.11 Conserving Built Heritage and retaining Local Identity
- 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 H7: Mixed Use and Density H10: Detailed Design of Housing Developments OL4: Protected Green Space OL10: Landscape Quality and Character T1: Highway Improvement and Traffic Management T10: Parking C1: Townscape and Urban Form C5: Alternative Use, Alterations and Additions for Listed Buildings S1: Town Centre Improvement N7: Protected Species MW11: Contaminated Land MW12: Control of pollution MW14: Air Quality **U1: Utilities Infrastructure** U3: Water Services for Developments **U4** Flood Prevention U5 Energy Efficiency

#### 4.2 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016; Residential Design Supplementary Planning Document; and,

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

Section 2: Achieving sustainable development Section 5: Delivering a sufficient supply of homes Section 8: Promoting safe and healthy communities Section 12: Achieving well designed places Section 14: Meeting the challenge of climate change, flooding and coastal change Section 15: Conserving and enhancing the natural environment Section 16: Conserving and enhancing the historic environment

#### 4.4 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 Neighbour notification letters and a site and press notice were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### 6. **RESPONSES FROM CONSULTEES**

6.1 GMAAS – No objections confirm that the proposed development does not threaten the known or suspected archaeological heritage. No requirement to impose any archaeological conditions upon the applicant.

- 6.2 Local Highway Authority No objections to the proposals noting the sustainable location with immediate access to services and employment. Recommend that parking spaces (car & cycle) are provided/retained by condition.
- 6.3 Borough Environmental Health Officer No objections. Recommend conditions restriction construction hours of working, provision of the bin storage facilities and that a noise survey is undertaken.
- 6.4 Contaminated Land Officer No reasons that the site would not be suitable for residential development subject to the submission of a contaminated land screening check.
- 6.5 Waste Services Advise on bin storage requirements commensurate to the scale of use. This to be provided within a dedicated bin store.

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

- 7.1 There have been 1 letter of objection from the general public has been received which is summarised as follows:
  - The works would result in disruption to the Toll Point PH as a result of noise and dust.
  - 3 parking spaces is not enough for 13 flats
- 7.2 Superintendent (Tameside district) Greater Manchester Police
  - We have general ASB in and around the area but nothing specifically linked to this address. Whilst I have no objections to a property of multi occupancy per say (we have one not too far from this address in which the old police station was converted into residential flats) I have concerns that no end user has been identified. Tameside has seen an increase in HMO being utilised by immigration management companies similar to those properties on Fairfield Avenue, Droylsden and Manchester Road, Dane Bank. These types of properties do tend to increase demand on policing resources and on the resources of other agencies as the residents tend to have complex needs and seemingly very poor support networks. I would also hold objection to the property being allocated as a residential care home or bail hostel as Denton currently houses 3 local authority care homes and a number of bail addresses all of which result in additional demand on the local policing team.
- 7.3 Councillor Gwynne objection
  - I can see no merit in converting a listed building into an HMO of this size, and at this location within the town centre. The prominence of the building within the street scene makes it instantly recognisable, and unique within the built environment of Crown Point, Denton. I feel that the character of the building makes it unsuitable for a conversion of this type, and there are many other suitable uses that could be sought.
  - Denton already has a number of HMO's within the town, but not right in the centre. The
    parking issues that users of this building would create, along with their potential
    vulnerability cannot be understated. Denton is currently an ASB hotspot, with youths
    congregating and has some of them participating in criminality, and this type of
    establishment would contribute to this.
  - The outside space of this building is limited effectively to a front wall, straight onto a busy road which residents would undoubtedly utilise, with only a narrow pavement for people to pass on. That is very little space for 13 plus people to access for fresh air and recreation.

#### 7.4 One letter of comment

- It is good that buildings are brought back into fuller use and increase town centre activity.
- Only concern is that no assumptions may be made that the Hope Congregational church car park is available for casual parking.
- Parallel with increasing the town centre consumer activity the council really does need to address the parking problems.

#### 8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of the planning applications are:
  - 1) The principle of development
  - 2) The impact on the heritage asset
  - 3) The impact on the residential amenity of neighbouring properties
  - 4) The impact on the character of the site and the surrounding area
  - 5) The impact on highway safety
  - 6) Other matters

#### 9. PRINCIPLE OF DEVELOPMENT

- 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 determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 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 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 Paragraph 59 of the NPPF identifies the Governments objective to significantly boost the supply of housing. Paragraph 118 (d) states that planning decisions should; promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The NPPF is aligned to UDP polices H4 and H7 which amongst other things identify a need to provide for a range of dwelling types. Moreover the development plan strives to promote the efficient use of land and buildings.
- 9.4 The Council cannot currently demonstrate a five year land supply and has no specific polices relevant to Houses in Multiple Occupation. NPPF paragraph 11 states that where a 5yr supply cannot be demonstrated the presumption in favour if sustainable development should apply. For decision making where there are no relevant development plan polices this means granting planning permission any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The overarching objectives of sustainable development are identified as economic, social and environmental roles.
- 9.5 The redevelopment of the site for residential purposes, albeit for individual flats, has been previously established on the granting of application 13/01037/FUL. The application including the adjoining premises and has since lapsed with no.51 having been renovated as office space. The relevance of the recent planning history is considered to be material to

the acceptability of the proposals for residential use, recognising that there has been no shift in local planning policy. It also serves as an indication to the viability difficulties of redeveloping listed buildings which require a significant higher level of investment than conventional ones.

- 9.6 The sites characteristics have not changed significantly since the granting of the previous approval in terms of neighbouring uses. However, the building remains in an increasingly vulnerable condition. It is considered that there are significant merits in securing the comprehensive refurbishment of the property, the building is in a worsening state of repair and the opportunity to address this is welcomed and adheres to the principles of sustainable development through the reuse of a heritage asset. This carries significant weight in the decision making process.
- 9.7 The Housing Needs Assessment makes no explicit reference to HMO's, it does however, identify a need for 1 bedroom accommodation within the Borough. The private rented sector actively addresses housing requirements at present only 3.5% of the housing stock within Denton South is privately rented.
- 9.8 Whilst within the town centre boundary it does not fall within a defined primary shopping area and as such the premises are not subject to any protection. The central location within Denton Town Centre means that the site is well located in terms of access to services, employment opportunities and public transport. Taken with the re-use and investment to a prominent listed building, the proposals would achieve the three dimensions of sustainable development (economic, social and environmental) identified within the NPPF through the contribution to the supply of housing within a sustainable location.

#### 10. HERITAGE IMPACT

- 10.1 The building has stood vacant for a period in excess of 20 years. The majority of the buildings external fabric is in a reasonable standard of repair. The deterioration of the adjoining lean-to has, however, resulted in an infestation of pigeons to the detriment of the internal accommodation. This along with historic alterations, fire/water damage has left the accommodation in a precarious condition. Whilst the ground floor exhibits some original features this special interest is eroded across the upper floors with the 1<sup>st</sup> and second floors being almost completely void of any original features.
- 10.2 Section 16 of the NPPF relates to Conserving and enhancing the historic environment. Paragraph 192 provides guidance on the desirability of enhancing the significance of heritage asset. Specifically the potential for 'new development' to make a 'positive contribution to local character and distinctiveness' in addition to the contribution to the economic vitality of communities. UDP policy C5 identifies that alternative uses of listed buildings are acceptable whereby the use would maintain the preservation of the building.
- 10.3 The works would largely work to the constraints of the building using the existing fabric. The alterations required to facilitate the change of use of would comprise of the following:
  - Ground floor Relocation of internal staircase to central hallway, provision of 4 en-suite bedrooms to mirror existing internal partitioning and creation of central rear kitchen area to be accessed from new internal wall/entrance. Existing lean-to to accommodate en-suite to 2 bedrooms. Existing plaster work (coving) arches, mouldings, doors and joinery to be retained.
  - First and Second Floors Partitioning to follow ground floor arrangement complete replastering and joinery work.
  - External Reinstatement of traditional wooden 6 panelled entrance door, replacement roof to lean-to, re-rendering of gable and pointing to all brickwork, addition of railings to

rear stairwell, new basement door to bike storage area, restoration of front boundary wall, ventilation ducts to be accommodated on the rear elevation vis shared internal ducting.

- 10.4 The proposals would secure the full conversion of the building, this involves the retention of ground floor, which in practice is where the majority of the remaining historic features are located. The redevelopment of the building would contribute to the buildings continued conservation without imposing negatively upon its external appearance. The subsequent subdivision that would occur works largely to the constraints of the building, the loss of the secondary stairwell and conversion of secondary entrance (lean-to) is not of any significance, whilst the conversion of the attic space would require modification, and part removal of trusses in addition to the lowering of the floor this can be accommodated without compromising the overall value of the heritage asset.
- 10.5 The proposal seeks to retain all existing timber frame sash style windows to reduce the impact on the heritage asset. The replacement is of a classic Georgian appearance which is in-keeping with the historical character. The details for all external works (including any external flues etc) can be appropriately controlled by condition.
- 10.6 The appropriateness of the use has been questioned within the representations. In response the application has demonstrated that the heritage value would not be undervalued with the changes being approached in a sensitive manner. Significant weight is given to the investment that would be secured for the building and the ability to secure its long-term stewardship. The change of use should not be distinguishable given the minimal alterations which would be required.

## 11. AMENITY LEVELS AND THE IMPACT ON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

- 11.1 The Residential Design SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties.
- 11.2 The accommodation will be well proportioned, the smallest bedroom would measure over 19sqm which is significantly larger than the minimum 6.5sqm space requirements of the Housing Act 2004 and TMBC HMO guidance. The introduction of ensuites allow greater privacy and a reduction of reliance to shared services. The generous sized rooms along with communal areas and basement allow for good levels of storage for residents which is a good indicator to amenity standards. Internally, the properties would benefit from a complete overhaul & refurbishment that would coherently bring the accommodation up to modern standards.
- 11.3 The site is isolated from other residential uses with neighbouring uses all being of a commercial nature. In recognition of this the proposals would not have a direct impact on levels of residential amenity of neighbouring properties.
- 11.4 The change of use of the premises would allow for the sustainable and efficient use of the existing property without the need for new construction. This has a positive impact on the surrounding community by bringing into use an otherwise vacant property. The property lends itself to conversion without the need for extension or significant alteration, the proposals would be compatible with a central location whereby future residents would have immediate access to the Denton's associated services.

- 11.5 It would be in the applicant's interests to ensure that the property is well managed with residents being subject to relevant reference and security checks. The management of the property would also oversee regular inspections to ensure that routine maintenance being undertaken and the property kept in good condition. A draft management Plan has been submitted by the applicant which demonstrates a number of controls to ensure the effective and safe management of rooms within the accommodation. In the interests of robustness a condition is recommend which amongst other things will require the applicant to provide:
  - Full details of screening and selection criteria of tenants to determine eligibility of the accommodation;
  - Tenancy terms and conditions;
  - Management procedures for the maintenance and security of the premises;
  - Conditions of residential occupancy;
  - Waste handling arrangements of all rooms within the accommodation;
  - Protocols for investigating and addressing complaints from tenants;
  - Register of tenants and their employment status;

These measures are deemed sufficiently robust to ensure the welfare of future tenants would be maintained. It is in the applicant's interests to ensure that the property is well managed with residents being subject to relevant reference and security checks, this in turn would help to provide a cohesive community. The approach to a Management Plan is the most reasonable control of the properties occupation which can be exercised through the planning system.

- 11.6 Separate to the planning application it is also pertinent to acknowledge that under the Housing Act 2004 it is a requirement that all large HMO's are licenced by the Local Authority. The licencing arrangements provide a safeguard to maintain accommodation and management standards. The licence arrangements give a further guarantee above conditions which can be applied to a planning permission. Amongst other things the licence arrangements essentially seek to ensure that;
  - The HMO is suitable for occupation by the number of people applied for under the licence.
  - The licence holder is a suitable/competent person
  - Proposed management arrangements are appropriate
  - Accommodation is up to standard with relevant safety certification

Therefore in addition to the Management Plan the licencing arrangements would therefore form an effective way in which to enforce good management of the property to prevent incidences of anti-social behaviour.

#### 12. CHARACTER OF THE SITE AND SURROUNDING AREA

- 12.1 As a large scale HMO the proposals represents a Sui Generis use and therefore does not a have a recognised use class. If the development is implemented the property would not benefit from any subsequent change of use to any alternative forms of residential accommodation to those detailed within the applcaition.
- 12.2 There are no records of any HMOs operating within the immediate area, outside of the commercial centre accommodation in the main comprises of traditional terraced stock suited family use. There is therefore no evidence to suggest that there is an over concentration of this housing type which is giving rise to environmental or social problems. UDP policy H7 promotes mixed use and density and the proposals would be compliant with this and provide a form of affordable accommodation. There would be efficiency achieved

by the density and this would complement the vitality and viability of Denton Centre through the associated footfall and use of local services.

12.3 Concerns have been raised about the appropriateness of the use within the representations. In practice the use and occupation of the building should not be distinguishable. Anecdotal evidence from Oldham Council has been provided by the applicant which confirms that other properties managed within the applicants portfolio are managed to high standards. The conditioning of the aforementioned Management Plan will ensure that the building is kept in good order with regular maintenance and repair if deemed necessary. This will ensure the positive retention of a prominent building within Denton Town Centre to the benefit of the character of the local environment.

#### 13. HIGHWAY SAFETY

- 13.1 Typically car ownership amongst residents is likely to be low and not significantly different to that considered under previous approvals for residential apartments. Nonetheless, the property has provision for 3 parking spaces with dedicated secure cycle storage also proposed. The vehicle and cycle parking would be secured through a planning condition.
- 13.2 The concerns expressed within the representations in relation to the pressure for on-street parking across local streets are noted. In a town centre location the site is inherently sustainable and is easily accessed by public transport, foot or bicycle. Car ownership within a HMO is likely to be low, in addition to the dedicated cycle and vehicle parking there is also public car parking available at several locations across the town centre. In recognition of the sustainable credentials the access arrangements are considered to be acceptable against the provisions T1 & T10.
- 13.3 Accounting for the sites sustainable credentials it is not considered that the proposals would exacerbate local parking issues in a manner which would be contrary to highway safety. The proximity to local services reduces car reliance which gives credibility to the sustainability of the site. Given this situation, in accordance with the guidance contained within paragraph 109 of the NPPF, it is considered that a refusal of planning permission could be justified on highway safety grounds.

#### 14. OTHER MATTERS

- 14.1 In relation to flood risk, the site is located within Flood Zone 1 and is therefore at a lower risk of flooding. In terms of drainage, United Utilities has raised no objections to the proposals, subject to a condition requiring foul and surface water to be drained from the development via separate systems and the submission and approval of a sustainable surface water drainage strategy.
- 14.2 The EHO has raised no objections to the proposals, subject to the imposition of a condition for a noise report to inform the glazing specification to windows. This is considered reasonable and can be attached to the decision notice.

#### 15. CONCLUSION

15.1 Paragraph 59 of the NPPF requires that as part of the objective of boosting significantly the supply of housing, this a material consideration of great significance and weight when considering applications for new development. It is considered that the development would be consistent with guidance provided at a national level in the NPPF as well as local polices in relation to land use compatibility, residential amenity, highway safety and Heritage impacts.

- 15.2 The application has demonstrated that rooms within the development would be of a high quality adopting a design that exceeds minimum recommended guidelines for HMO accommodation. The submitted proposals clearly demonstrate that the property would successfully lend itself to conversion in a manner that respects the integrity of the heritage asset. Subject to the safeguarding of a robust management plan the scale of the actual change of use would not result in a significant intensification of residential use which would demonstrably burden local services.
- 15.3 The effective management of the site will ensure the use can take place without giving rise to adverse environmental or residential amenity conditions. The proposals would provide a form of affordable accommodation within an otherwise vacant and underutilised heritage asset. The opportunity to secure the long-term stewardship of a heritage asset carries significant weight to the balancing exercise of the decision making process. Overall the proposals would meet the aspirations of UDP policies C1, C5 and H7.
- 15.4 Therefore in accordance with the recommendations of the NPPF, in the absence of any adverse impacts which would significantly and demonstrably outweigh the benefits of the proposed use and conversion of the Listed Building it is recommended that the application is approved.

#### 16. **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. The development hereby approved shall be carried out in accordance with the following approved plans/details: Site Location Plan Dwg no. P001, Existing Side Elevations Dwg no. P002, Existing Front & Rear Elevations Dwg no. P003, Existing Ground Floor Plans Dwg no. P004, Existing First Floor Plans Dwg no.P005, Existing Second Floor Plans Dwg no. P006, Proposed Side Elevations Dwg no. P007, Proposed Front and Rear Elevations Dwg no. P008, Proposed Ground Floor Plans Dwg no. P009, Proposed First Floor Plans Dwg no. P010, Proposed Second Floor Plans Dwg no. P011, Heritage Statement & Addendum to Heritage Statement
- 3. The accommodation hereby approved shall not be occupied by any tenants unless / until the submission of a Management Plan to the local Planning Authority for approval in writing. The Management Plan shall include:
  - Full details of screening and selection criteria of tenants to determine eligibility of the accommodation;
  - Tenancy terms and conditions;
  - Management procedures for the maintenance and security of the premises;
  - Conditions of residential occupancy;
  - Waste handling arrangements of all rooms within the accommodation;
  - Protocols for investigating and addressing complaints from tenants;

The accommodation shall be occupied in accordance with the approved Management Plan at all times and for as long as the building is in use as a shared household.

4. The owner/operator of the accommodation shall maintain a register of all occupiers and their employment status of the rooms within the accommodation hereby approved. This shall be made available for inspection by the LPA within 7 days of such a request being made.

- 5. The approved development shall not be occupied until the car parking facilities for the development have been provided in accordance with the approved drawings, hard surfaced (in tarmac, block paving or other non-loose material), drained (to a soakaway / SuDS system), marked out (with carriageway markings, or similar) and are available for use. The car parking facilities shall thereafter be kept clear and remain available for parking of vehicles for the development.
- 6. Prior to the occupation of the building full details of proposals to provide a long-stay cycle parking facility/s for the approved dwelling/s (which shall be in the form of a secure cycle store that will accommodate a minimum of one cycle for room) have been submitted to and approved in writing by the Local Planning Authority. No room shall be occupied within the development until the cycle parking facility/s for that dwelling has been provided in accordance with the approved details. The cycle parking facility/s shall then be retained and shall remain available for use at all times thereafter.
- 7. No development or repairs shall take place to the southern gable until a full structural report and schedule of repairs has been submitted for approval to the Local Planning Authority. The development shall be undertaken in full accordance with approved schedule.
- 8. Notwithstanding the information shown on the submitted drawings, no external construction shall take place until a detailed schedule of all of the proposed materials of external construction has been submitted to and approved in writing by the local planning authority, and samples have been made available for inspection on site. The development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 9. No external construction shall take place until a sample of pointing work (approximately 1 square metre) has been prepared for inspection and approved in writing by the local planning authority. All pointing shall be confined to the joint and finished slightly recessed from the face of the brick and carried out in accordance with the approved sample.
- 10. All existing internal decorative plasterwork, joinery, metalwork and tiling (ie skirtings, doors, architraves, dado, picture rails, floor tiles, balustrades, chimney breasts and features of a similar nature) shall be retained and repaired in accordance with a schedule of works to be submitted to and approved in writing by the Local Planning Authority before development takes place.
- 11. No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes, television aerials) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details and thereafter maintained as such.
- 12. Prior to the first occupation of the development a scheme showing the location, design and screening of a single satellite television reception aerial/dish capable of distributing a signal to each room within the development shall be submitted to and approved in writing by the local planning authority. The aerial/dish shall be installed in accordance with the approved details. Any aerial/dish must be located so as to minimise its effect on the appearance of the building and all distribution cables must be routed internally.
- 13. Full details of all new and/or replacement windows which shall be single glazed painted timber double hung sashes using cords, weights and pulleys together with mouldings and sections of a traditional design and profile, shall be submitted to and approved in

writing by the local planning authority. Details shall include sample elevations drawn at a scale of 1:20 including details of new brick/stone heads/cills where required, with vertical and horizontal

sections drawn at a scale of 1:5, and details of secondary glazing where required. All new windows shall be set back from the face of the building within the window and door reveals by a minimum of 90mm All windows shall accord with the approved details.

- 14. No development shall take place to the external doors until full details of the external door/doorcases (which shall be of painted timber construction to replicate the original design) have been submitted to and approved in writing by the local planning authority. The external doors shall be installed in accordance with the approved details.
- 15. All existing chimney stacks, capping and pots shall be retained.
- 16. Full details of external works to rear courtyard including boundary balustrade and/or railings shall be submitted to and agreed in writing by the local planning authority. All works shall be undertaken in complete accordance with the approved details.
- 17. No development shall commence until a report is undertaken by a suitably qualified person to address the impact of noise on each of the rooms within the accommodation. This shall be submitted for approval in writing by the local planning and authority and shall be carried out in accordance with BS8233-2014 and BS4142-2014, any mitigation measures recommended in the approved report shall be carried out before the occupation of the first room within the development.
- 18. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
- 19. Notwithstanding the information shown on drawing no. P009 (Proposed Ground Floor Plans) no room within the development shall be occupied until revised details for a provision of a bin store and enclosure has been submitted to the local authority for approval. The accommodation shall not be occupied until the bin store has been provided in accordance with the approved details it shall thereafter be retained throughout the life of the development.
- 20. With exception of any permitted clearance works prior to commencement of any internal works to the building a schedule including full details to the repair and relocation of the internal staircase shall be submitted to the local planning authority for approval in writing. The development shall then be carried in in full accordance with the approved details.
- 21. The occupation of the building shall be limited to 12 bedrooms as identified on the submitted plans ref: Proposed Ground Floor Plans Dwg no. P009, Proposed First Floor Plans Dwg no. P010, Proposed Second Floor Plans Dwg no. P011,

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33A Milton Road, Middlesex, TW12 2LL

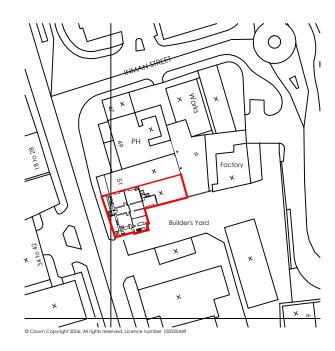
Project Title: 53 -55 Stockport Road, Denton

Drawing Title: Site Location Plan

Drawing No.: P001

Date: 20/10/2018

Scale: 1:1250 @ A4





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### Application 18/00930/FUL & 18/00946/LBS

#### Photo 1: Stockport Road Frontage



Photo 2: Southern gable



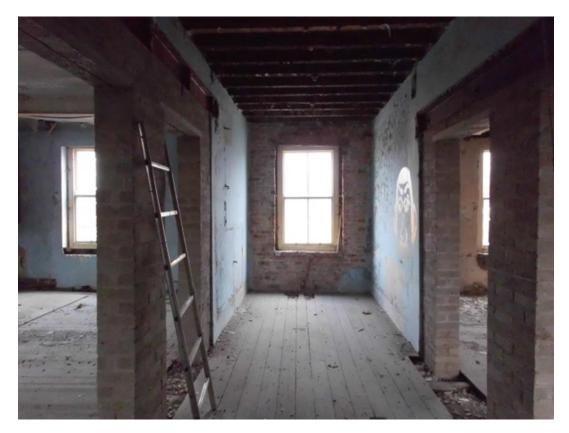
## Photo 3: Rear Elevation / Shared Courtyard



Photo 4: Ground floor hallway

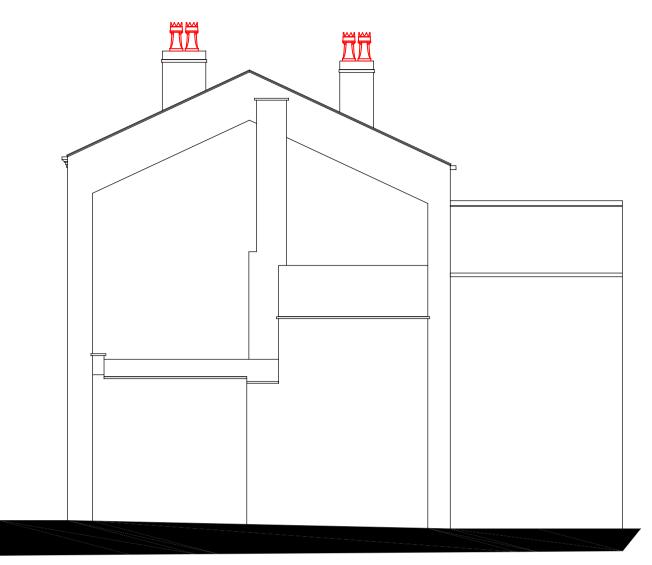


#### Photo 5: First Floor



#### Photo 6: Roof on second floor





Infinity Property Investing Limited 33A Milton Road, Middlesex, TW12 2LL	
Project Title: 53 -55 Stockport Road, Denton	
Drawing Title: Existing Side Elevations	
Drawing No.: P002	
Date: 20/10/2018	
Scale: 1:100 @ A3	

Side Elevation



# Side Elevation





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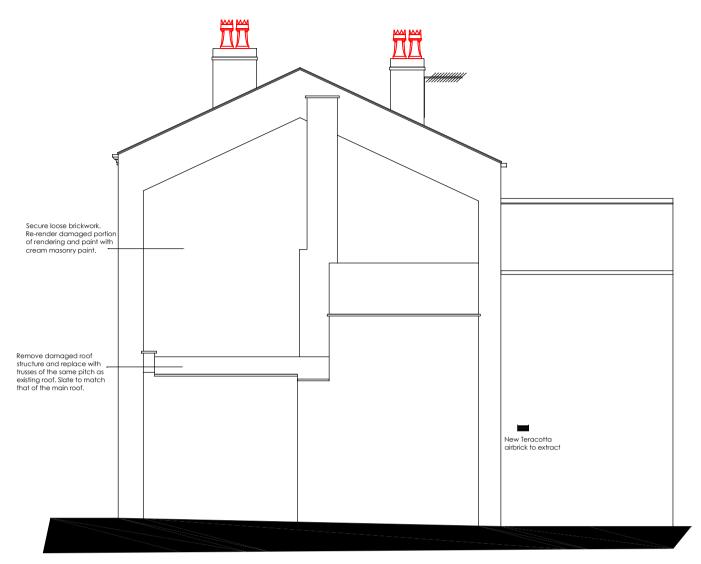


# **Rear Elevation**

Page 29



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Infinity Property Investing Limited 33A Milton Road, Middlesex, TW12 2LL		
Project Title: 53 -55 Stockport Road, Denton		
Drawing Title: Proposed Side Elevations		
Drawing No.: P007		
Date: 20/10/2018		
Scale: 1:100 @ A3		

Side Elevation

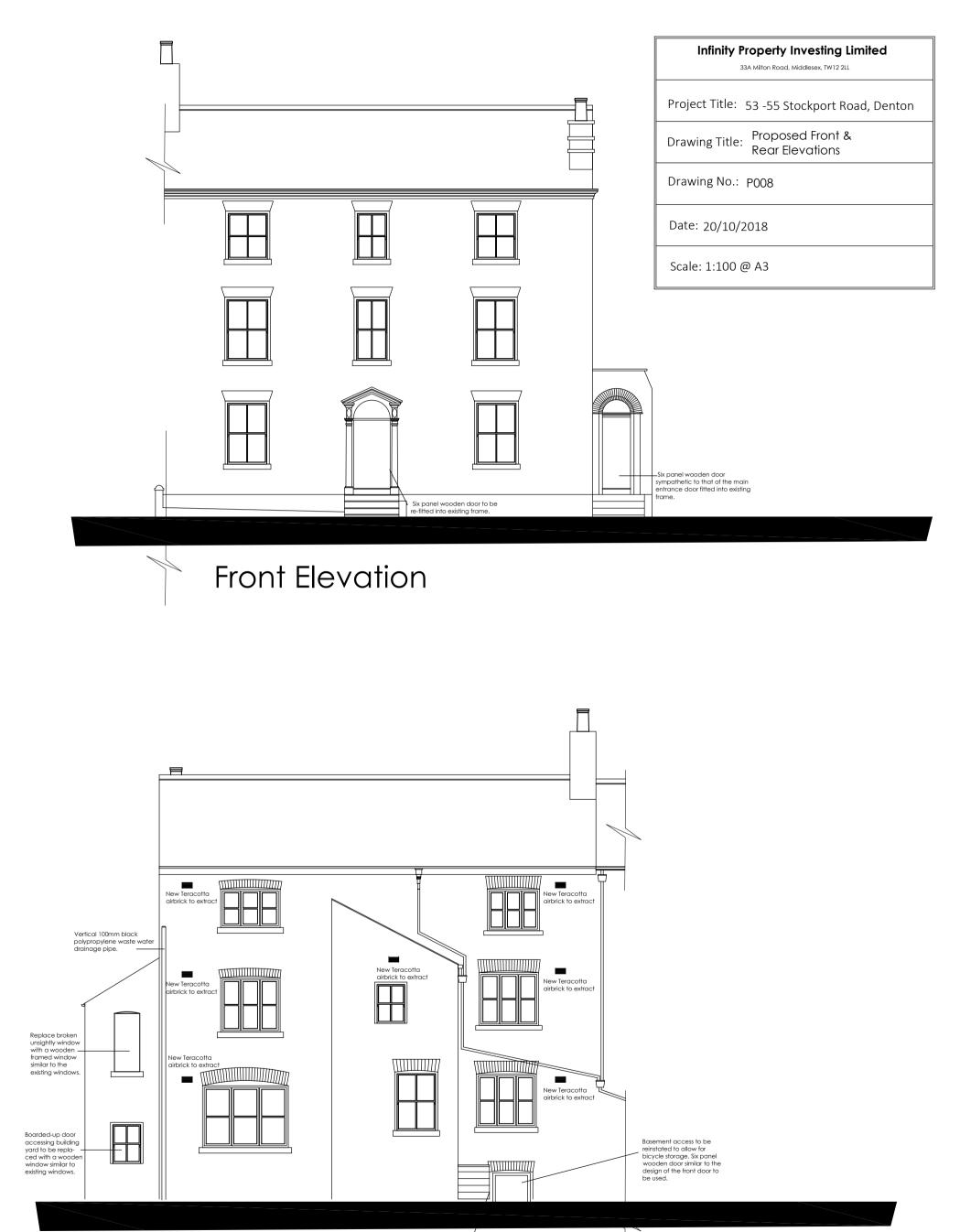


# Side Elevation





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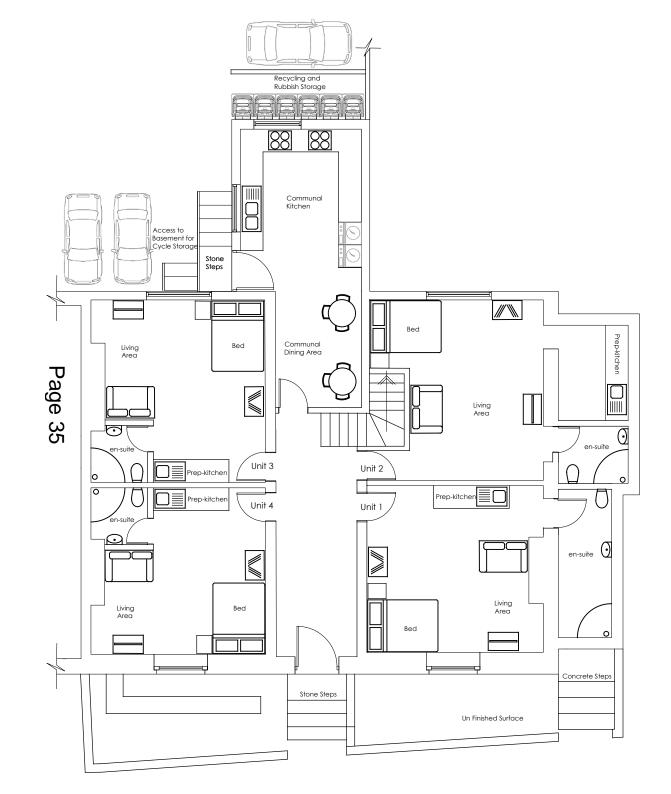
# **Rear Elevation**

Indicates new black painted galvenised mild steel railings. Handrail to be set 900mm above pitch and landing. Gaurdings to incorporate balustrades set at 100mm max centres.



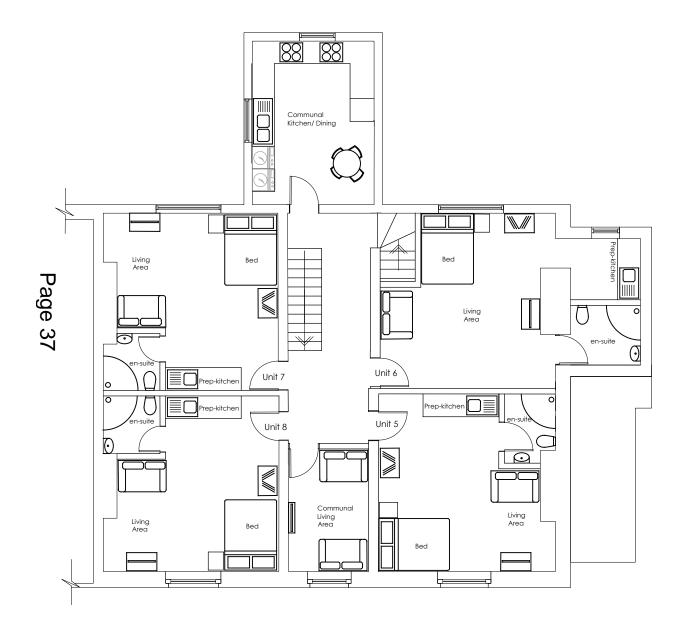


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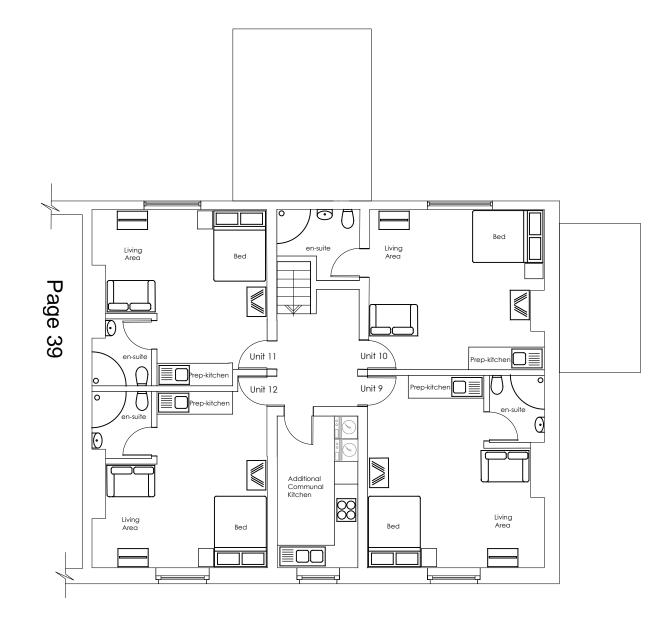
Infinity Property Investing Limited
33A Milton Road, Middlesex, TW12 2LL
Project Title: 53 -55 Stockport Road, Denton
Drawing Title: Proposed Ground Floor Plans
Drawing No.: P009
Date: 20/10/2018
Scale: 1:100 @ A4





Infinity Property Investing Limited
33A Milton Road, Middlesex, TW12 2LL
Project Title: 53 -55 Stockport Road, Denton
Drawing Title: Proposed First Floor Plans
Drawing No.: P010
Date: 20/10/2018
Scale: 1:100 @ A4





Infinity Property Investing Limited 33A Milton Road, Middlesex, TW12 2LL
Project Title: 53 -55 Stockport Road, Denton
Drawing Title: Proposed Second Floor Plans
Drawing No.: P011
Date: 20/10/2018
Scale: 1:100 @ A4



# Agenda Item 5b

Application Number:	18/00409/FUL
Proposal:	Use of outbuilding as two-bedroom bungalow
Site:	Land adjacent to 30 Ivy Cottages, Denton
Applicant:	Mr N Corbett
Recommendation:	Approve
Reason for report:	Councillor George Newton has requested that the application be determined by Speakers Panel.

#### REPORT

### 1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission to convert an existing detached single storey building located within the garden area of 30 Ivy Cottages into a two bedroomed bungalow. The building is currently unused but was last in use as residential accommodation (for a temporary period of 12 months) in 2007.
- 1.2 There are no alterations (other than the removal of a partition wall) proposed to the existing internal layout. For clarification, this will comprise of two bedrooms, a bathroom, lounge, kitchen, utility room and store at ground floor level. Externally the existing window and door openings, block work, render and timber cladding to the front, side and rear elevations will remain.
- 1.3 An amended site layout plan has been submitted with the application which includes the following:
  - The formation of a new boundary within the garden area separating the existing and proposed dwelling houses;
  - 4 No vehicular parking spaces within the garden area of 30 Ivy Cottages, access to which will be taken from the existing access road in front of Ivy Cottages. The parking spaces will serve both 30 Ivy Cottages and the new dwelling house.
  - The incorporation of the access road serving Ivy Cottages from the junction with Meadow Lane up to the boundary within the application site.
  - Removal of the existing car parking area adjacent to the site from application site boundary.

### 2. SITE & SURROUNDINGS

- 2.1 The application site comprises of the access road serving residential properties known as 'Ivy Cottages' and part of the side garden area of the residential property at 30 Ivy Cottages, Denton. The site itself is a roughly rectangular parcel of land some 0.10 hectares in area which is currently landscaped and enclosed on its south and eastern boundaries by a 2 metre high wooden fence. An area of woodland adjoins the site on its northern boundary. An existing gate on the southern boundary provides access into the site.
- 2.2 Within the garden area, there is a detached, single storey 'L' shaped building constructed of block work to the external elevations with a tiled pitched roof. This building was last used for residential purposes for a temporary period of 12 months in 2007. Although currently unoccupied, internally the building is still laid out and furnished for a residential use.

2.3 The site lies wholly within the green belt as allocated on the UDP Proposals Map.

### 3. PLANNING HISTORY

- 3.1 06/01033/FUL Temporary change of use to dwelling Retrospective Approved on 15 September 2006
- 3.2 05/01601/FUL Temporary change of use of existing kennels to dwelling Withdrawn on 7 December 2005
- 3.3 05/01411/FUL Proposed conservatory to side, single storey rear extension and front porch – Approved on 21 November 2005
- 3.4 03/00598/FUL Two storey side extension, side veranda and front porch Approved on 11 June 2003
- 3.5 75/08/04321 Boarding Cattery Approved on 19 April 1977
- 3.6 75/08/03807 Boarding cattery on vacant land Approved on 24 November 1976
- 3.7 75/08/01968 Internal modernisation Approved on 17 September 1975

#### 4. RELEVANT PLANNING POLICIES

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

Within the Green Belt and boundary of the Haughton Green Supplementary Planning Document Site Area

#### 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

OL1: Protection of the Green Belt OL2: Existing Buildings in the Green Belt H4: Type, size and affordability of dwellings H9: Backland and Garden Development H10: Detailed Design of Housing Developments OL10: Landscape Quality and Character T1: Highway Improvement and Traffic Management T10: Parking C1: Townscape and Urban Form N4: Trees and Woodland. N5: Trees within Development Sites N7: Protected Species MW11: Contaminated Land U3: Water Services for Developments **U4** Flood Prevention U5 Energy Efficiency

#### 4.2 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2016; Residential Design Supplementary Planning Document; and, Trees and Landscaping on Development Sites SPD adopted in March 2007. Haughton Green Supplementary Planning Document adopted in September 2017

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

Section 2: Achieving sustainable development Section 5: Delivering a sufficient supply of homes Section 8: Promoting safe and healthy communities Section 12: Achieving well designed places Section 13: Protecting Green Belt Land Section 15: Conserving and enhancing the natural environment

#### 4.4 **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 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

#### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services Highways No comments received
- 6.2 Head of Environmental Services Environmental Health No objections.
- 6.3 Environment Agency no comments received
- 6.4 Greater Manchester Ecology Unit (GMEU) confirm that whilst the application site is surrounded by mature woodland it would appear that the former stables have already been converted for residential use and no further significant works are needed to regularise the apparent recent use as a dwelling. In this case it is not considered that the proposal would cause any ecological harm and therefore there are no objections to the scheme on nature conservation grounds.

### 7. SUMMARY OF COUNCILLOR AND THIRD PARTY RESPONSES RECEIVED

- 7.1 Councillor George Newton on behalf of all Denton South Ward Members has objected to the application for the following reasons:
  - The application site lies within the Green Belt
  - The alleged current use of the building as a kennel is allowed in the Green Belt. Developing a three bedroomed bungalow is not.
  - The development would be contrary to UDP Policy OL15 Openness and Appearance of River Valleys. The proposal would adversely affect the character of the Tame Valley and set a dangerous precedent for properties that back onto the valley.

- The proposal would be contrary to UDP Policy OL2 in that it has a materially greater impact than the present use and results in a disproportionate addition to the original building.
- There is no access road to this property and granting planning permission may risk opening up the Tame Valley for such an access road.
- The car park is not a permitted use within the green belt.
- Object to any 'non essential' development within the Tame Valley which is already threatened by proposals to extend Bredbury Industrial Estate.
- 7.2 Three letters of objection including one containing 9 signatures have been received. Main points raised:
  - The current building is entirely unsuitable for occupation as a dwelling as none of its floor, walls or roof complies with current Building Regulations with respect to a dwelling house.
  - The Structural Survey was based on a visual inspection with no trial holes excavated. The construction and 'technical suitability' as an independent dwelling is queried.
  - The proposal does have a materially greater impact (on the green belt) than the present use. The present use as kennels for racing greyhounds belonging to 30 lvy Cottages has little or no impact on the Green Belt. The proposed use as a dwelling will have a significant impact in that it will introduce residents, vehicles, visitors, parking and other traffic not associated with the current use, in addition to construction traffic associated with the works required to carry out the alterations.
  - The building does not have planning permission for a residential use.
  - Damage to highway resulting from proposal.
  - Proximity of application site to watercourse
  - The temporary use of outbuilding as a dwelling house expired on 13 March 2007. The current use of the site is as kennels.
  - It should be noted that the site is surrounded by mature trees and hedges.
  - The Certificate of ownership has not been completed correctly.

#### 8. ANAYLSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material planning considerations indicate otherwise. Material planning considerations include the NPPF.

The site is located wholly within the Green Belt on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). In accordance with the revised NPPF and Tameside UDP policies the main issues raised by the application relate to the following:

- The principle of development;
- The effect on the openness of the Green Belt and the character and appearance of the area
- the impact on the residential amenity of neighbouring properties;
- impact on highway safety
- 8.2 These matters are considered in more detail below.

#### 9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site lies wholly within the Green Belt as identified on the UDP Proposals Map. Accordingly the main issue in the determination of this application relates to whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (NPPF), having regard to the nature of the development and its effect upon the openness of the Green Belt.
- 9.2 The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF identifies certain forms of development which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. One of these development forms is the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 9.3 UDP policies OL1 and OL2 relate to the protection of the green belt and existing buildings in the green belt and, amongst other things, seek to protect the Green Belt from inappropriate development.
- 9.4 The application relates to the re use of an existing building which is constructed of block work with a tiled roof. A Structural Survey has been submitted with the application which concludes that the building is 'technically suitable' for use as an independent dwelling and the plans submitted with the application indicate that only minor alterations are required to enable the buildings conversion. As a result therefore, it is considered that the building is of permanent and substantial construction and capable of conversion without substantial rebuilding.
- 9.5 Given that the building is already in situ on the site, the proposal to use it as a residential dwelling would not result in a loss of openness to the Green Belt, or conflict with the purposes of including the land within it. It is therefore concluded that the proposal would not represent inappropriate development within the Green Belt.

### 10. THE EFFECT ON THE OPENNESS OF THE GREEN BELT AND THE CHARACTER AND APPEARANCE OF THE AREA

- 10.1 The NPPF considers openness to be an essential characteristic of the Green Belt. The proposal would introduce a new dwelling next to the existing row of dwellings at Ivy Cottages and would inevitably introduce a higher degree of residential paraphernalia within the combined sites. It is accepted that this could have implications for the existing character and appearance of the surrounding area.
- 10.2 The plans submitted with the proposal indicate that the domestic curtilage of the dwelling would be limited to that of the existing dwelling house, 30 lvy Cottage and would not extend beyond the boundary fence of the existing property. Further, the garden and parking area for the dwelling would be in an area enclosed by the existing boundary fence and gates, which would prevent visual encroachment of the domestic use to the surrounding countryside. In these respects the development would not be at odds with the purposes of the Green Belt.
- 10.3 Access to the new dwelling would be via the existing access road in front of Ivy Cottages and would not represent encroachment of development into the countryside or conflict with the purpose of including land in the Green Belt.

#### 11. **RESIDENTIAL AMENITY**

- 11.1 With regard to impact on residential amenity, it is considered that the proposal allows for a sufficient privacy and separation distance to be retained to the adjoining property at 30 lvy Cottages so as not to result in any adverse impact on the existing or proposed occupiers.
- 11.2 The proposed sub division of the site allows sufficient garden area to be retained to the existing dwelling house at 30 Ivy Cottages and for the proposed dwelling house. In this regard the proposal is acceptable.
- 11.3 The proposed development would also provide acceptable living conditions for future occupants, with regard to outlook, privacy and daylight. It would therefore not conflict with the UDP Policies H9 and H10 which states that development should not adversely affect the amenities of the surrounding area and should provide adequate separation and privacy distances. It would also comply with the NPPF requirement to secure a good standard of amenity for current and future occupiers.

#### 12. HIGHWAY SAFETY

12.1 The proposed means of access to the site is acceptable. There would be sufficient space within the site to provide adequate turning space and 2 car parking spaces per property, meeting the requirements of the Residential Design Guide. The Local Highway Authority has not raised any objection to the proposals, subject to a condition requiring the parking spaces to be laid out in accordance with the approved details prior to the occupation of the dwellings.

#### 13. OTHER MATTERS

- 13.1 In relation to flood risk, the site is located within Flood Zone 1 and is therefore at a lower risk of flooding.
- 13.2 In accordance with the Written Ministerial Statement (WMS) of 28 November 2014, no tariff based contributions are to be sought in relation to affordable housing, open space or education provision, as the proposal would not exceed 10 dwellings. The WMS is a material planning consideration, forming part of the Planning Practice Guidance. Given the need to boost the supply of housing in sustainable locations as required by Section 5 of the NPPF, it is considered that financial contributions would not be necessary to make the scheme acceptable in planning terms, had all other material considerations been satisfied.

#### 14. **RECOMMENDATION**:

Approve 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 hereby approved shall be carried out in accordance with the following amended plans/details received by the Council on 13 and 28 November 2018:

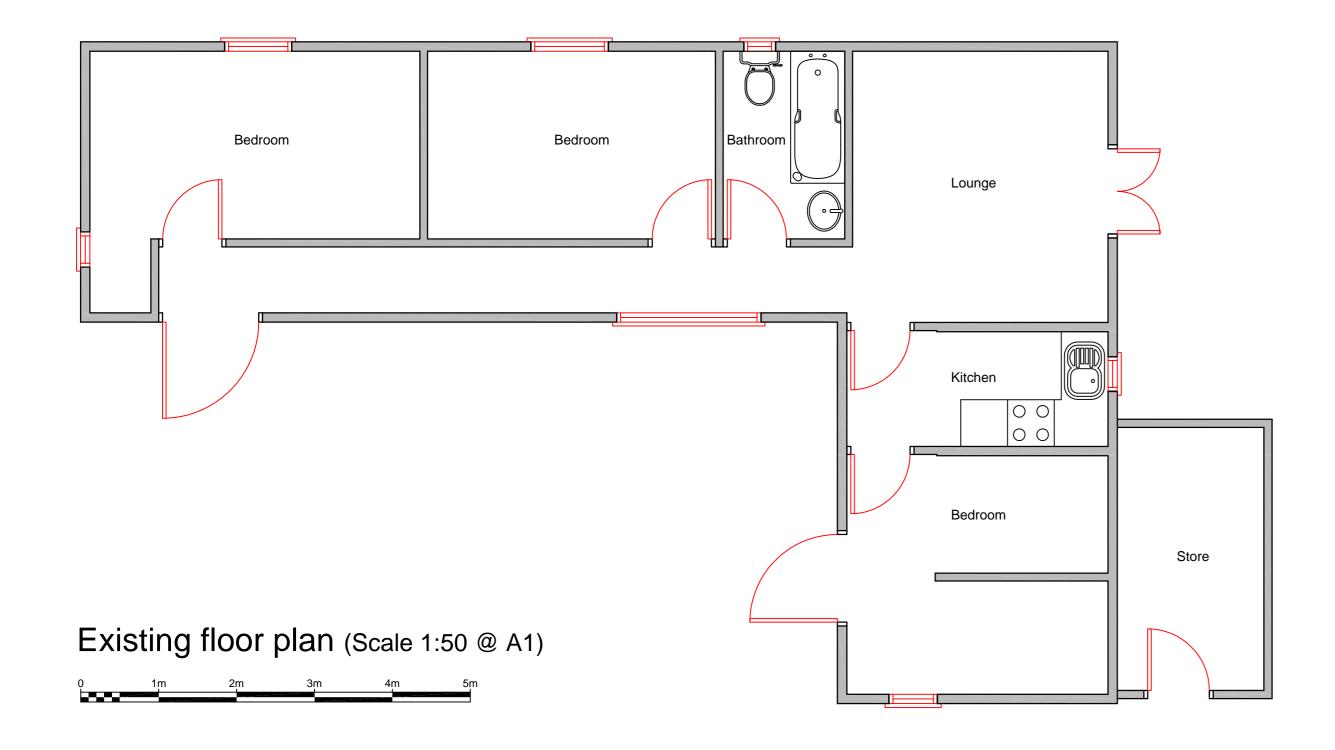
018-203-02B 'Proposed Plans and Elevations' 018-203-01A 'Existing Plans and Elevations'

- 3. Prior to the first occupation of the building hereby approved, the parking and turning areas shown on the approved drawings shall be provided in full and thereafter shall be made available at all times for their designated purposes.
- 4. Notwithstanding the provisions of Classes A, B, C,D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended (including any alterations to its roof) no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.



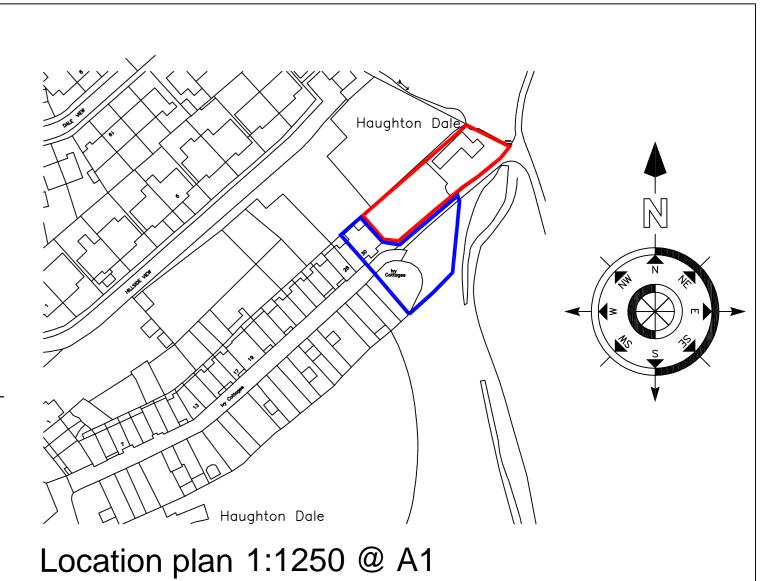
North West Elevation (Scale 1:50@ A1)

0 1m 2m 3m



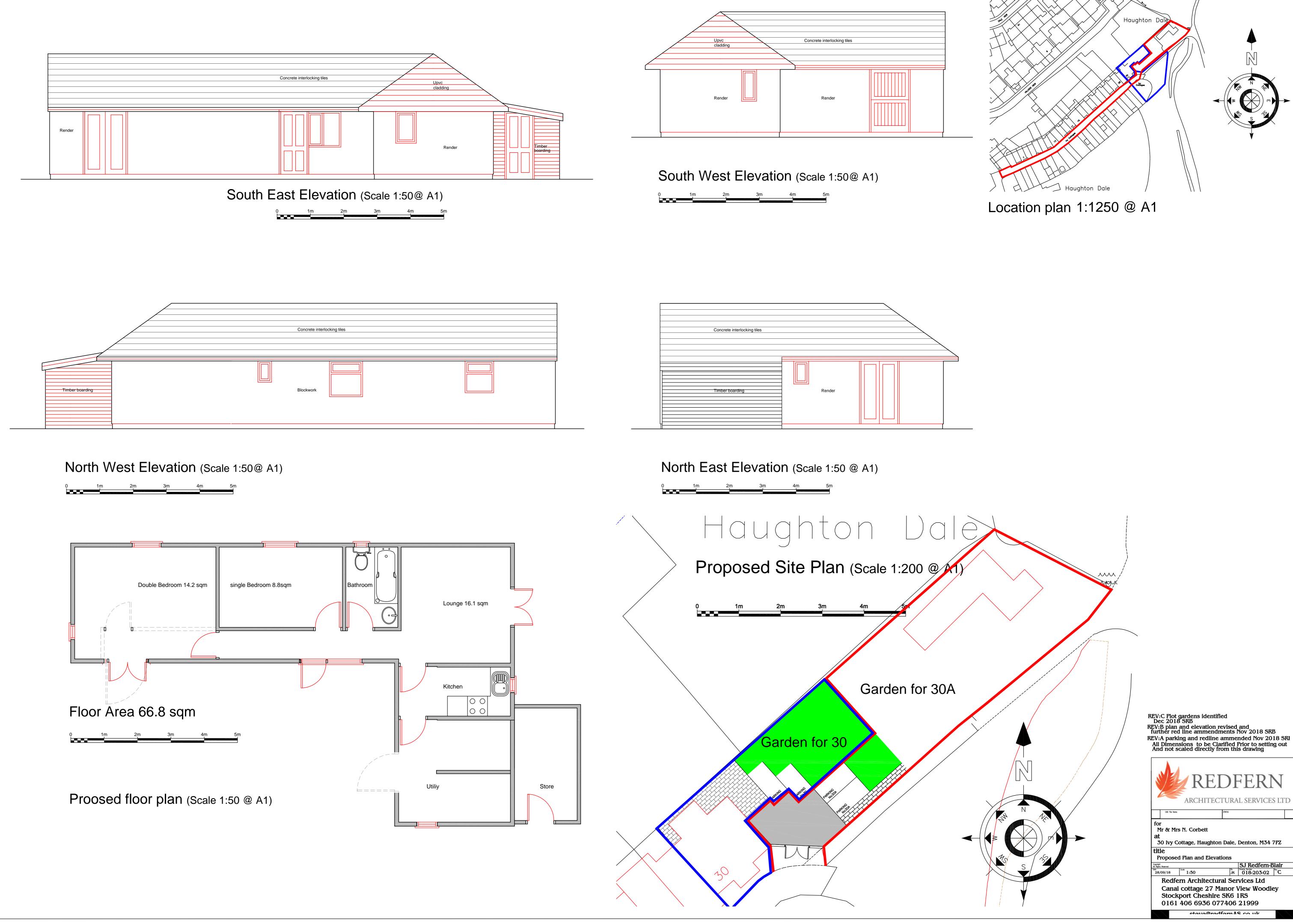
North East Elevation (Scale 1:50 @ A1)

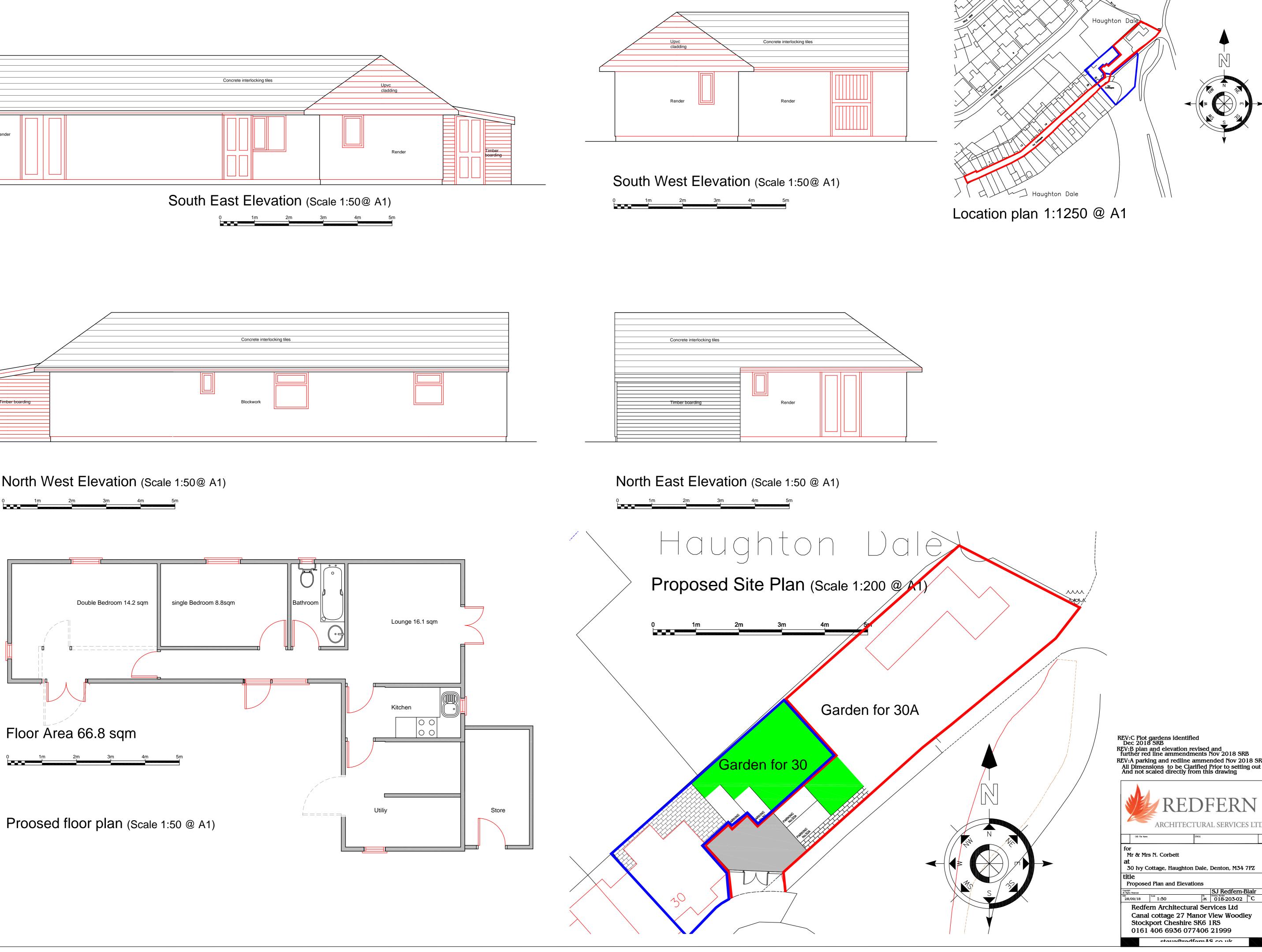
4m 5m 

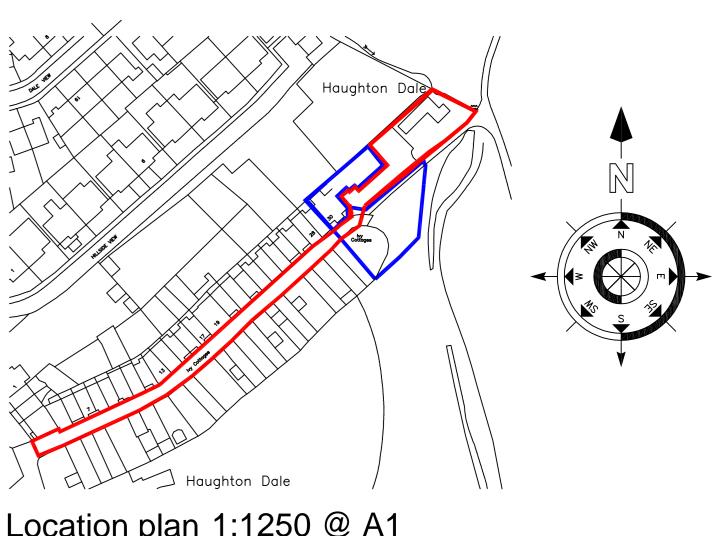


REV:A Redline mmended Nov 2018 SRB All Dimensions to be Clarified Prior to setting out And not scaled directly from this drawing REDFERN ARCHITECTURAL SERVICES LTD for Mr & Mrs N. Corbett 30 Ivy Cottage, Haughton Dale, Denton, M34 7PZ title Existing Plan and Elevations **Redfern Architectural Services Ltd** Canal cottage 27 Manor View Woodley Stockport Cheshire SK6 1RS 0161 406 6936 077406 21999

stava@radfarnAS on uk







Application Number: 18/00409/FUL



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# Agenda Item 5c

Application Number 18/01015/FUL

**Proposal** Steel arched building to be used as storage and workshop - retrospective.

**Site** Tameside Transmissions, Albert Street, Droylsden, M43 7BA.

- Applicant Mr S Halligan
- **Recommendation** Grant planning permission, subject to conditions
- **Reason for report** A Speakers Panel decision is required because, in accordance with the Council's Constitution, 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

#### REPORT

#### 1. APPLICATION DESCRIPTION

- 1.1 The application seeks full, retrospective planning permission to develop a fourth building, to be used for storage and workshop purposes within the applicant's existing site.
- 1.2 Following the grant of planning permission (see paragraph 3.3) in July 2018 for the construction of a steel-arched building to be used as storage work began on the development and is now substantially complete. As constructed, the building occupies a slightly different footprint and is taller than as was approved. This retrospective application therefore seeks to regularise the situation.
- 1.3 As was approved previously, the building is constructed of segmental steel arched panels that are bolted together, as is the existing building next to which it is located. The new building is approximately: 15m wide, fronting in to the site; 11m deep; and, 7m tall, approximately 2m taller than the adjacent building.
- 1.4 As approved, the building was to be constructed parallel with the adjacent building, although protruding further in to the site, and was to stand approximately 6.4m tall. As built, the building is offset at an angle from, and approximately 2m taller than, the adjacent building, being approximately 0.6m taller than was approved. Whereas the shape of the approved building was a regular curve, as built, the sides of the building rise vertically before curving around the roof.
- 1.5 Three existing containers would be retained and relocated to the southern part of the site.
- 1.6 Car parking would then be rationalised in to a linear arrangement along the site's eastern boundary.

#### 2. SITE & SURROUNDINGS

2.1 Situated approximately 120m to the east of Droylsden town centre, Tameside Transmissions, comprising a car repair workshop and storage unit with external car parking, occupies an approximately 0.25ha site, at the end of Albert Street, which is a no-though road, off Market Street. Access and egress to the site are from the end of Albert Street, which adjoins the site midway along the western boundary. The site is bounded by Dunkirk Street to the north, across which are terraced houses. Residential curtilages abut the site to the east. To south the site abuts a car park that serves a neighbouring 2-storey block of flats in Baguley Street. To the west: north of the access point, the site adjoins the

curtilage of a church; and, south of the access point, a car park serving neighbouring commercial units. The mixed, surrounding uses reflect the edge of centre location.

2.2 The site currently accommodates three discrete buildings. The largest of the existing buildings is located in the northern-most portion of the site and backs on to Dunkirk Street. Next to this, a second building (building 2), runs parallel with the western boundary, north of the access point. The third building (building 3) is also located alongside the western boundary, immediately to the south of the site entrance.

#### 3. PLANNING HISTORY

- 3.1 07/00543/FUL Erection of industrial building (Retrospective Application) approved 28/08/2007 (building 3)
- 3.2 16/01024/FUL Construction of steel arched building to be used as a vehicle repair workshop approved 23/12/2016 (building 2)
- 3.3 18/00142/FUL Construction of steel arched building to be used as storage approved 31/07/2018

#### 4. RELEVANT PLANNING POLICIES

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

#### 4.2 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People.
- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### 4.3 Part 2 Policies

E5: Local Employment Opportunities and Mixed Uses

E6: Detailed Design of Employment Developments.

#### 4.4 **Other Policies**

Employment Land Supplementary Planning Document.

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

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

Section 2: Achieving sustainable development Section 6. Building a strong, competitive economy Section 9. Promoting sustainable transport Section 12. Achieving well-designed places

#### 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 Neighbour notification letters were issued initially on 22 November 2018 and again, following the plans being amended, on 5 December 2018, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### 6. **RESPONSES FROM CONSULTEES**

6.1 The Head of Environmental Services (Public Protection) has raised no objection subject to a condition restricting the hours of construction work being attached to any permission.

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

- 7.1 2 letters of objection have been received to the application, in both cases objections to the previous application were reiterated, being:
  - disturbance through increased noise
  - impact on views from the rear of neighbouring houses
  - the intensification of the use of the site would increase air pollution, including due to increased traffic that would also exacerbate existing problems of congestion and traffic flow along Dunkirk Street
  - the size of the building being out-of-keeping and dominating the site
     impact on property values
  - In relation to the current application specifically, concerns are expressed that:
  - the increase in the height of the building will result in greater loss of light
  - now including use as a workshop, there will be greater impact on air quality
  - work began before it was established that ground conditions, in terms of contamination, were satisfactory
  - parking will be now more limited

#### 8. ANAYLSIS

- 8.1 As previously, the issue to be assessed in the determination of this planning application are:
  - 1) The principle of development
  - 2) The impact upon the residential amenity of neighbouring properties
  - 3) The impact of the design and appearance of the building

4)The impact on highway safety

#### 9. PRINCIPLE OF DEVELOPMENT

9.1 A key theme of the UDP is that attracting new, quality jobs into the Borough and securing the future of major existing employers must continue to be the priority, to offset expected

further losses in mature industries and to diversify opportunities for local people. Flexibility to accommodate local employment initiatives, will contribute to this priority. To this end, according to UDP policy 1.1:

To counteract a continuing decline in the Borough's established employment base and to increase the earnings potential of work in the area, measures will be taken to create and maintain a healthy and diverse local economy and to attract quality jobs. ... This will include ... facilitating the retention of indigenous and expanding businesses.

9.2 With this aim UDP policy E5 states that:

The Council will permit developments ... which contribute to innovation, growth and diversity in the economy and generate local employment opportunities in areas of the Borough outside the "strategic employment sites" and "established employment areas" ... This is subject to the nature of the employment activities and the layout and design of any scheme not having an adverse effect on the amenities of surrounding residential areas or creating traffic problems.

9.3 These policies accord with Section 6 of the NPPF which requires that:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

- 9.4 The proposal would support the creation of at least 2 new full-time jobs and facilitate the retention and expansion of an existing indigenous business and so the proposal, on the unallocated site, can be considered acceptable and compliant with UDP policies 1.1 and E5, subject appraisal of the likely impact on existing residential amenities and highways issues. Although in in area of mixed uses, including residential, this is a long-established employment site and in this appraisal it is noteworthy that commercial operations on the site pre-date the neighbouring residential developments and the proposal does not represent the introduction of new commercial activities in to the locality where before there were none.
- 9.5 In light of the above it is considered that the principle of the proposed development is acceptable and compliant with UDP policies 1.1 and E5 and with Sections 2 and 6 of the NPPF.

### 10. **RESIDENTIAL AMENITY**

- 10.1. The proposed building would be located on the opposite side of the site from the neighbouring houses and be separated from the neighbouring block of flats by the car park associated with these. There would then be a distance of approximately 30m between the new building and habitable room windows in the nearest house in Lines Road, which is greater than there would be in the arrangement the approved previously, and, as previously, habitable room windows in the flats at Medlock Place in Baguley Street. The new building would stand more than 6m, but less than 7m, tall and so according to the SPD, to prevent undue over-shadowing of neighbouring residential properties, a minimum distance of 21m separation is required. Being compliant empirically with the SPD, the impact of the development on residential amenities in terms of over-shadowing is considered acceptable and compliant also with UDP policy E6(d) and Section 12 of the NPPF.
- 10.2 It is not anticipated that the proposed use of the building would give rise to any undue increase in noise emanating from the site and, indeed, having been consulted on the application, the Head of Environmental Services (Public Protection) has no objection to the proposal. The impact of the development on residential amenities in terms of noise

generation is therefore considered acceptable and compliant with UDP policy E6(d) and Section 12 of the NPPF.

#### 11. DESIGN AND APPEARANCE

11.1 Although taller, by approximately 2m, than the existing building next to which it would stand, the height of the proposed building is akin to the other steel portal frame building (building 2) on the site. The general design and appearance replicates that of both of existing portal frame buildings and is of a type one might reasonably expect to find in an established commercial site. It is therefore considered that the proposed development achieves the quality of design that is required by, and is compliant with, Section 12 of the NPPF, UDP policies 1.3, E6(b) and the SPD.

#### 12. HIGHWAY SAFETY

- 12.1 In addition to a workshop, the proposed building would be used to provide storage space and so facilitate the removal of the existing stacked containers, and others, within the site. The rationalisation of the site would not only allow for its more efficient operation but also the better arrangement of car parking facilities, which would be as approved previously. An existing 2.4m high, timber panel and concrete post fence along the boundary with gardens of adjacent houses would remain.
- 12.2 Being designed to facilitate the improvement and rationalisation of the current operation it is not anticipated that the new building would have a significant impact on traffic generation whilst adequate internal servicing and manoeuvring facilities would remain. The residual cumulative impacts of development not being severe it is considered that, in terms of the impact on the local highway network, would be acceptable and compliant with Section 9 of the NPPF and UDP policy E6(a).

### 13. OTHER MATTERS

- 13.1 The issue raised by objectors about a possible impact on property prices is not a material consideration in determining the application.
- 13.2 The previous permission was conditional, among other things, upon an investigation into ground conditions and any necessary remedial measures found necessary being implemented. Subsequent application (ref. 18/00075/PLCOND) for approval of the details reserved by this condition has been submitted. The Head of Environmental Services (Public Protection) is satisfied that no contamination was encountered during construction and, as built, the building occupies a similar footprint, and so the reiteration of the condition in any approval is considered unnecessary.

#### 14. CONCLUSION

14.1 In conclusion, differing only slightly from the development approved previously, the proposal would support and facilitate the retention of an existing business within the borough without impinging unduly on any existing residential amenities and so, being considered compliant with the NPPF and the UDP, as well as other relevant policies, the recommendation is for approval.

#### 15. **RECOMMENDATION**

Grant planning permission subject to the following conditions

- 1. The development hereby permitted shall be carried out in accordance with the General Arrangement Plan, ref. 8117/01 rev. L, received on 04.12.18.
- 2. The materials to be used in the construction of the external surfaces of the building hereby approved shall match as closely as is practicable the corresponding materials in the existing steel arched buildings within the site.
- 3. 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.
- 4. Prior to the first occupation of any part of the development hereby approved, details of the boundary treatments to be fully installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the treatments and details of the construction material and the finish to be applied. The boundary treatments for each dwelling shall be installed in accordance with the approved details prior to the first occupation of that dwelling.
- 5. The car parking facilities indicated on the approved plan, ref. 8117/01 rev. L shall be provided prior to the building hereby approved being first brought in to use and thereafter be kept available for the intended purpose at all times.;
- 6. The existing close-boarded timber fence, or equivalent, at the boundary with houses in Lines Road, as indicated on the approved plan ref. 8117/01 rev. L, shall be maintained at all times.

### Application Number: 18/00142/FUL

Photo 1



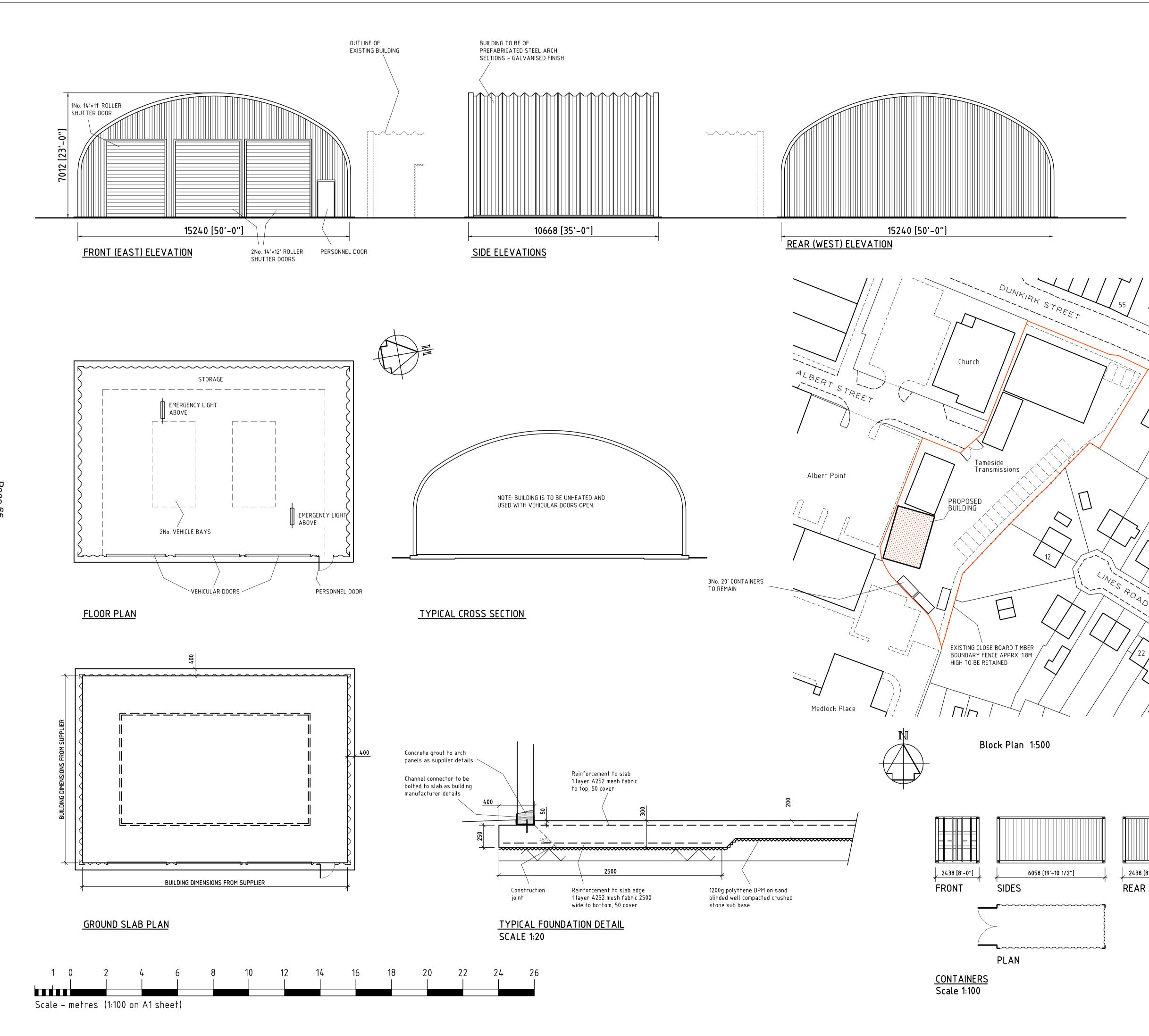
### Photo 2





### Photo 4





, 2438 [8'–0"]

### NOTES

1. THIS DRAWING IS NOT VALID FOR CONSTRUCTION UNLESS THE DRAWING STATUS IS INDICATED 'APPROVED FOR CONSTRUCTION' AND THE DRAWING No. IS PREFIXED WITH THE LETTER 'C'.

THIS DRAWING IS TO BE READ AT FULL SIZE ON A1 SHEET.

2. THIS PROJECT IS SUBJECT TO C.D.M LEGISLATION. A PLANNING SUPERVISOR SHOULD BE APPOINTED BY THE CLIENT.

3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ASSOCIATED PETER WADE CONSULTANCY DRAWINGS AS LISTED ON THE DRAWING ISSUE REGISTER. RECIPIENTS OF ALL DRAWINGS ARE TO ENSURE THAT THEY ARE WORKING TO CURRENT REVISIONS OF ALL DRAWINGS AND THAT THE REVISION HAS BEEN APPROVED FOR CONSTRUCTION BEFORE WORKS COMMENCE.

4. ALL WORKS TO COMPLY WITH PETER WADE CONSULTANCY CONDITIONS WHERE APPLICABLE.

5. PLEASE NOTE THAT ANY DEVIATION FROM THIS DRAWING MAY INVALIDATE STATUTORY APPROVALS AND WILL INVALIDATE PI INSURANCE.

6. GROUND BEARING PRESSURE TO BE 50kN/sq.m . CONSTRUCTION SURFACE PROFILE i.e. FOUNDATION BEARING STRATA PRIOR TO SUB-BASE TO BE APPROVED BY THE ENGINEER OR BUILDING INSPECTOR.

7. ALL SUB-BASE TO THE SLAB TO BE 150 thk TYPE 1 SUB BASE TO BE WELL COMPACTED AND SAND BLINDED BEFORE APPLYING DPM.

8. POLYTHENE DPM TO LAP MINIMUM OF 300mm ON ALL SIDES

9. ALL CONCRETE TO BE CLASS C35.

10. MINIMUM COVER TO ALL REINFORCEMENT TO BE AS SHOWN.

11. ALL MESH TO LAP MINIMUM OF 300mm ON ALL SIDES

12. THE STEEL BUILDING IS TO BE INSTALLED AND ERECTED STRICTLY IN ACCORDANCE WITH THE MANUFACTURERS ERECTION GUIDE. MANUFACTURERS REFERENCE: BUILDING TYPE S50-23 35 feet LONG. THE CHANNEL CONNECTOR IS TO BE FIXED TO THE SLAB WITH BOLTS TO WITHSTAND A PULL OUT FORCE OF 5kN. PER METRE RUN.

13. THE DRAINAGE REQUIREMENTS ARE TO BE AGREED ON-SITE FOLLOWING INVESTIGATION OF THE GROUND CONDITIONS.

14. THE BUILDING SUPPLIER IS TO CONSTRUCT THE GROUND BEARING SLAB INCLUDING THE SLAB SUB-BASE AND DPM ONLY. OTHER WORKS INCLUDING THE DRAINAGE AND EXTERNAL WORKS ARE TO BE UNDERTAKEN BY OTHER CONTRACTORS.

15. EMERGENCY LIGHTING TO BS 5266 IS TO BE PROVIDED WITHIN THE BUILDING.

Rev L	23/11/18	LEFT RSD AMENDED TO 14'×11'	RS
Rev K	16/11/18	BUILDING LOCATION AMENDED BASED ON CLIENT SKETCH	RS
Rev J	09/11/18	BUILDING SHAPE AMENDED TO S50-23	RS
Rev H	16/08/18	THICKNESS AT CENTRE OF SLAB REDUCED DOOR MOVED TO SOUTH ELEVATION	RS
Rev G	15/08/18	BUILDING LOCATION & FOUNDATION DETAIL AMENDED	RS
Rev F	14/07/18	FOUNDATION DETAILS ADDED	RS
Rev E	14/07/18	NOTES AMENDED & CONTAINER PLANS SHOWN	RS
Rev D	20/04/18	REMAINING CONTAINERS & EXISTING BUILDING SHOWN	RS
Rev C	30/03/18	BUILDING REDUCED IN SIZE AND LOCATION ADJUSTED	RS
Rev B	29/03/18	BUILDING RELOCATED, RSD TO REAR REMOVED	RS
Rev A	19/02/18	RSD ADDED TO REAR ELEVATION	RS
CLIEN	т: ТА	MESIDE TRANSMISSIONS Ltd.	
PROJE	AL	OPOSED WORKSHOP BERT STREET OYLSDEN, MANCHESTER M43 7BA.	
TITLE:	GE	NERAL ARRANGEMENT	

Letter. Peter Wade Consultancy [PW CDM (IS 1994/3140) Certified Designer Telephone (01977) 654300 Fax (01977) 647823 Freel E-mail : mail @ peterwadeconsultancy.co.uk

SCALE: 1:100

drawing status: PRELIMINARY ISSUE

DRAWN: RS

DATE: FEB 18

C Peter Wade

DRAWING No: 8117/01

NOT FOR CONSTRUCTION

# Agenda Item 5d

Application Number 18/00961/FUL

- **Proposal** Full planning permission for variation of condition 18 (hours of operation of the units) of planning permission 14/00903/OUT to units 1 (foodstore), 2-6 (larger A1-A5 units) and 7-10 (smaller A1-A5 units).
- Site Land Bounded By Ashworth Lane and Chain Bar Lane, Mottram
- Applicant Maple Grove Developments
- **Recommendation** Approve, subject to conditions
- **Reason for report** A Speakers Panel decision is required because the application is a major development.

#### REPORT

#### 1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for variation of condition 18 (hours of operation of the units) of planning permission 14/00903/OUT to units 1 (foodstore), 2-6 (larger A1-A5 units) and 7-10 (smaller A1-A5 units).
- 1.2 Condition 18 of the planning permission (in respect of development for Foodstore (Class A1) & Retail Units (Class A1 A5) states the following opening hours:

Monday to Friday 0700 - 2300 Saturday 0700 - 2300 Sundays and Bank Holidays 1100 – 1700

The reason given for the condition is stated as 'To protect the amenities of occupants of nearby properties/dwellinghouses.'

- 1.3 The applicant proposes to amend the above hours of the foodstore to allow 1 extra hour of opening in the morning on a Sundays and Bank Holidays (change from 11:00 in the extant permission to 10:00 on those days only).
- 1.4 Units 2 6 (larger retail units) are proposed to open at 06:00 Mon Sat and 10:00 on Sundays and Bank Holidays (i.e. 1 hour earlier than is allowed under the extant planning permission.)
- 1.5 Units 7-10 (smaller units) are proposed to open between 06:00 2300. This would represent opening an hour earlier every day and an extension of 7 hours in total on Sundays and Bank Holidays.

#### 2. SITE & SURROUNDINGS

- 2.1 The application site comprises land bounded by Stockport Road, Ashworth Lane and Chain Bar Lane, Mottram. The site is located at the junction of Stockport Road and Ashworth Lane and extends to 3.99 hectares. Land levels with the western part of the site are relatively flat before falling away considerably from west to east. The topography of the site is made more irregular by previous deposition of clearance material / spoil associated with re-development of other residential areas of the wider Hattersley estate.
- 2.2 The site was formerly a residential estate which is now predominantly cleared (demolition took place in c.2006) apart from one dwelling which fronts on to Stockport Road (A560)

close to the junction with Ashworth Lane. This dwelling is the subject of a Compulsory Purchase Order (CPO). The Inquiry into that matter concluded recently. Existing vehicular access is obtained via Chain Bar Lane to the rear. Chain Bar Lane forms a large loop running from its junction from Ashworth Lane (opposite the new Hub facility) through the application site and back to Ashworth Lane via a separate residential estate further to the east.

#### 3. PLANNING HISTORY

The site history relevant to this application is as follows:

- 3.1 18/00015/REM Approval of reserved matters (appearance, landscaping, layout and scale) for a retail development on the site following grant of outline planning permission 14/00903/OUT approved
- 3.2 17/00668/MATCH Non material amendment in relation to planning application no. 14/00903/OUT to increase the gross external area of the foodstore to 1,867 square metres approved.
- 3.3 14/00903/OUT Comprehensive redevelopment for a new district centre comprising class A1 foodstore, retail units (Class A1-A5), Drive-Through Cafe/Restaurant (Class A3/A5) with associated means of access (All other matters reserved), including the demolition of existing buildings and structures approved

#### 4. RELEVANT PLANNING POLICIES

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

#### Unallocated

#### Part 1 Policies

- 1.3: Creating a Cleaner and Greener Environment.
- 1.5: Following the Principles of Sustainable Development.
- 1.6: Securing Urban Regeneration
- 1.7: Supporting the Role of Town Centres.
- 1.12: Ensuring an Accessible and Safe Environment.

### Part 2 Policies

- S1: Town Centre Improvement S3 New Retail Developments Outside Town Centres.
- S9: Detailed Design of Retail and Leisure Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW14 Air Quality
- N3: Nature Conservation Factors
- N4 Trees and Woodland
- N5: Trees Within Development Sites
- U3: Water Services for Developments
- U4: Flood Prevention.
- U5: Energy Efficiency

#### Other policies

Hattersley and Mottram Supplementary Planning Guidance (April 2004) Hattersley Development and Delivery Strategy (November 2005)



Tameside Retail Study (May 2010)

4.5 **National Planning Policy Framework (NPPF)** Section 2: Achieving sustainable development Section 6: Building a strong competitive economy Section 7: Ensuring the vitality of town centres

#### Planning Practice Guidance (PPG)

4.6 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 A total of 250 neighbour notification letters were issued (to all addresses consulted on the original outline and the reserved matters applications), an advert was placed in the press and a notice was displayed on site, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Borough Environmental Health Officer (EHO) no objections raised to the proposed extended opening hours.
- 6.2 Local Highway Authority no objections raised to the proposed extended opening hours.

### 7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 3 objections have been received from neighbouring properties, raising the following concerns (summarised):
  - There are already so many stores in the vicinity that are resulting in traffic congestion. Extending the opening hours of the units would make this situation worse.
  - Air pollution targets will not be met if retail developments that bring more traffic into the area continue to be approved and expanded.
  - The proposed development will result in a reduction in the viability of existing small retailers in neighbouring towns.
  - The area surrounding the site is residential in character and therefore this is not a suitable location for a retail development.
  - Concerns regarding the extent of consultation on the application.

#### 8. ANAYLSIS

- 8.1 The issues to be assessed in the determination of this planning application is whether the additional opening hours proposed by the variation of condition application would result in a detrimental impact on the residential amenity of neighbouring properties or highway safety. An assessment of the potential impacts must be considered within the context of the extant planning permission.
- 8.2 The principle of development is not being revisited in this application, nor are the planning merits (including the principle of development in this location, the impact on the vitality and

viability of neighbouring town centres and the highway safety of the scheme as a whole) of the already approved scheme.

- 8.3 The effect of the proposals would be that the larger retail units (2-6) on the site would be open an hour earlier every day, with the foodstore only opening 1 additional hour on Sundays and Bank Holidays. It is considered that the additional traffic generated by allowing these units to open 1 hour earlier would not be significant when considered within the context of the extant permission, as the additional journeys would not occur during peak travel times.
- 8.4 Whilst the smaller units would be open longer on Sundays, this would affect evening hours which would also fall outside of peak times. The approved scheme makes adequate provision for parking to serve the development and therefore an extension to the opening hours of the units as a whole would not result in a severe impact on highway safety in relation to congestion on the site or the wider highway network, within the context of the extant permission. This assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority to this variation of condition application.
- 8.5 Given the separation distances to be retained to the neighbouring properties to the west (on the opposite side of Stockport Road) and to the east of the site, it is considered that the noise generated by the proposed additional hours of the opening would not result in an adverse impact on the residential amenity of any of the neighbouring properties, within the context of the extant scheme. This assessment is corroborated by the lack of objection to the proposals from the Environmental Health Officer to this variation of condition application
- 8.6 If this variation of condition application is approved, it would in effect re-issue the original outline planning permission and as such all of the conditions on that original consent that remain relevant would be re-imposed. Case law from 2002 (Reid v Secretary of State) confirms that conditions can be imposed on variation of condition applications in 2 ways:
  - 1. impose fresh conditions mirroring the original conditions save for the variation; or
  - 2. impose only the varied condition(s) and incorporate the unaffected conditions by cross-reference to the original permission.

As a number of those conditions that remain relevant in this case need to be updated following the discharge of a number of the originally imposed conditions, it is considered expedient to re-impose all of those conditions originally imposed, modified where appropriate.

8.7 Conditions 4 and 5 of the original consent relate to drainage and details in this regards were submitted and approved under discharge of condition ref. 18/00086/PLCOND. Condition 12 of the outline planning permission required the submission and approval of a dilapidation survey of the highway. Such a survey was submitted and approved under the same discharge of condition application and therefore it is not necessary to attach that condition to any variation of condition permission issued. The information supplied to discharge conditions 23 (requiring further bat survey work) and 24 (requiring further badger sett survey work) was also considered to be acceptable and these conditions have been merged into one compliance condition (no. 22) on the recommendation. There was no Section 106 Agreement attached to the original outline planning permission.

#### 9. CONCLUSION

9.1 Following the above assessment, it is considered that the proposed extension of the opening hours of the units would not result in an adverse impact on the residential amenity of neighbouring properties or highway safety. In all other respects, the proposed development would remain as previously approved.

#### 10. **RECOMMENDATION**

Grant planning permission subject to the following conditions:

- 1. The development must be begun not later than the expiry of two years from 22.06.2018 i.e. the date that the final reserved matter was approved.
- 2. The development hereby approved shall be carried out in accordance with the following approved plans:

1:1250 Site location plan Proposed site plan (drawing no. 003 Rev. H) Proposed connectivity and access plan (drawing no. P9200)002) North west gateway entrance plan (drawing no. MR17-112/105) Soft landscaping proposals (north) plan (drawing no. MR17-112/103 Rev. B) Soft landscaping proposals (south) plan (drawing no. MR17-112/104 Rev. A) Hard landscaping proposals (north) plan (drawing no. MR17-112/101 Rev. B) Hard landscaping proposals (south) plan (drawing no. MR17-112/102 Rev. A) Proposed site boundary treatments plan (drawing no. 018 Rev. C) Proposed Latitudinal Sections plan (drawing no. 017 Rev. C) Proposed Longitudinal Sections plan (drawing no. 016 Rev. C) Proposed Street Scenes plan (Stockport Road/Ashworth Lane) (drawing no. 014 Rev. C) Proposed floor plans units 7-10 plan (drawing no. 008 Rev. B) Proposed elevations - unit 1 plan (drawing no. 010) Proposed first floor plans - unit 1 (drawing no. 004 Rev. A) Proposed roof plans - unit 1 (drawing no. 005) Proposed elevations - units 2-6 (drawing no. 011 Rev. A) Proposed floor plans - units 2-6 (drawing no. 006) Proposed roof plan - units 2-6 (drawing no. 007) Proposed elevations - units 7-10 (drawing no. 012 Rev. B) Proposed elevations - unit 11 (drawing no. 013 Rev. A) Proposed floor/roof plans - unit 11 (drawing no. 009 Rev. A) Proposed section through access ramp off Stockport Road (drawing no. 019)

- 3. 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 'Secured 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.
- 4. The surface water drainage strategy to serve the development shall be implemented in accordance with the details shown on plan refs. GA-600-Rev. P1, GA-601-Rev. P1 and GA-602-Rev. P1 and the contents of the document entitled Surface Water Management Report (Rev. B) produced by icis design limited (dated December 2017) (which includes details of surface water run-off rates) submitted to discharge condition 4 of planning permission 14/00903/OUT. The approved measures shall be implemented in full prior to the first occupation of any part of the development hereby approved and shall be retained as such thereafter.
- 5. The foul and surface water drainage strategy to serve the development shall be implemented in accordance with the details shown on plan refs. GA-600-Rev. P1, GA-601-Rev. P1 and GA-602-Rev. P1 and the contents of the document entitled Surface Water Management Report (Rev. B) produced by icis design limited (dated December 2017) (which includes details of surface water run-off rates) submitted to discharge condition 5 of planning permission 14/00903/OUT. The approved measures shall be

implemented in full prior to the first occupation of any part of the development hereby approved and shall be retained as such thereafter.

- 6. The gross external area of the foodstore element of the application proposal shall not exceed 1,691 sqm, including, for the avoidance of doubt, any mezzanine floorspace.
- 7. The total sales area of the foodstore element of the application proposal shall not exceed 1,254 sqm (using the Competition Commission's definition of retail sales area), including, for the avoidance of doubt, any mezzanine floorspace.
- 8. The total convenience sales area of the foodstore element of the application proposal shall not exceed 1,100 sqm, and the comparison goods sales area shall not exceed 300 sqm, provided, at all times, that the total retail sales area does not exceed 1,254 sqm.
- 9. The gross external area of the Class A1 to A5 retail units element of the application proposal shall not exceed 5,068 sqm, including, for the avoidance of doubt, any mezzanine floorspace.
- 10. The total sales area of the Class A1 to A5 retail units element of the application proposal shall not exceed 4,561 sqm (using the Competition Commission's definition of sales area), including, for the avoidance of doubt, any mezzanine floorspace
- 11. The total convenience goods sales area of the Class A1 to A5 retail units element of the application proposal shall not exceed 2,100 sqm, and the comparison goods sales area shall not exceed 3,420 sqm, provided, at all times, that the total retail sales area, including any at mezzanine level, does not exceed 4,561 sqm
- 12. The development hereby approved shall not be 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 having been agreed in writing previously with the local planning authority and secured by s278 Agreement (Highways Act 1980).
- 13. The measures detailed in the Construction Methodology produced by Eric Wright dated 19 September 2018 submitted to discharge condition 14 of planning permission 14/00903/OUT (including wheel cleaning facilities, temporary access, vehicle parking and turning facilities) shall be implemented in accordance with the submitted details on the commencement of development and shall remain in place for the duration of the construction phase of the development.
- 14. Prior to bringing the development into use the car 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.
- 15. In respect of development for Drive-Through Cafe/Restaurant (Class A3/A5), no hot food preparation equipment shall be brought into use unless and until a scheme for the effective deodorising and degreasing and dispersal of emissions has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented to the satisfaction of the local planning authority and properly maintained and used thereafter.
- 16. 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.

17. The use hereby permitted shall be operated:

In respect of development for Drive-Through Cafe/Restaurant (Class A3/A5): Monday to Friday 24Hrs Saturday 24Hrs Sundays and Bank Holidays 24Hrs

In respect of Units 2 – 6 (as identified on the proposed site plan (drawing no. 003 Rev. H) approved under planning application ref. 18/00015/REM):

Monday to Friday 0600 - 2300 Saturday 0600 - 2300 Sundays and Bank Holidays 1000 – 1700

In respect of Units 7-10 (as identified the proposed site plan (drawing no. 003 Rev. H) approved under planning application ref. 18/00015/REM):

Monday to Friday 0600 - 2300 Saturday 0600 - 2300 Sundays and Bank Holidays 1000 – 2300

- 18. Each retail unit hereby approved shall not be occupied unless and until adequate facilities for the storage and collection of refuse and recyclable materials have been physically provided for that unit, or group of units, in accordance with details having been previously submitted to and approved by the local planning authority.
- 19. The development hereby approved shall not be occupied unless and until the developer has complied with TMBC's noise condition of LA90 ≤ 5dB in relation to all plant as per Environmental Noise Assessment, New Hattersley District Centre, dated August 2014 and maintained thereafter.
- 20. The development hereby approved shall be carried out in accordance with the measures detailed in Sections 8 and 9 Geo-Environmental Assessment Report (ref. LC/C3247/6268 Rev. A) dated May 2018 submitted to discharge condition 21 of planning permission 14/00903/OUT.
- 21. The development hereby permitted shall be carried out in accordance with: the Existing Site Plan (location plan), ref. GVA/HAT/10C; the Parameters Plan, ref. GVA/HAT/sk15B; the Connectivity Access Plan, ref. GVA/HAT/sk16E; and, the design principles included in the Design and Access Statement.
- 22. The development shall be carried out in accordance with the mitigation measures detailed in Section 7 of the Ecological Appraisal produced by envirotech Ecological Consultants to discharge conditions 23 (relating to bats) and 24 (relating to badgers) of planning permission 14/00903/OUT.
- 23. The removal and control of Himalayan Balsam on the site shall be undertaken in accordance with the mitigation measures detailed in the Himalayan Balsam statement produced by Envirotech Ecological Consultants dated 27 November 2018 to discharge condition 25 of planning permission 14/00903/OUT.
- 24. No trees or shrubs will be removed or demolition of buildings commenced between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably

experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no bird nests are present which has then been agreed in writing by the local planning authority.

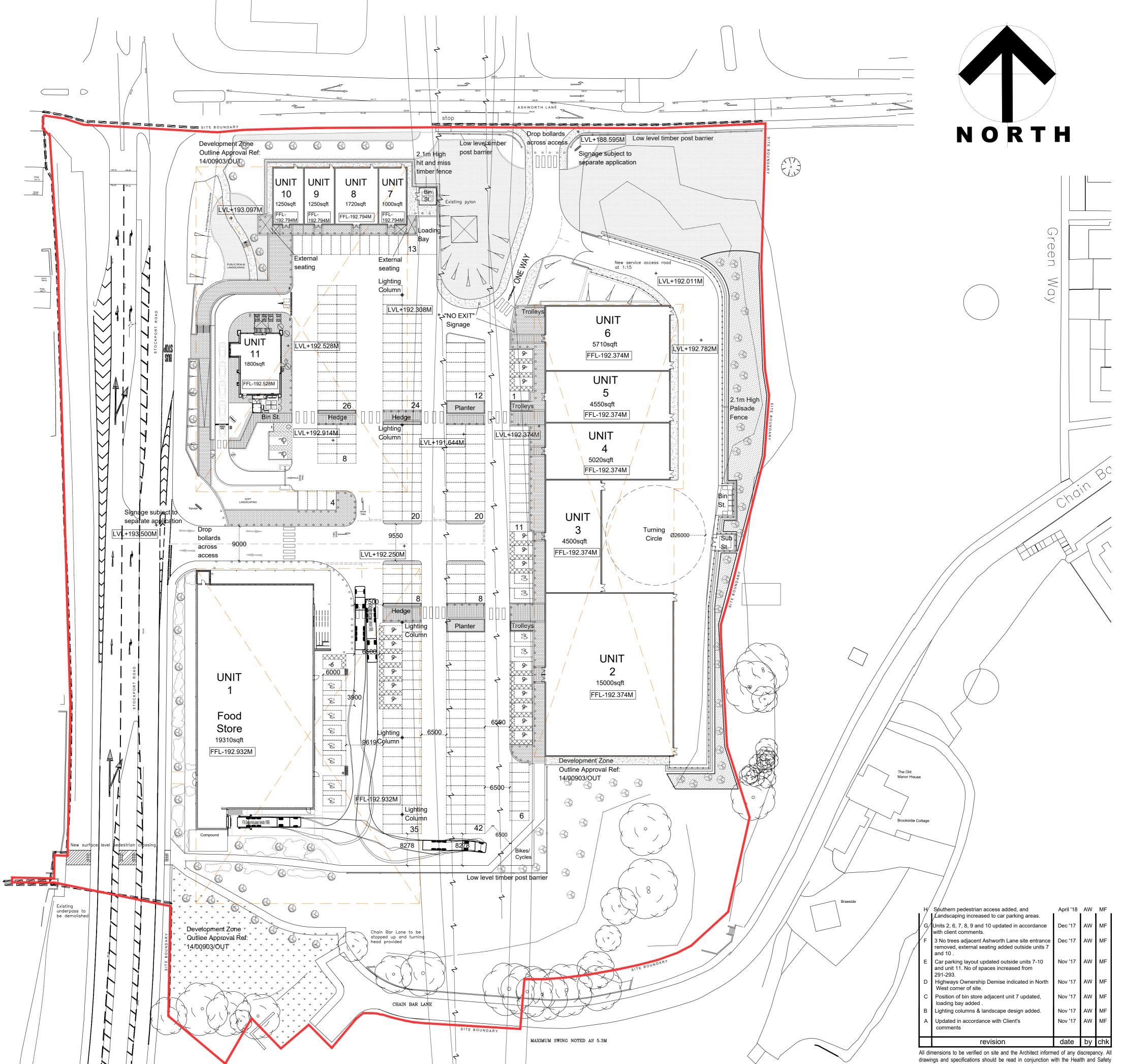
Construction staff and operatives must ensure the principal contractor has provided thorough and accurate information on all health and safety aspects relating to the designs identified on this drawing including the review of: Designers/contractors risk assessments Method statements

ref

Permit to work Pre construction information

The designers note that the following health and safety risks relating to this drawing have not been eliminated during the design process:

residual risk



Unit 2 Unit 3	15,000sqft 4,500sqft
Unit 4	5,020sqft
Unit 5	4,550sqft
Unit 6	5,710sqft
Unit 7	1,000sqft
Unit 8	1,720sqft
Unit 9	1,250sqft
Unit 10	1,250sqft
Unit 11	1,800sqft
Total	61,110sqft (5680m²)

H

# PARKING provision :

Spaces Provided. 238 Standard spaces 21 Disabled spaces 12 Parent & Toddler

271 TOTAL SPACES

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