

SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 19 June 2019
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
 Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Council.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 29 May 2019, having been circulated, to be signed by the Chair as a correct record.	1 - 8
4.	PLANNING APPLICATIONS To consider the schedule of applications.	
a)	19/00239/FUL - 5 STATION VIEW, ASHTON OLD ROAD, DROYLSDEN	9 - 24
b)	19/00011/REM - CARRFIELD MILLS, NEWTON STREET, HYDE	25 - 50
c)	18/01130/FUL - 1 RYDAL WALK, STALYBRIDGE	51 - 80
5.	APPEAL DECISION NOTICES	
a)	APP/G4240/W/19/3221352 - 53 - 55 STOCKPORT ROAD, DENTON	81 - 88
b)	APP/G4240/W/19/3222156 - LAND BETWEEN 255 AND 281 WHITEACRE ROAD, ASHTON-UNDER-LYNE	89 - 92
c)	APP/G4240/W/19/3221226 - 1 RALPHS LANE, DUKINFIELD	93 - 102
6.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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SPEAKERS PANEL (PLANNING)

29 May 2019

Present: **Councillor McNally (Chair)**

Councillors: Choksi, Dickinson, Glover, Gosling, Lewis, Ricci, Ward and Wild

Apologies for absence: **Councillors Sharif, Naylor, Owen,**

1. DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

2. MINUTES

The Minutes of the proceedings of the meeting held on 24 April 2019, having been circulated, were taken as read and signed by the Chair as a correct record.

3. OBJECTIONS TO PROPOSED NO WAITING AT ANY TIME RESTRICTIONS ON MICKLEHURST ROAD, MOSSLEY 2018

The Director of Operations and Neighbourhoods, submitted a report outlining objections received to the proposed 'Tameside Metropolitan Borough (Micklehurst Road, Mossley) (Restriction of Waiting) Order 2018.

The Panel were informed that the waiting restrictions were to allow unrestricted access to the culvert to ensure it is clear from debris or any other built up materials when heavy rain is forecast. Micklehurst Brook Culvert has a flooded a number of times in recent years, the most significant was September 2017. Serious floods resulting in damage to properties inside and out were also reported in August 2004, November 2016 and October 2017. In 2018 the culvert had been repaired following which the Environment Agency had requested waiting restrictions be installed on the south side of Micklehurst Road to enable unaffected access to this culvert enabling the machinery required to undertake the maintenance works necessary when heavy rainfall was forecast.

The Director of Operations and Neighbourhoods informed Members that ten objections had been received following advertisement of the proposed Traffic Regulation Order in in July 2018. Concerns were expressed regarding the impact on parking spaces which were already limited along the route due to the amount of vehicles in the area and lack of off street parking, there were a number of properties being built in the area which in turn would make parking more of a problem going forward. It had been suggested that residents would be able to move vehicles should access be required to the culvert.

The Panel considered the views of Councillor Jack Homer who addressed the Panel on behalf of local residents objecting to the application.

Members of the Panel sought clarification on options for providing alternative parking provision within the vicinity.

RESOLVED

- (i) **That authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to make the following order: Tameside Metropolitan Borough (Micklehurst Road, Mossley) (Restriction of Waiting) Order 2018, as detailed within the submitted report.**
- (ii) **The Director of Operations and Neighbourhoods be requested to identify potential alternative parking sites for the residents of Micklehurst Road.**

4. OBJECTIONS TO PROPOSED THE TAMESIDE METROPOLITAN BOROUGH (THOMPSON ROAD AND STANLEY ROAD, DENTON) (PROHIBITION OF WAITING) ORDER 2018

The Director of Operations and Neighbourhoods, submitted a report outlining objections received to the proposed 'Tameside Metropolitan Borough (Thompson Road and Stanley Road, Denton) (prohibition of waiting) Order 2018.

The proposals sought to introduce waiting restrictions within the area of Thompson Road and Stanley Road, Denton. The Panel were informed that the proposals were advertised in the Tameside Reporter newspaper and on street furniture in the affected area, in line with the council's legal obligations, on 16 August 2018 for a period of 28 days

One letter of objection had been received from a member of the public who is a regular visitor to Thompson Court. The objector is of the opinion that the proposed waiting restrictions were unnecessary and a waste of public money. It was stated that there is an instruction in the Highway Code that drivers should not park within ten metres of a junction, that drivers should be aware of this instruction and therefore parking restrictions were superfluous. In addition there are a large number of similar junctions where the same applies.

The Director of Operations and Neighbourhoods advised that the proposed restrictions would enable not only the police but would also allow the Council's Civil Enforcement team to take action if vehicles park within the length of the proposed restrictions, therefore easing pressure on the police.

RESOLVED

That authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to make the following order: THE TAMESIDE METROPOLITAN BOROUGH (THOMPSON ROAD AND STANLEY ROAD, DENTON) (PROHIBITION OF WAITING) ORDER 2018"as detailed within the submitted report.

5. OBJECTIONS TO PROPOSED TRAFFIC REGULATION ORDERS: NO WAITING AND NO LOADING AT ANY TIME, AND ONE-WAY TRAFFIC AND CONTRAFLOW PEDAL CYCLE LANE, ON PARK ROAD, DUKINFIELD

The Director of Operations and Neighbourhoods, submitted a report outlining objections received to the proposed 'Tameside Metropolitan Borough Council (Park Road, Dukinfield) (one-way traffic and contraflow pedal cycle lane) Order 2018; and Tameside Metropolitan Borough Council (Park Road, Dukinfield) (no waiting and no loading at any time) Order 2018

Objections had been received from local residents in relation to parking availability, access for emergency services and the number of users of the proposed cycle lane.

The Panel considered the views of Mr Cooper, a local resident, who address the Panel objecting to the proposal.

RESOLVED

That the item be deferred to a future meeting to allow for further review and consideration of alternative proposals.

6. DIVERSION OF FOOTPATHS 43,44,45 AND 46, MOSSLEY IN LINE WITH PLANNING APPLICATION 11/00915/FUL

The Director of Operation and Neighbourhoods introduced a report seeking approval to promote a Diversion Order to divert part of footpaths MOS/45, MOS/43, MOS/44 and MOS/46. The diversion of the footpath was needed to allow the new housing development to take place as approved in application 11/00915/FUL.

Members were advised Footpath 45 starts at the junction of Micklehurst Road then runs in a southerly direction for 138 metres and then meets at the junction of Footpath 44 which then runs in an easterly direction for about 202 meters and leads onto Huddersfield Rd. Footpath 43 starts at the junction of Richmond Crescent and runs northerly for about 36 metres and then turns east for about 38 metres where it then meets at the junction of footpath 44. The proposed diversion would affect more than half of each footpath and the alignment of the footpaths would have to change to fit in with the new development being built.

RESOLVED

That the Borough Solicitor to make and advertise the necessary legal order under Section 257 of the Town and Country Planning Act 1990, to promote a Diversion Order to divert part of footpaths MOS/45, MOS/43, MOS/44 and MOS/46.

7 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:	18/00950/FUL Mr Dinesh Chinta
Proposed Development:	Change of use from public house (Use Class A4) to a large, 12-bedroom House in Multiple Occupation (sui generis use). (Former) Natwest Bank, 179 Stamford Street Central, Ashton-under Lyne. Gardeners Arms, 279 Edge Lane, Droylsden.
Speaker(s)/Late Representations:	The applicant Mr Dinesh Chinta addressed the Panel in relation to the application
Decision:	That planning permission be refused against the Officers recommendation on the grounds that the Panel gave considerable weight to the comments of the Greater Manchester Police Design for Security Unit that a full Crime Impact Statement (CIS) report should accompany the application; and the Neighbourhood Beat Officer (NBO) for Droylsden East objection that the application could lead to an increase in anti-social behaviour in the neighbourhood.

Name and Application No	19/00161/FUL Education and Skills Funding Agency
Proposed Development:	Full planning permission for Variation of condition 2 (approved plans) of 18/00634/FUL to replace a single storey temporary building with a 2 storey temporary building to allow additional space for teaching and staff office space Site of former Littlemoss School for Boys, Cryer Street, Droylsden
Speaker(s)/Late Representations:	The agent for the applicant Mr Campbell addressed the Panel in relation to the application
Decision:	That planning permission be approved subject to the conditions as detailed within the submitted report.

Name and Application No	18/00954/LBC Mr Masjid at Tawheed
Proposed Development:	Proposed refurbishment works externally to front (Onward Street) and side (Henry Street) elevations. Part Removal of stage with new replacement stage at reduced height providing level access throughout. Proposed alterations to first floor to allow for female members. Plus proposed internal alterations. Theatre Royal, Corporation Street, Hyde.
Speaker(s)/Late Representations:	The agent for the applicant Mr Griffiths and Mr Shamshed a local resident, addressed the Panel in support of the application. Mr Brocklehurst, a local resident addressed the Panel objecting to the application.
Decision:	That planning permission be refused.

Name and Application No	19/00035/FUL Mr and Mrs P Travis
Proposed Development:	Single storey extension to rear (north-east) of property with external steps to rear (retrospective) 123 Joel Lane, Hyde, Tameside, SK14 5LF
Speaker(s)/Late Representations:	The Panel considered the views of Mr Travis, the applicant, who addressed the Panel in relation to the application The Panel considered the views of Mr Simpson, a local resident, who addressed the Panel in relation to the application.
Decision:	That planning permission be approved subject to the

	conditions as detailed within the submitted report.
Name and Application No	16/00623/FUL Mr Stephen Horsfield
Proposed Development:	Extended driveway (Resubmission 7 Coppice Walk, Denton
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

Name and Application No	19/00080/FUL Mrs Elaine Grainger
Proposed Development:	Single storey extension to front elevation and conversion of garage to habitable room 5 Harmol Grove, Ashton-under-Lyne, Tameside, OL7 9NW
Speaker(s)/Late Representations:	The Panel considered the views of Mrs Grainer the applicant, who addressed the Panel in relation to the application.
Decision:	That planning permission be refused.

Name and Application No	18/01069/FUL Mr C Sice
Proposed Development:	Full planning permission for the erection of an apartment block containing 10 No. 2 bed and 2 No. 1 bed apartments and the erection of 2 No detached 4 bed houses and associated works Land adjacent Huddersfield Narrow Canal, Egmont Street, Mossley
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

Name and Application No	18/01132/FUL RSK Group
Proposed Development:	Full planning application for the erection of B1, B8 and sui generis commercial units including geosciences laboratory. The development would have a total floor area 4,703sqm

	Vacant land at Hattersley Industrial Estate
Speaker(s)/Late Representations:	The Planning Officer advised Members of an additional objection received following publication of the submitted report. Centrica PLC had cited concerns over the impact on the highway and treatments in relation to the common boundary as reasons for objecting to the application.
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

Name and Application No	19/00168/FUL Tameside MBC
Proposed Development:	Installation of a steel sheet pile retaining wall to stabilise the existing embankment to rear of properties at 24 - 29 Fairlea together with associated works including excavation to the embankment, installation of granular earthworks drains, installation of 'reno' mattresses to stream bed and banks at lower level and replacement of length of sewer pipe to the top of the embankment. Land to the rear of 24 to 29 Fairlea, Denton
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

Name and Application No	18/01102/FUL Mr Upall
Proposed Development:	Full planning application for the redevelopment of the site of the former Moss Tavern Public house through the erection of a 3 storey development comprising 23 residential units with car and cycle parking provision and associated facilities. Site of the former Moss Tavern Public House, Ashton Road, Droylsden
Speaker(s)/Late Representations:	The Panel considered the views of Mr Uppal the applicant, who addressed the Panel in relation to the application.
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

Name and Application No	19/00156/FUL North western portion of former Oldham batteries site (on junction of Lance Corporal Andrew Breeze Way and Ashton Road) Denton
Proposed Development:	Variation of condition 2 (approved plans) of planning permission 18/00444/FUL to make alterations to the approved

	elevation plans.
Decision:	That planning permission be approved subject to conditions as detailed within the submitted report.

8. APPEAL DECISIONS

Application reference/Address of Property.	Description	Appeal Decision
Appeal Ref: APP/G4240/W/18/3216276 Progress House, Catherine Street West, Denton, Manchester M34 3SY	Erection of single storey building	Appeal dismissed.
Appeal Ref: APP/G4240/W/18/3216276 Progress House, Catherine Street West, Denton, Manchester M34 3SY	Erection of a single storey building.	Appeal dismissed.
Appeal Ref: APP/G4240/W/18/3216380 Clearance site west of Derby Street, Denton, Manchester, M34 3SD	Construction of 4 No. terraced houses	Appeal dismissed
Appeal Ref: APP/G4240/Z/19/3221788 139 Manchester Road, Droylsden, Greater Manchester M43 6EG	Advertisement proposed is to replace existing main central advertising hoarding with LED display screen and retrospectively for 4 small hoardings.	Appeal dismissed
Appeal Ref: APP/G4240/D/19/3221245 26 Milton Close, Dukinfield SK16 5DZ	First-floor side extension, single rear and single front extensions and front canopy.	Appeal dismissed
Appeal Ref: APP/G4240/D/19/3223992 17 Moorgate Drive, Stalybridge SK15 3LX	Timber fence to the front, side and rear of the property	Appeal dismissed
Appeal Ref: APP/G4240/D/19/3219642 157 Sunnyside Road, Droylsden, M43 7QL	Single storey rear extension	Appeal dismissed

10 FOOTPATH DIVERSION – HYDE 32

The Chair read out a statement on behalf of the Head of Highways and Transport and the Public Rights of Way Team from the Council. A report, prepared for the Director of Operations and Neighbourhoods, was presented to the Panel at the meeting held on 20 March 2019, titled

Footpath Diversion – Hyde 32. The report was inaccurate. It wrongly quoted the Voluntary Inspector from the Peak and Northern Footpath Society and did not represent their views. In addition, the Council failed to inform the Society's representative that their comments may be included in a publically available report. The Head of Highways and Transport made an unreserved formal apology to both the Peak and Northern Footpath Society and the inspector.

RESOLVED

That the apology and correction be recorded.

CHAIR

Application Number 19/00239/FUL

Proposal	Full planning permission for the change of use of the building from retail (use class A1) with office space above to a 5 bedroom house in multiple occupation (amended).
Site	5 Station View, Ashton Old Road, Droylsden
Applicant	Mr George Samoila
Recommendation	Grant planning permission, subject to conditions
Reason for report	A Speakers Panel decision is required because a request has been made by one of the ward Councillors (Councillor Mills) that the application be referred to the Speakers Panel for a decision, due to concerns regarding the intensification of the site, parking and access arrangements.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the change of use from retail (use class A1) unit with office space above to 5 bedroom house in multiple occupation (HMO) (use class C4). The scheme has been amended to reduce the proposals down from a 6 bedroom HMO to address concerns of officers in relation to the use of the basement of the building to provide living accommodation from a residential amenity perspective
- 1.2 The applicant has provided the following documents in support of the planning application:
 - Planning and Design Statement
 - Information relating to the marketing of the property

2. SITE & SURROUNDINGS

- 2.1 The application relates to a currently vacant building which was last occupied as a retail unit at ground floor level with office accommodation on the 2 floors above. The 3 storey building is a mid terrace property, with neighbouring properties adjoined to the eastern and western elevations of the building. The site is located to the south of Droylsden town centre but does form part of a parade of shops that is classified as a local shopping centre on the UDP proposals map.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history on this site

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**
Unallocated within the settlement of Droylsden.
- 4.4 **Part 1 Policies**
1.3: Creating a Cleaner and Greener Environment.

- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.6: Securing Urban Regeneration
- 1.10 Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.5 **Part 2 Policies**

- S5: Changes of use in local shopping centres
- H4: Type, size and affordability of dwellings
- H7: Mixed Use and Density (Density being relevant to this proposal)
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- C1: Townscape and Urban Form
- C11: Shop fronts
- MW11: Contaminated Land
- MW14 Air Quality
- U4 Flood Prevention
- U5 Energy Efficiency

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft 2019.

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

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 11: Making efficient use of land
- Section 12: Achieving well designed places

4.8 **Planning Practice Guidance (PPG)**

- 4.9 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

5. **PUBLICITY CARRIED OUT**

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

6. RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority – no objections to the proposals, subject to the imposition of a condition requiring the provision of the proposed cycle storage arrangements prior to the first occupation of the development.
- 6.2 Borough Environmental Health Officer (EHO) – no objections to the proposals, subject to conditions limiting the hours of work during the conversion phase of the development, the provision of the proposed bin storage arrangements prior to the first occupation of the development and details of soundproofing measures to be installed to reduce the impact of the noise associated with the development on the amenity of the adjoining properties and protect the future occupiers of the development against the noise generated by traffic on Ashton Old Road.
- 6.3 Greater Manchester Police (Architectural Liaison Officer) – no objections to the proposals. A Crime Impact Assessment is considered not to be necessary given that this is a change of use as opposed to the erection of a new building. Given that the primary entrance to the building would be from the street frontage, there is no objection to the principle of development.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Cllr Mills has objected as ward Councillor to the proposals, raising the following concerns:
- The proposal would result in an over-intensification of the use of the site, access problems resulting in highway safety concerns and concerns around an increase in anti-social; behaviour in the locality.
- 7.2 In addition, 19 letters of objection to the proposals have been received from local residents which raise the following concerns (summarised):
- There are already a large number of houses in multiple occupation in the surrounding area. This results in pressure for car parking spaces within the residential streets, a situation that would be exacerbated by the proposed development, which does not make any provision for car parking.
 - Concerns regarding the potential impact of the development on crime and anti-social behaviour in the locality, which would be detrimental to the residential amenity of existing residents.
 - There is already significant congestion on Station View, caused by the fact that the ground floor commercial premises have residential space above, none of which have allocated parking spaces. This situation results in a highway safety hazard that would be made worse if this application is approved.
 - The assertion that the rear yard area can provide adequate space for the volume of refuse storage required is questioned. If adequate provision is not made, the proposals would add to the existing problems of fly tipping and the associated impacts on the amenity of the area.
 - Concerns regarding who may be occupying the premises once converted to a house in multiple occupation.
 - Concerns regarding the safety of the proposed communal space on the amenity and safety of the future occupiers of the property.
 - The suggestion that there are no other houses in multiple occupation in the locality is strongly disputed.
 - It is considered that there would not be sufficient space within the rear yard area associated with the property to accommodate significant bike storage.
 - There are concerns regarding the validity of a letter of support from one of the neighbouring businesses.

- The parking bays to the front of Station View are often full and this obscures the visibility into and from the junction with Fairfield Avenue to the east of the site. This situation would be exacerbated by the proposed development.
- The alleyway providing access to the back of properties on Station View is used to store rubbish and other items by people living on station view (commercial and residential), this will pose an increased health and safety risk to a large occupancy at 5 Station View, additional people will only add to this problem.
- Conversion of the building to residential would further weaken the range of services and facilities available to existing residents in the locality.
- No development of Station View should be permitted that does not include for provision of safe and suitable rear access to the properties and preferably not accessed from Fairfield Avenue. Such access provision should include taking action to demolish the structures at 7 & 9 built in contravention of building regulations and the land leases of the properties/ legal obligations to adjacent land users.
- The area of land to the side of the garage and rear of No's 1 & 3 Fairfield Avenue is hidden from public view leaving these properties as well as Station View vulnerable to drug related activity and burglary. This land is secured by agreement with No3 who provides access. Another 9 individuals potentially utilising the access will undoubtedly mean it is left unsecured despite the best efforts of other residents.
- Another 9 unrelated individuals gaining access via the land and gardens of 1&3 would be an unacceptable disturbance and expense to the residents of 1 & 3 who have no obligation to provide such access thorough their private land.

7.3 Angela Rayner MP has written to the Council regarding the application, making the following comments:

The need for different types of housing throughout Tameside is understood. However, the specific concerns of residents that have been raised in relation to this application need to be addressed. The residents' concerns focus on the fact that there are many other HMO type properties in a concentrated area which they indicate are having a detrimental effect on local services, particularly in relation to the piling of rubbish outside of properties. There are also concerns about access and parking, the security arrangements to be provided and the wider implications of these impacts on existing residents. These matter should be fully investigated by the Local Planning Authority.

8. ANALYSIS

8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development;
- 2) The impact of the proposals on the residential amenity of neighbouring properties;
- 3) The impact of the development on the character of the site and the surrounding area;
- 4) The impact on highway safety;
- 5) Other matters

9. PRINCIPLE OF DEVELOPMENT

9.1 Section 7 of the NPPF is entitled 'ensuring the vitality of town centres.' Whilst this site is not part of the core of Droylsden town centre, it is allocated in the Local Plan as a local shopping centre, reflecting the retail function that it serves. Paragraph 85 of the NPPF states that Local Planning Authorities should promote the long term vitality and viability of town centres, allowing a suitable mix of uses (including residential) and to recognise that residential development often plays an important role in ensuring the vitality of retail centres.

- 9.2 The application site forms one unit of a parade of shops which is designated as a local shopping centre on the adopted UDP proposals map and therefore the provisions of policy S5 apply. Policy S5 states that the Council will permit the change of use of retail premises to other uses where each of the following criteria are satisfied:
- a) Continued retail use does not appear to be viable
 - b) Introduction of other uses would reduce the extent of vacant properties and improve the local environment
 - c) The day to day needs of the community can still be met from other local shopping facilities in the area
- 9.3 The applicant has provided details of the marketing exercise that has been undertaken in an attempt to find a new use for the currently vacant site. The information indicates that the property has been on the market since January 2019. The property was advertised by an agent with shops in Droylsden and Stockport (in addition to other locations), via the internet and also through a sales board being erected at the site.
- 9.4 A total of 664 potentially interested parties were contacted directly. The property was marketed with a guide price of £95,000 which is well below the median house price in the Droylsden East ward (£119,000), according to the adopted Housing Needs Assessment. Given the size of the property, it is considered that the guide price reflected its current lawful use as opposed to a more aspirational figure to encourage enquiries for residential use. The marketing exercise resulted in only 6 viewings and no offers being made for the property, which was the subject of an auction process. It is accepted that the marketing exercise has been limited in terms of timescale. However, the extent of the campaign, the guide price given and the lack of interest are considered cumulatively to suggest that there is limited demand for retaining the commercial use of the site.
- 9.5 This unit and no. 1 Station View are vacant at the time of considering this planning application. When coupled with the lack of interest shown in taking over the premises and continuing a retail/commercial use, it is considered that the introduction of an alternative use to the parade would improve the quality of the local environment through securing an active use for the building. The proposed use would also increase footfall within the parade by increasing the residential population in the locality. This factor could lead to an improvement in the vitality and viability of the remaining commercial premises on the parade.
- 9.6 The applicant has provided details of the services and facilities within a 10 minute radius of the site. A number of these facilities would rely on car travel to be accessed in 10 minutes. However, a number of facilities within Denton town centre are 15 minutes walk from the site. The Morrison's store to the east of the site on Manchester Road is beyond a 10 minute walking distance from the site, but a regular bus service runs along this section of Ashton Old Road. It is therefore considered that there are sufficient alternative facilities within relatively close proximity of the site to meet the day to day needs of the local population, which cannot be met by a vacant building.
- 9.7 Section 11 of the NPPF is entitled 'making efficient use of land.' Paragraph 118 states that planning policies and decisions should (amongst other things) 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs' and 'promote and support the development of under-utilised land and buildings...' The proposals would comply with this objective through bringing a vacant building back into active use.
- 9.8 It is the case that 9 properties on Fairfield Avenue and 1 property on Edge Lane and Fairfield Road respectively are listed on the Council's Register of Houses in Multiple Occupation. Officers are also mindful of the proposal to convert the former Gardeners Arms on Edge Lane to a 12 bedroom HMO. However, it is also the case that the Housing Needs

Assessment indicates that 16% of residential units in the Droylsden East ward are occupied on a private rent basis. Whilst that figure is higher than the Borough wide average of 14.2%, a comfortable majority (66%) of the properties in the ward are owner occupied properties. It is therefore considered that the evidence does not point of an over-concentration of HMO accommodation within the local area.

- 9.9 Following the above assessment it is considered that the principle of development would not conflict with the objectives of national or local planning policy in relation to the impact on the local shopping centre and is therefore acceptable, subject to all other material considerations being satisfied.

10. RESIDENTIAL AMENITY

- 10.1 The proposal involves the re-opening of blocked openings at the ground and lower ground floor levels, on the rear elevation of the building. The height of the boundary treatment enclosing the rear yard area associated with the application site would prevent overlooking at ground floor level and the corresponding gable of the property at no. 1 Fairfield Avenue (to the north of the site) does not contain any openings. There would be no new openings on any of the other elevations of the building.
- 10.2 Given this situation, it is considered that the proposals would not result in any unreasonable overlooking into any of the neighbouring properties. The proposals do not include any extension of the existing building in terms of either height or footprint and as such, would not result in an adverse impact on neighbouring properties through overshadowing, over and above the existing situation.
- 10.3 The units adjoined to either side of the application site include residential accommodation above ground floor level. In order to mitigate the impact of the intensification of the use of the upper floors of the application site on the residential amenity of those neighbouring properties, the EHO has recommended a condition requiring a scheme to soundproof the party walls be implemented prior to occupation.
- 10.4 Given that the proposals would result in the conversion of office space to residential accommodation on those floors of the building, this is considered reasonable and a condition to this effect is attached to the recommendation. Subject to this scheme being implemented, it is considered that the number of units proposed would not generate noise and disturbance that would result in a detrimental impact on those neighbouring properties.
- 10.5 In terms of the residential amenity of the future occupiers of the development, one of the bedrooms is marginally below the 11.5 square metres in area required by the national technical housing standards (measuring 11 metres squared) but the other 5 bedrooms would exceed this requirement, a number by a significant margin.
- 10.6 Revisions have been made to the layout to remove the communal living space below ground floor level initially proposed, due to concerns expressed by officers regarding the lack of outlook from that part of the building and the detrimental impact this would have on the residential amenity of the future occupiers. The revised scheme has moved this communal space to the front of the property at ground floor level, resulting in the loss of one of the bedrooms originally proposed. Following this alteration, officers are satisfied that the proposals would provide adequate living accommodation to the future occupants of the development.
- 10.7 The EHO has suggested that the soundproofing scheme referred to above be extended to cover measures to mitigate the impact of noise generated by the traffic on Ashton Old Road, in order to ensure that the amenity of the future occupiers is preserved. This is

considered to be reasonable and is incorporated into the relevant condition on the recommendation.

- 10.8 On the basis of the above assessment, it is considered that the proposals would not result in a detrimental impact on the residential amenity of any of the neighbouring properties or the future occupiers of the proposed development.

11. CHARACTER OF SITE AND SURROUNDING AREA

- 11.1 The scheme proposes to render the front elevation of the building at ground floor level and replace the existing shop front with 2 windows and a new entrance door. Policy C11 of the UDP aims to preserve existing shop frontages that have historic value or significant architectural quality. The existing shop front in this case is considered not to fall into either of these categories, with modern signage and a bulky externally housed shutter. Other alterations to the building would be limited to the replacement of windows with frames which would be similar in appearance to those that exist on neighbouring units.
- 11.2 Overall therefore, the alterations required to facilitate the proposed change of use are considered to preserve the character of the building and surrounding area.

12. HIGHWAY SAFETY

- 12.1 The scheme does not propose any on-site parking. There is an unrestricted parking area in front of the terrace of units on Station View. It is however acknowledged that this space is available to serve all of the units within the row, not just the application site. That being said, it is also the case that the extant use of the property includes retail at ground floor, with ancillary office space above. The upper floors of the building could be converted to 2 flats under permitted development rights associated with retail premises. This fall-back position could result in cars associated with the two flats in addition to staff and customers associated with the retail space.
- 12.2 Whilst the concerns of local residents are noted, it is considered that the proposed 5 bedroom unit would not result in a significantly greater impact in terms of trip generation and parking requirements than could be achieved under the extant use. This assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority.
- 12.3 The plans indicate the location of 3 secured cycle stands to be installed within the rear yard area of the property. Given the lack of on site car parking provision proposed and the space available within the rear yard associated with the property, it is considered reasonable to attach a condition requiring details of 5 secured cycle parking spaces to be provided within the basement of the building, providing 1 space per bedroom. Such a condition is attached to the recommendation. The site is considered to be situated in a sustainable location, with regular bus services connecting to Ashton and Manchester city centre within close proximity of the site.
- 12.4 Following the above assessment, it is considered that the proposals would not result in an adverse impact on highway safety and should therefore not be refused on those grounds, in accordance with the guidance within paragraph 109 of the NPPF.

13. OTHER MATTERS

- 13.1 In relation to environmental health, the Borough EHO has not raised any objections to the proposals, subject to conditions limiting the hours of work during the conversion phase of

the development, the provision of the proposed bin storage arrangements prior to the first occupation of the development and the aforementioned soundproofing measures.

- 13.2 The soundproofing condition is considered to be necessary given the commercial nature of the ground floor uses of the properties adjoined on either side of the application site and the close proximity to a highway which has relatively high traffic volumes. The other conditions recommended by the EHO are also considered to be necessary and are attached to the recommendation.
- 13.3 In relation to crime impact associated with the development, the concerns expressed by local residents and the ward Councillor are noted. It is important to acknowledge that the fear of crime and anti-social behaviour are only material planning considerations to the extent that the physical design of a development should not create opportunities for such behaviour to arise. In this case, the application relates to the conversion of an existing building without extension.
- 13.4 Greater Manchester Police have been consulted on the application and the Architectural Liaison Officer has indicated that a Crime Impact Assessment is considered not to be necessary, due to the fact that the principal entrance to the property would be from Station View, to the front of the property. It is considered reasonable to attach a condition to any permission granted requiring details of the security measures to be installed on the property as part of the conversion works and such a condition is attached to the recommendation.

14. CONCLUSION

- 14.1 The proposals would result in the change of use of a retail unit in a local shopping centre to a non-retail use. However, the existing unit is vacant and the marketing information provided by the applicant (albeit it relatively short in time period) tends to indicate that there is evidence of a lack of demand for returning the unit to a commercial use. This is not the only premises within the parade that is vacant and there is an extensive retail and commercial offer within a 15 minute walk of the site. Weighed against any limited harm arising through the loss of a retail unit are the positive benefits of bringing a vacant building back into use in a form that would increase footfall within the area and may well therefore have a positive impact on the vitality of the local shopping area. When balancing these benefits against the limited harm arising from the proposals, the scheme is considered to be acceptable in principle.
- 14.2 The proposals would not include any dedicated car parking. It is acknowledged that car parking to the front of the unit is limited as spaces are provided for the parade as a whole. However, the site is located in a sustainable location, with bus services within close proximity of the site. The provision of cycle stands as part of the development would provide facilities for residents to cycle to Droylsden town centre and Edge Lane tram stop, to access other forms of sustainable transport connecting to Ashton and Manchester city centre.
- 14.3 Whilst the concerns expressed by local residents regarding the concentration of HMOs in the surrounding area are noted, the evidence from the HNA indicates that only a minority of properties within the Droylsden East ward are occupied by tenants in the private rented sector. Officers therefore conclude that there is a lack of evidence to suggest that the frequency of this type of accommodation is resulting in material change to the character of the area, given that not all of private rented properties will necessarily be occupied as HMO's.
- 14.4 In relation to the fear of crime and anti-social behaviour in the locality, there is no evidence to suggest that this scheme would have a material impact in that regard. The Police Architectural Liaison Officer has raised no objections to the proposals and has confirmed

that a crime impact assessment for this development (which proposes change of use of the building only) is not required. A condition can be attached to any planning permission requiring the submission and approval of the security measures to be installed to reduce the risk of crime in relation to the building itself and such a condition is attached to the recommendation.

- 14.5 Following amendments to reduce the scheme to a 5 bedroom HMO, it is considered that the proposals would not result in an adverse impact on the residential amenity of neighbouring properties or the future occupants of the development, subject to the imposition of a condition requiring a soundproofing scheme to be installed within the building to minimise noise associated with the adjoining commercial uses and to preserve the amenity of the upper floors of the neighbouring units. There are no objections to the proposals from the statutory consultees in relation to highway safety or environmental health.
- 14.6 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

15. RECOMMENDATION

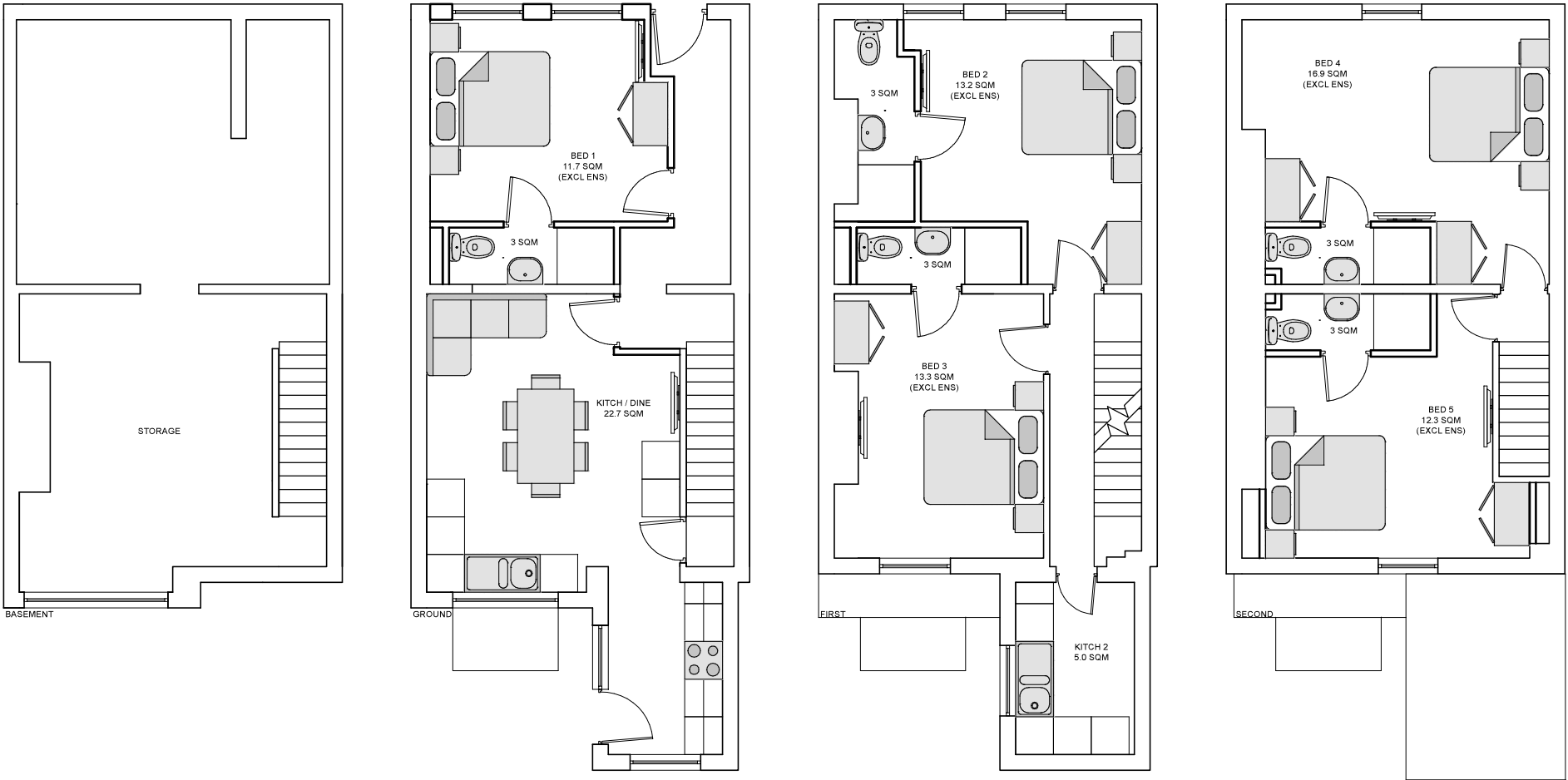
Grant planning permission, subject to the following conditions:

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:

Site location and proposed site plan (reference (20) A005 Rev B)
Amended proposed floor plans (reference (20) A002 Rev C)
Proposed elevations plan (reference (20) A004 Rev A)
3. Notwithstanding the details shown on the approved plans, the building shall not be occupied for the use hereby approved until details of the provision of secured storage for a minimum of 5 bicycles to be provided as part of the development have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the occupation of the building for the use hereby approved and shall be retained as such thereafter.
4. The general & recycling bin area, indicated on the approved drawing (reference (20)A005 Rev B), shall be provided prior to the occupation of any part of the development and thereafter retained and maintained for their intended purpose at all times
5. Prior to the first occupation of the building for the use hereby approved, a scheme to soundproof the party walls between the application site and the adjoining commercial properties at either side and the internal walls of the front elevation of the building (facing Ashton Old Road) has been submitted to and approved in writing by the Local Planning Authority. The use shall not be occupied until the approved scheme has been implemented in accordance with the approved details and the development shall be retained as such thereafter.
6. Prior to the first occupation of the building for the use hereby approved, details of the security measures to be incorporated into the building as part of the development shall be submitted and approved in writing by the Local Planning Authority. The use

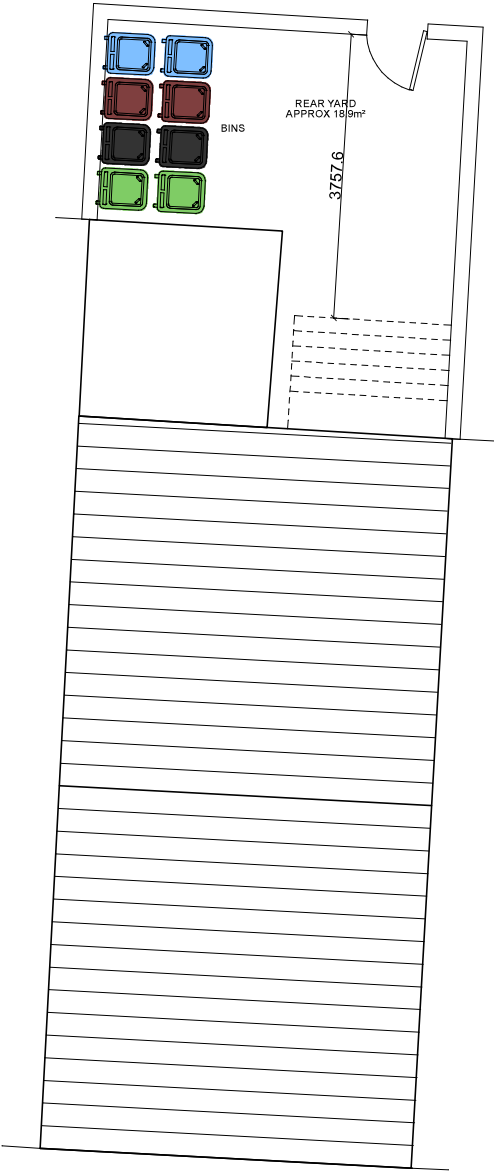
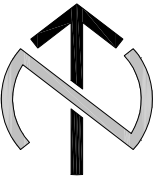
shall not be occupied until the approved scheme has been implemented in accordance with the approved details and the development shall be retained as such thereafter.

7. During the conversion phase of the development, 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.
8. Prior to the first occupation of the building for the use hereby approved, details of the colour and texture of the render to be applied to the exterior of the building at ground floor level shall be submitted to and approved in writing by the Local Planning Authority. The render shall be applied in accordance with the approved details and shall be retained as such thereafter.



NOTES		REVISION / DESCRIPTION	DRAWN	CHECKED	DATE	PROJECT TITLE	
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		B - AMENDED BASEMENT WINDOW	MDS	MDS	22/05/19	DROYLSDON	
		C - REVISED LAYOUT	GPE	GPE	24/05/19	M43 6TT	
		PROJECT NUMBER				20190207	
		DRAWING TITLE					SCALE
		PROPOSED FLOOR PLANS					1/100@A3
							DATE
							18/02/19
		DRAWING No.					REVISION
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REVISION / DESCRIPTION	DRAWN	CHECKED	DATE	PROJECT TITLE	
A - AREA SHOWN IN REAR YARD B - ESCAPE STEPS SHOWN	GPE MDS	GPE MDS	14/03/19 22/05/19	5 STATION VIEW DROYLSDON M43 6TT	
PROJECT NUMBER				20190207	
DRAWING TITLE				LOCATION PLAN AND SITE PLAN	SCALE 1/1250 & 1/100 @A3
DRAWING No.				(20)A005	DATE 01/03/19
					REVISION B

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Application Number: 19/00239/FUL 5 Station View Droylsden

Photo 1 – view of terrace of properties on Station View –application site is the property painted yellow.

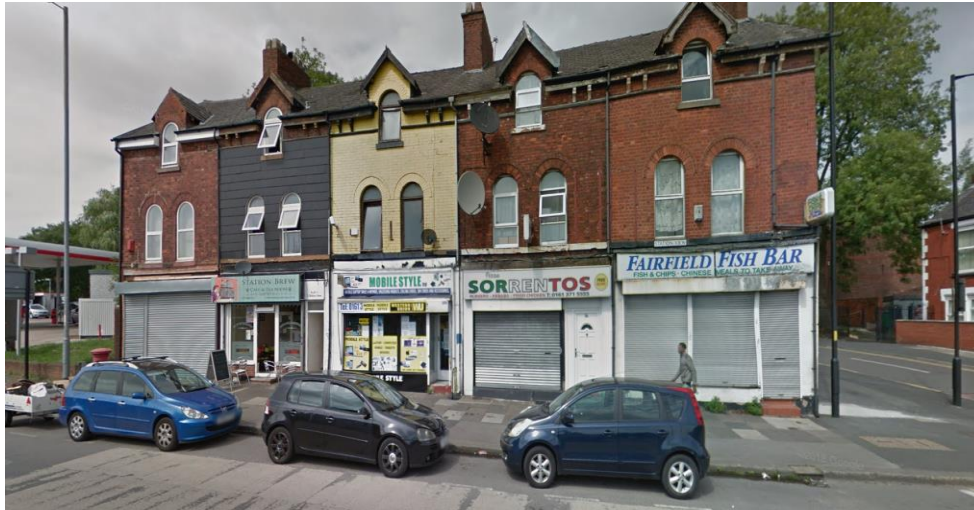


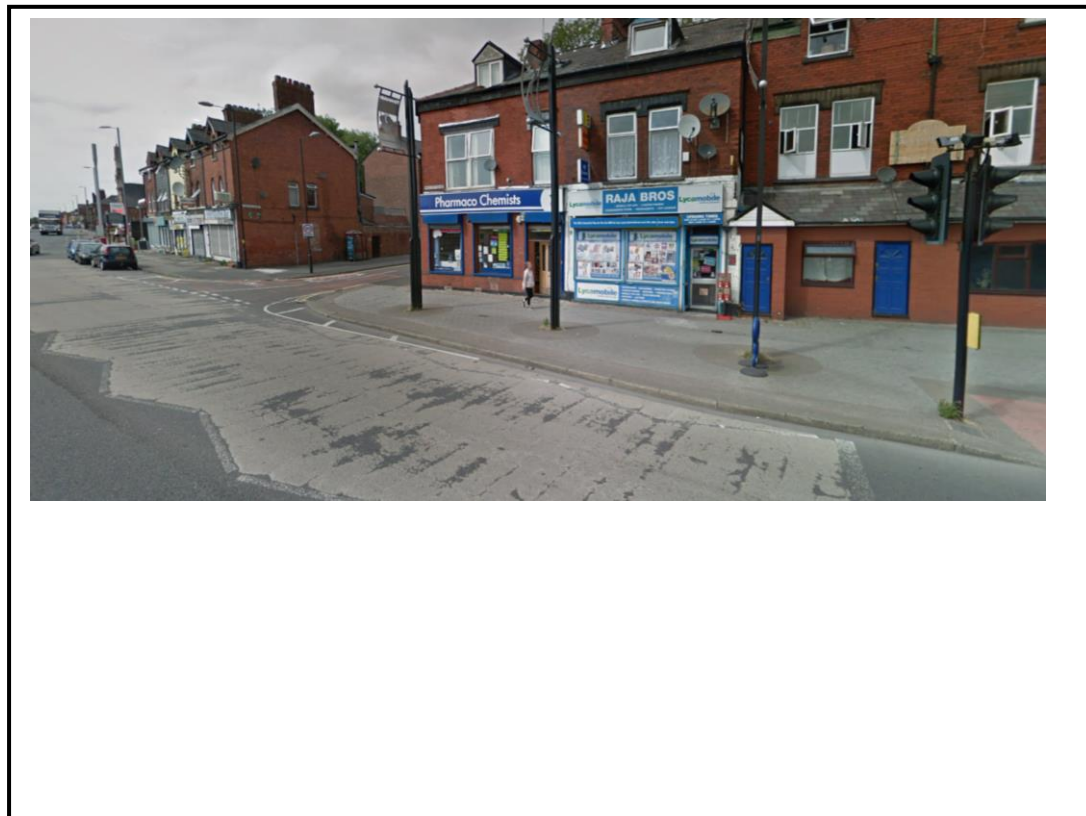
Photo 2 – view looking westwards along Station Avenue from close to junction with Fairfield Avenue



Photo 3 – view looking eastwards along Station Avenue from western end of the terrace.



Photo 4 – view of the shopping parade dissected by Fairfield Avenue, which includes the application site (far west in this photograph)



Application Number 19/00011/REM

Proposal	Reserved matters approval sought for the appearance, layout, scale and landscaping of a development of 60 dwellings, following the granting of outline planning application ref. 16/00897/OUT.
Site	Carrfield Mills, Newton Street, Hyde
Applicant	Eccleston Homes
Recommendation	Grant planning permission subject to conditions
Reason for report	A Speakers Panel decision is required because the application constitutes major development.

1. APPLICATION DESCRIPTION

- 1.1 The application seeks reserved matters approval for a scheme for 60 no. dwellings. The description of development at the outline application stage indicated a development of up to 127 units on the site, although no conditions setting a maximum quantum were attached to the decision notice.
- 1.2 The applicant has provided the following documents in support of the planning application:
 - Design and Access Statement
 - Crime Impact statement
 - Phase I and II Ground investigation reports
 - Food risk and drainage assessment
 - Planning Statement;
 - Statement of Community Involvement
 - Arboricultural Impact Assessment; and,
 - Ecological Assessment
- 1.3 As this is a reserved matters application, the matter of developer contributions is not being revisited as this relates to the principle of development, which was established under the outline planning permission. For the same reason, the fact that the site is allocated for employment purposes within the UDP is not relevant to the determination of this application, as the principle of residential use has already been established through the granting of outline planning permission.

2. SITE & SURROUNDINGS

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

3. PLANNING HISTORY

- 3.1 16/00897/OUT - Residential development comprising up to 127 dwellings (C3), access, public open space, landscaping and associated recreation facilities, together with the provision of related infrastructure. Outline - all matters reserved for subsequent approval apart from vehicular access into the site – approved

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)

- 4.2 Planning Practice Guidance (PPG)

4.3 Tameside Unitary Development Plan (UDP) Allocation

Allocated as an Establishment Employment Area

4.2 Part 1 Policies

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

4.3 Part 2 Policies

- H2: Unallocated sites
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H7: Mixed Use and Density (Density being relevant to this proposal)
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- T11: Travel Plans.
- C1: Townscape and Urban Form
- N7: Protected Species
- MW11: Contaminated Land.
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018;

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

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.5 National Planning Policy Framework (NPPF)

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

4.6 Planning Practice Guidance (PPG)

- 4.7 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 Local Highway Authority – Raised the following concerns in relation to the original submission:

1. The proposed junction from the proposed Development onto Newton Street does not have the minimum required forward visibility splay.
2. The proposed turning heads on Road 1 and 2 do not meet the required LHA required adoptable standards with adjacent footway of 1.8m min.(see standard detail attached)
3. The applicant's proposals for having more than 5 properties on a private street are unacceptable to the LHA. This will have to be designed to LHA adoptable standards of 5.5m min carriageway width and a min 1.8m footpath either side, with suitable street lighting. (House 1-7 + 27-35)
4. Proposed abandonments of existing access must be reinstated to existing footway standards.
5. Proposed bridge over Godley Brook must be of adoptable standard width of 5.5m min carriageway width and a min 1.8m footpath either side and detailed designs submitted to LHA at planning stage.
6. There should be provisions designed in for Traffic Calming along Road 1+ 2.

Following revision to the scheme, a turning head has been introduced on the southern side of the Brook following the upgrading of the specification of the crossing over the watercourse. These revisions have ensured that no more than 5 properties are to be accessed via private driveways across the development. A condition should be attached to the planning permission requiring details of the structural integrity of the retaining walls adjacent to the Brook to be submitted to ensure that the infrastructure is/can be made sufficiently robust to facilitate the proposed bridge across the watercourse.

- 6.2 United Utilities – No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.3 Greater Manchester Ecological Unit - No objections to the proposals, subject to conditions restricting the timing of tree/vegetation removal, requiring the provision of biodiversity

enhancement measures within the development and the undertaking of a precautionary pre-commencement survey in relation to badger activity on the site.

- 6.4 Borough Contaminated Land Officer - No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.5 Borough Environment Health Officer - No objections to the proposals subject to conditions. Relevant conditions were also attached to the outline planning permission.
- 6.6 Borough Tree Officer – No objections to the proposals. The proposed landscaping scheme is considered to be appropriate.
- 6.7 Lead Local Flood Risk Authority – No objections to the proposals. Relevant conditions were attached to the outline planning permission.
- 6.8 Environment Agency - No objections to the proposals. Conditions relating to the means of draining surface water from the development (including a sustainable drainage system) were attached to the outline planning permission.
- 6.9 Coal Authority – no objections to the proposals, subject to the compliance with the relevant conditions attached to the outline planning permission.
- 6.10 Greater Manchester Police Architectural Liaison Officer – no objections to the proposals, subject to a condition requiring compliance with the security measures detailed in the Crime Impact Assessment submitted with the planning application.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 No representations have been received.

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
 - 1) The principle of development;
 - 2) The impact of the design and scale of the development on the character of the site and the surrounding area;
 - 3) The impact upon the residential amenity of neighbouring properties;
 - 4) The impact on highway safety;
 - 5) The impact on flood risk;
 - 6) The appropriateness of the proposed landscaping scheme; and,
 - 7) Other matters

9. PRINCIPLE

- 9.1 The principle of residential development on the site was established at the outline stage, at which point the proposal was for up to 127 units. Policy H7 of the UDP indicates that a density between 30 and 50 dwellings per hectare should be achieved to make efficient use of land.
- 9.2 The applicant has provided a plan at this reserved matters stage which indicates that approximately 1.25 hectares of the site is excluded from the developable area due to the presence of the Brook and ponds in the southern part of the site, the need to retain an easement along the corridor of the Brook and the area around the substation to be located in the south western corner of the site.

- 9.3 The developable part of the site would therefore equate to approximately 1.5 hectares. The scheme has been amended to increase the number of units from 57 to 60. At 60 dwellings over 1.5 hectares, the scheme equates to approximately 40 dwellings per hectare and would therefore fall within the range required by policy H7.
- 9.4 Notwithstanding this, officers are mindful that the density of development considered to be acceptable at the outline stage was considerably higher. A development of 127 units over the same developable area would constitute a density of approximately 85 dwellings per hectare. The report presented to members when determining the outline application did indicate that this density, although possible, was ambitious. The indicative scheme presented at the outline stage relied on 5 storey flatted development to the south of the Brook to achieve this density. Given the dramatic drop in land levels between that part of the site and Newton Street adjacent to the western boundary, this height of development could be achieved in principle without detrimentally affecting the character of the area.
- 9.5 However, it would have resulted in a development made up of comfortably over 50% flatted development. The adopted Housing Needs Assessment (HNA) for the Borough indicates that 680 units per year are required to be developed in Tameside to meet housing need. On the basis of the evidence of aspiration and need across the Borough, the assessment indicates that 54 of these units should be flats/ apartments, equating to approximately 8% of the required annual stock. On the basis of this evidence, it would appear that the outline scheme presented viability challenges in terms of the ratio of apartments to dwellings.
- 9.6 Nevertheless, the HNA also indicates a 3.7% deficit between the supply of 2 bedroom apartments and the market expectations within Hyde Newton, the ward within which the application site is situated. A viability case has been presented by the applicant which indicates that, on basis of a 90 unit scheme with 30 apartments, the scheme would not be viable, based on the cost of developing the site and the anticipated sale price of the apartments. The sales values were based on an average of recent transactions within the locality and pointed to examples of properties where sales values had not increased in recent sales compared to 2007 prices.
- 9.7 The Council has employed an independent consultant to review the viability case. The result of this exercise concluded that whilst there are examples of units that have sold relatively recently for more than the anticipated sales values used by the applicant in their viability appraisal, the rate of sale is 14 units in the last 12 months, within the whole SK14 post code area. Reducing this to a ward level would suggest a relatively low level of demand for apartments at current market rates.
- 9.8 There are question marks around the extent of the overall financial deficit that the applicant has concluded in their viability appraisal as the costs of site levelling and remediation apply regardless of the form that the redevelopment of the site would take. However, officers acknowledge that 8% of a 90 unit scheme would only equate to 7 apartments being provided in line with the ratios detailed in the Housing Needs Assessment as previously quoted. To achieve 90 units overall, far more semi-detached/terraced units would be required and the HNA indicates a significant overprovision of 3 bed semis and terraced units within Hyde Newton, as well as in the neighbouring Hyde Godley and Hyde Werneth wards.
- 9.9 The applicant has forwarded information from the former owner of the site, who was the applicant at the outline stage. This information indicates that a number of house builders were approached following the granting of the outline planning permission. The reliance on flatted development to achieve the density of development approved and the significant constraints in developing the site (associated with the levels, the constraints provided by the Brook and ponds and contamination associated with the historic industrial use) resulted in all but Eccleston Homes (the applicant for this reserved matter scheme) declining to make an offer on the site.

- 9.10 Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified needs of different types of housing....and the availability of land suitable for accommodating it;
 - b) local market conditions and viability
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes and limit future car use
 - d) the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change
 - e) the importance of securing well-designed, attractive and healthy places.
- 9.11 Having regard to national policy, taken cumulatively, the apparent lack of demand for apartments within the wider SK14 postcode area and the evidence provided by the previous landowner of the reasons why a number of prospective developers declined to pursue the site based on the outline scheme or for any alternative, it is considered that the applicant has demonstrated that a lower density of development is justifiable in this case. This information is considered to demonstrate that there are local market and viability considerations which render the density of development as proposed at this reserved matters stage acceptable and local evidence of a slow demand for apartments as a house type.
- 9.12 This assessment is made within the context of the fact that the reserved matters scheme falls within the range of densities considered to be appropriate in accordance with policy H7. Whilst that policy does state that higher densities should be considered appropriate in sustainable locations (such as this), the viability considerations demonstrated by the applicant are considered sufficient to conclude that the density of development proposed is the optimal level in this case.
- 9.13 Paragraph 123 of the NPPF states that where there is an existing.....shortage of land for meeting identified housing needs (as is currently the case in Tameside) it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Whilst the development proposed by this reserved matters application is clearly significantly below the ceiling number approved at outline, on the basis of the evidence provided by the applicant and the contents of the adopted HNA, it is considered that the potential of the site would be achieved, given the constraints that apply.
- 9.14 The density of development is therefore considered to be appropriate, subject to all other material considerations being satisfied.

10. CHARACTER

- 10.1 The scheme would provide an active frontage to the north western corner of the site, the only element of the site that is widely visible in public views. To the south of the access point into the development, land levels drop substantially and therefore the central section of the scheme (bound by roads 1, 2 and 3 as labelled on the proposed site plan) would start to drop away from the level of Newton Street, ensuring that properties orientated to face north and south respectively in this section of the development would not result in an incongruous frontage across the western boundary of the site.
- 10.2 The layout would respond to the constraints provided by residential development adjacent to the northern and eastern boundaries of the site, with the properties proposed within that development backing on to those boundaries.

- 10.3 The scheme has been amended to increase the number of units on the southern side of the Brook. This has resulted in a more positive engagement with the watercourse, which forms an attractive feature of the development. This also improves the strength of character in the southern part of the site, avoiding a weak density in this parcel beyond the Brook.
- 10.4 The scheme includes a number of properties which would contain integral garages, which allows a reduction in the reliance on frontage parking on a number of the plots. The properties located in the north western corner would have detached garages, set back within their respective plots. Garage provision across the majority of plots allows frontage parking to be confined to areas of the development that are less exposed to wider public views and as such, this feature would not detract from the character of the wider area.
- 10.5 In relation to the proposed house types, the dwellings would follow the principles of arts and crafts development. Although not directly related to the character of the modern development to the north and east or the more traditional terraced properties to the north west of the site, the site is considered to be an opportunity to introduce a distinct character of development, with a form and massing that relates to the scale of much of the surrounding development.
- 10.6 Following the above assessment, it is considered that the proposals would not result in an adverse impact on the character of the area, subject to conditions requiring compliance with the materials, boundary treatments and hard and soft landscaping details submitted with the application.

11. RESIDENTIAL AMENITY

- 11.1 The separation distances to be retained between the rear elevations of the properties on the northern and eastern edges of the site and the existing neighbouring properties that back on to those respective boundaries of the land would meet the requirements of the Residential Design Guide, which requires 21 metres to be retained between corresponding elevations with habitable room windows that directly face each other, reducing the 14 metres where elevations are blank or include secondary windows (taken not to be sensitive habitable room windows). This would ensure that no unreasonable overlooking into or overshadowing of any of the neighbouring properties could occur as a result of the proposed development.
- 11.2 The first floor windows in the eastern elevations of plots 2 and 19 can be required to be obscurely glazed without affecting the residential amenity of the future occupiers as the openings in each case would serve a landing. This would ensure that no unreasonable overlooking could occur into the respective neighbouring properties.
- 11.3 Adequate separation distances between plots within the development would be achieved to ensure that the residential amenity of future occupants would be preserved.
- 11.4 Following the above assessment, it is considered that the proposed scheme would preserve the residential amenity of neighbouring properties and the future occupants of the development.

12. HIGHWAY SAFETY

- 12.1 The Local Highway Authority objected to the original proposals for the reasons summarised in paragraph 6.1 of this report. Following revision to the scheme, a turning head has been introduced on the southern side of the Brook following the upgrading of the specification of the crossing over the watercourse. These revisions have ensured that no more than 5 properties are to be accessed via a single private access across the development.

- 12.2 Whilst the concerns regarding the visibility splays from the access are noted, this reserved matter scheme would utilise the point of access approved at the outline stage. This issue cannot therefore be revisited at this reserved matters stage. Given that the extent of the highway that would be of adoptable width has been extended to cross the Brook, it is considered that traffic calming measures across the development could be introduced under powers available to the Council as Local Highway Authority. The blocking up of the existing access points on the western boundary of the site is a matter that can be secured by condition.
- 12.3 The scheme makes provision for 2 car parking spaces per dwelling, with a number of the plots including garages and driveways to the front of the units. In addition, 2 areas of communal visitor parking are proposed, one on the western edge of the site, to the north of the Brook, and the other adjacent to the substation proposed in the south western corner of the overall development.
- 12.4 A condition can be attached to the planning permission requiring details of the structural integrity of the retaining walls adjacent to the Brook to be submitted to ensure that the infrastructure is/can be made sufficiently robust to facilitate the proposed bridge across the watercourse. Such a condition is considered reasonable and related to the layout of the development and is therefore attached to the recommendation.

13. FLOOD RISK

- 13.1 A large proportion of the site is located within flood zone 2, which is at a higher risk of flooding than land located within flood zone 1. The area immediately around the Brook running through the site is at flood zone 3, which is considered to be at a high risk of flooding. The latter does not form part of the developable area however.
- 13.2 Condition 4 of the outline planning permission required compliance with the Flood Risk Assessment (FRA) submitted with that application and specifically the following mitigation measures:
1. The finished floor levels are set at least at 92.81mAOD as per section 4.7 of the FRA
 2. Surface water runoff rates and volumes are reduced by 30% compared to pre-development rates and volumes if existing connection into Wilson brook are proven, otherwise limited to Greenfield runoff rates and volumes to discharge directly into Wilson brook. Details of exceedance event up to a 1% AEP plus climate change allowance shall be provided.
- 13.3 On the basis that this condition is complied with, the Environment Agency has not raised any objections to the proposals. Conditions relating to foul and surface water drainage were also attached at the outline stage. United Utilities have not raised any objections to the proposals, subject to compliance with these conditions. These conditions do not need to be re-imposed at this reserved matter stage.

14. LANDSCAPING

- 14.1 The applicant has submitted indicative details of the proposed soft landscaping and details of a hard landscaping scheme. The species mix proposed include Maple, Alder and Oak trees and the plans detail the location of shrub and hedge planting and areas to be grassed. Trees would be planted to the front of a number of the dwellings, presenting attractive features on the street frontages and comprehensive planting would be provided in public open space areas on the northern edge of the Brook, in the south eastern corner of the site and adjacent to the substation in the south western corner of the site. Details are

also provided in relation to the number of each type of species to be planted, their height on planting and protection of the hedge and tree planting to be installed.

- 14.2 The Tree Officer has no objections to the proposals. Subject to a condition requiring specific details of the soft landscaping scheme to be submitted and approved and conditions relating to the implementation of the landscaping scheme prior to occupation of the development and stipulating on-going management requirements, the indicative approach to soft landscaping is considered to be acceptable.
- 14.3 In relation to hard landscaping, the plans indicate that grey paving would be utilised to cover pathways. Following revisions to the layout, it is considered necessary to condition details of the treatment of the private roads within the scheme. In terms of boundary treatments, railings would be installed at the entrance to the site, connecting to the existing sections of the brick wall to be retained on the western boundary of the site. The other exposed boundary treatments would run parallel with the northern and southern edges of the easement to be provided either side of the Brook. Low rise railings would be provided in these locations.
- 14.4 Following the above assessment, the hard landscaping and boundary treatments proposals are considered to be acceptable. The principles of the indicative landscaping scheme are acceptable, with the details to be secured by condition.

15. OTHER MATTERS

- 15.1 A condition requiring an investigation into sources of contamination on the site was attached to the outline planning permission and therefore does not need to be re-imposed at the reserved matters stage. The Coal Authority has confirmed that it has no objections to the proposals, subject to the compliance with the relevant conditions attached to the outline planning permission.
- 15.2 In relation to ecology, the Greater Manchester Ecology Unit has raised no objections to the proposals, subject to the imposition of conditions limiting the timing of tree/vegetation removal and requiring the inclusion of biodiversity enhancements and details associated with the management of the area surrounding the Brook. Relevant conditions were attached to the outline planning permission and do not therefore need to be re-imposed.
- 15.3 Condition 15 on the outline planning permission imposed limits on the timing of tree/vegetation removal. This condition does not need to be re-imposed at this reserved matters stage therefore. A key biodiversity enhancement was secured through the improvement of the Brook environment, with relevant conditions imposed at the outline stage.
- 15.4 In relation to designing out crime, Greater Manchester Police have not raised any concerns in relation to the layout of the proposal, which does not include any alleyways providing access to the rear of plots and no communal parking areas are proposed. Compliance with the measures detailed in the crime impact statement submitted with the reserved matters application can be secured by condition.
- 15.5 In relation to bin storage, there is considered to be sufficient space within each of the plots to ensure adequate provision for each dwelling. The details of the exact location and means of enclosure must be submitted and approved in order to comply with condition 12 of the outline planning permission.

16. CONCLUSION

- 16.1 The principle of residential development on the site was established at the outline stage. Whilst the density of development now proposed at this reserved matters stage is significantly less than the ceiling number approved at the outline stage, the density of the developable area is within the range considered to be acceptable by policy H7 of the UDP. The evidence provided by the Housing Needs Assessment also indicates that the proportion of the scheme that would be required to be flatted development in order to achieve the ceiling density approved at the outline stage would be significantly more than the 8% considered to be a reasonable percentage across the overall housing stock required to be approved in the Borough on an annual basis.
- 16.2 The proposed layout would preserve the character of the site and surrounding area. The development would preserve the residential amenity of neighbouring residents and the proposed soft and hard landscaping schemes are considered to be appropriate, subject to some further details being secured by condition.
- 16.3 Following amendments to the scheme to increase the width of the highway crossing over the Brook and the reduction in the number of properties to be served by private access roads, the Local Highway Authority has not raised any objections to the proposals.
- 16.4 There are no objections to the proposals from the statutory consultees in relation to flood risk/drainage, landscaping, ecology, contaminated land or any of the other material considerations.
- 16.5 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

17. RECOMMENDATION

Grant planning permission, subject the following conditions:

1. The development hereby approved shall be carried out in accordance with the following approved plans received on 2 March 2018:
 - 1:1250 Site location plan
 - Amended proposed layout plan (drawing 102 Rev. B)
 - Amended materials and enclosures plan (Drawing no. 103 Rev. A)
 - Hartford house type plans and elevations (drawing no. HT-P-01)
 - Single garage plans and elevations (drawing no. SG-P-01)
 - Twin double garage plans and elevations (Drawing no. Tdg-P-01)
 - Frodsham house type plans and elevations (drawing no. FR-P-01)
 - Windle house type plans and elevations (drawing no. WI-P-01)
 - Willaston house type plans and elevations (drawing no. WN-P-01)
 - Whalley 2 house type plans and elevations (drawing no. WH2-P-01)
 - Tarleton house type plans and elevations (drawing no. TA-P-01)
 - Clitheroe house type plans and elevations (drawing no. CL-P-01)
 - Buckley house type plans and elevations (drawing no. BU-P-01)
 - Knee rail fence detail plan (Drawing no. F09)
 - Estate rail fence detail plan (Drawing no. F07)
 - 1800mm close boarded fence (Drawing no. F02)
2. No development shall commence until details of the construction of the vehicular and pedestrian access arrangements to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the access (including sections and existing and proposed ground levels) indicating the visibility splays to be achieved on either side of the proposed access into the existing highway

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

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

4. The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site layout plan (drawing 102 Rev. B) prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.
5. The boundary treatments to be installed on each of the plot within the development hereby approved shall be installed in accordance with the details as shown on drawing number 103 Rev. A prior to the occupation of that dwelling. The development shall be retained as such thereafter.
6. Notwithstanding the details submitted with the planning application, no above ground development shall commence until full details of a scheme of soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:
 - A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting

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

7. The approved scheme of soft landscaping shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
8. The window openings on the elevations of the following plots of the development hereby approved shall be fitted with obscured glazing to meet Pilkington Standard level 3 in obscurity as a minimum, prior to the first occupation of that plot:
 - first floor openings in the eastern elevations of plots 2 and 19The development shall be retained as such thereafter.
9. Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for the blocking up of the existing accesses on the western boundary of the site that are not to be used as the access into the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location and extent of the areas to be blocked and details of the material to be used in the construction of the new treatments. The existing access points shall be blocked up in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
10. Prior to the installation of the substation to be erected as part of the development hereby approved, details (include scaled elevation plans and details of the construction

material and finish) of the substation shall be submitted to and approved in writing by the Local Planning Authority. The substation shall be erected in accordance with the approved details and shall be retained as such thereafter.

11. Prior to occupation of any of the dwellings hereby approved, samples of the materials to be used in the construction of the surface of the private roads/driveways of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The private roads/driveways shall be constructed in accordance with the approved details prior to the occupation of any of the dwellings and shall be retained as such thereafter.
12. Prior to the first occupation of each dwelling of the development hereby approved, the security measures detailed in Section 4 of the crime impact assessment submitted with the planning application shall be implemented in accordance with the submitted details and the development shall be retained as such thereafter.
13. Prior to the first occupation of any of the dwellings hereby approved, a structural survey of the existing retaining structures adjacent to the Brook in the southern part of the site shall be submitted to and approved in writing by the Local Planning Authority. The survey shall assess the potential impact of the highway crossing over the Brook on the structural integrity of these structures and shall detail any mitigation measures considered to be necessary. The development shall be carried out in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.



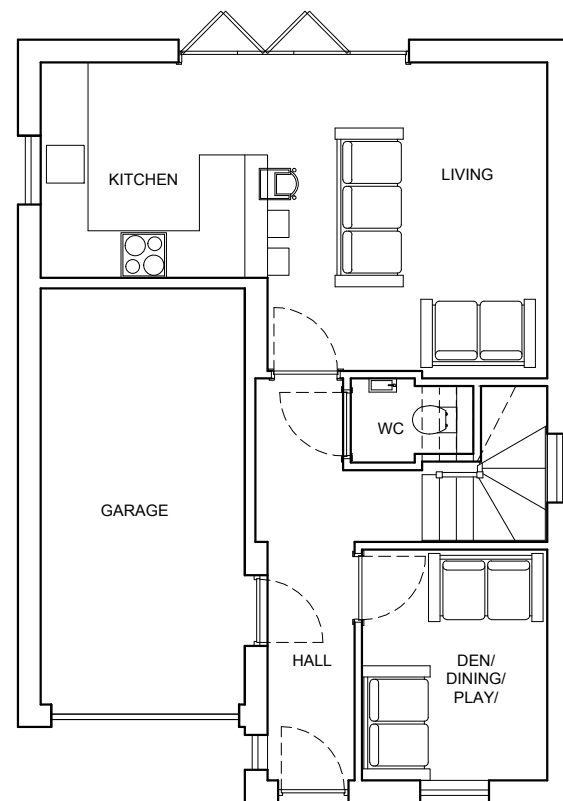
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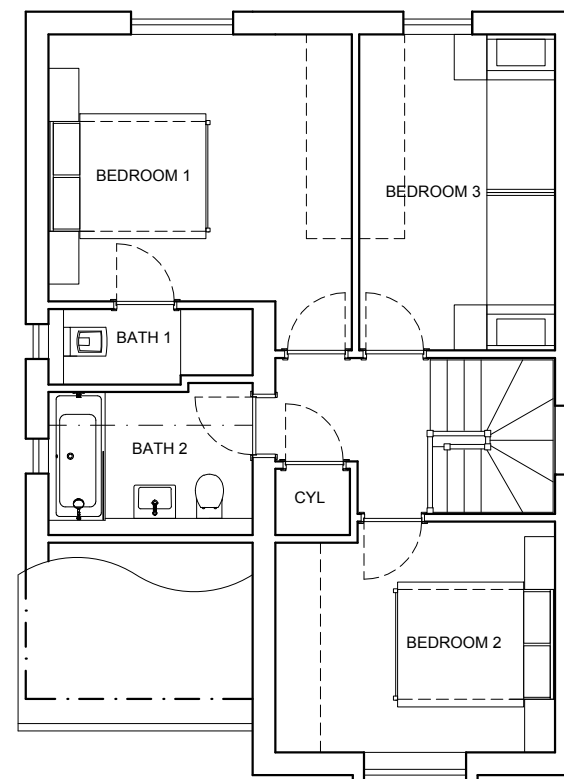
SIDE ELEVATION



SIDE ELEVATION




GROUND FLOOR



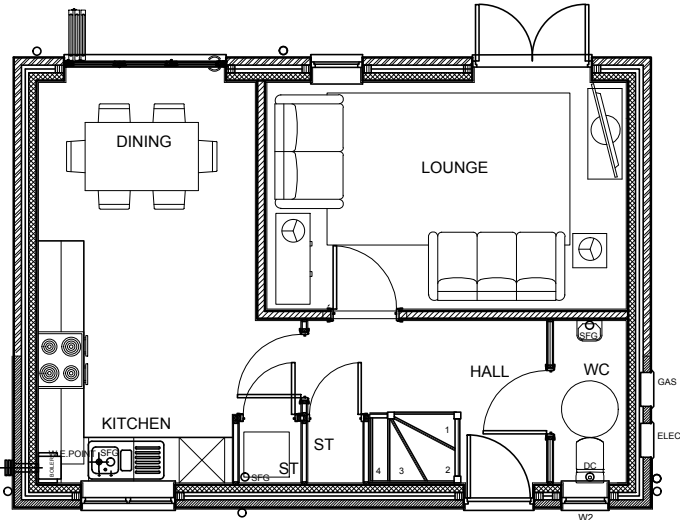
FIRST FLOOR



REAR ELEVATION

REV.	DESCRIPTION	INT.	DATE
			
PROJECT CARRFIELD MILL, NEWTON STREET, HYDE			
DRAWING TITLE FRODSHAM HOUSE TYPE PLANNING DRAWING			
JOB NUMBER	-	REV	-
DRAWING NUMBER	FR-P-01		
DRAWN	JSM	DEC 2018	SCALE
CHECKED	-	-	1:100
			A3

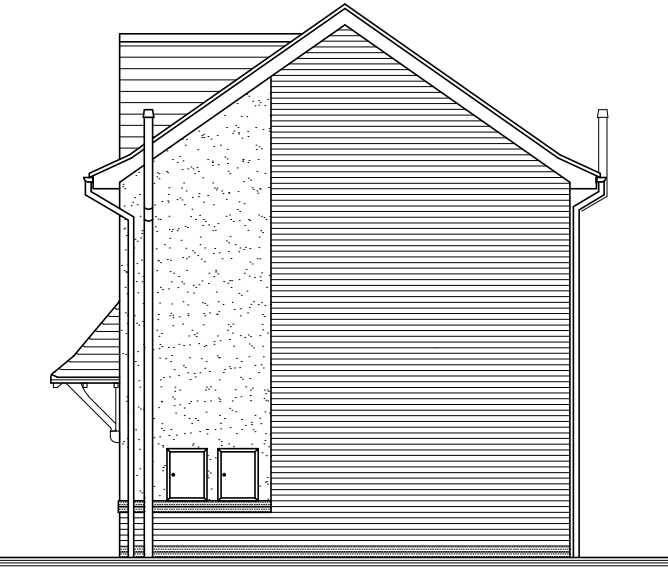
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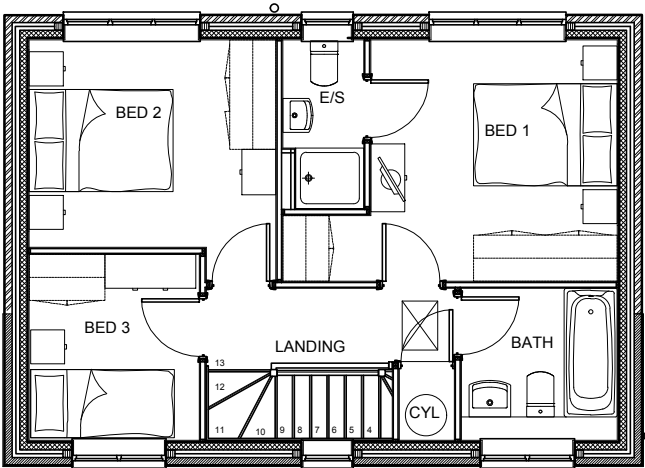
GROUND FLOOR PLAN



FRONT ELEVATION



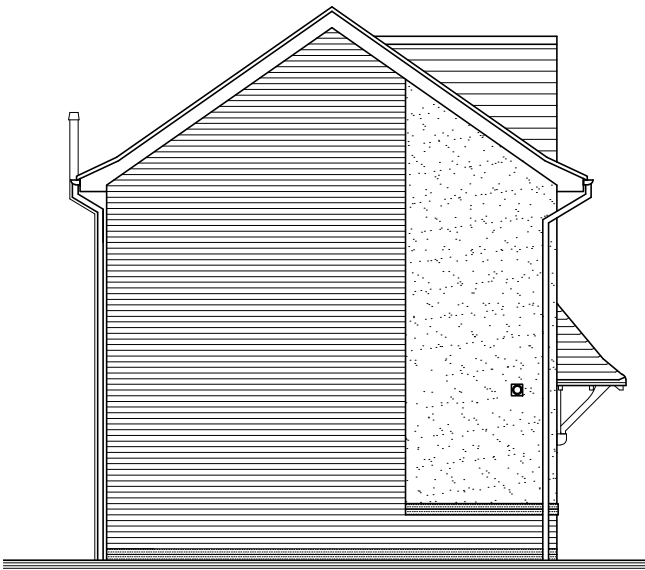
SIDE ELEVATION



FIRST FLOOR PLAN



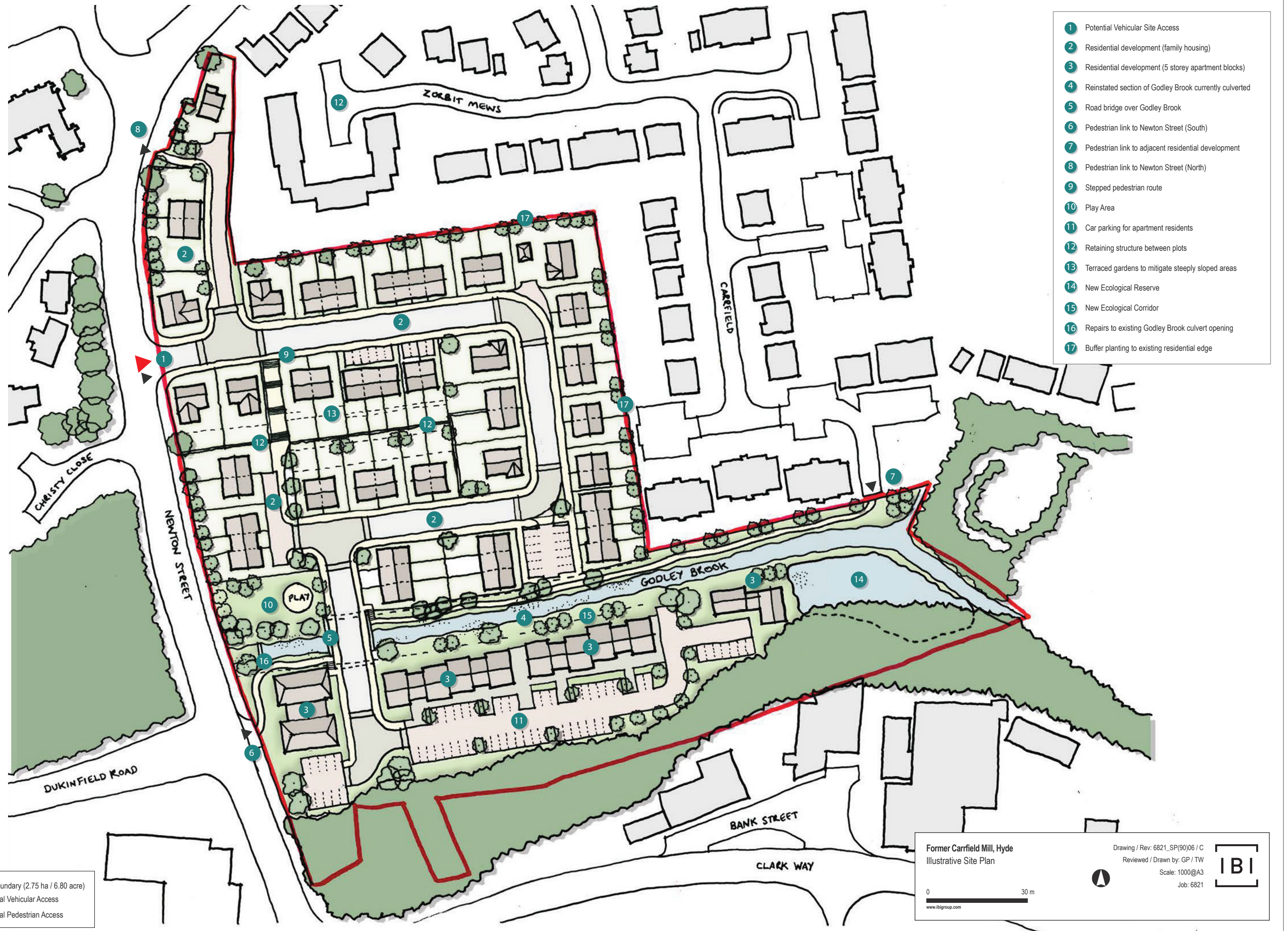
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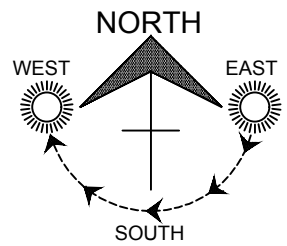
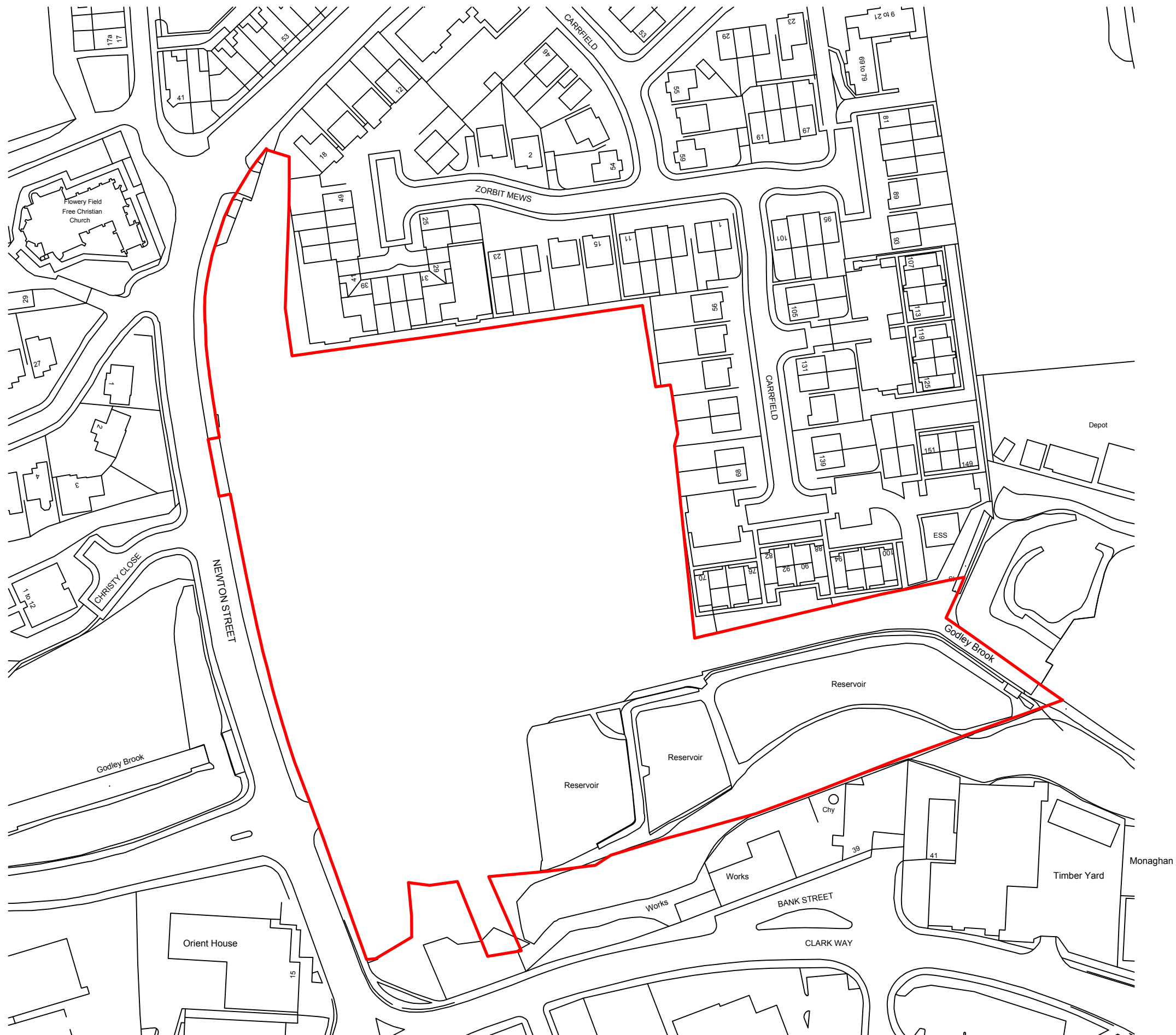
SIDE ELEVATION


REV.	DESCRIPTION	INT.	DATE
			
PROJECT			
CARRFIELD MILL, NEWTON STREET, HYDE			
DRAWING TITLE			
WINDLE HOUSE TYPE PLANNING DRAWING			
JOB NUMBER		-	REV
DRAWING NUMBER		WI-P-01	-
DRAWN	JSM	DEC 2018	SCALE
CHECKED	-	-	1:100
			A3

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REV.	DESCRIPTION	INT.	DATE
			
PROJECT			
CARRFIELD MILL, NEWTON STREET, HYDE			
DRAWING TITLE			
LOCATION PLAN			
JOB NUMBER		-	REV
DRAWING NUMBER		101	-
DRAWN	JSM	30.11.18	SCALE
CHECKED	-	-	1:1250
			A3

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Application Number: 19/00011/REM Carrfield Mill

Photo 1 – view of existing access in the north western corner of the site on Newton Street



Photo 2 – view looking southwards on Newton Road along western boundary of the site, adjacent to junction with Church Meadow



Photo 3 – view of neighbouring properties backing on to northern boundary of the site



Photo 4 – view looking east across the site from Newton Street



Photo 5 – view of existing housing adjacent to the north eastern boundary of the site.



Photo 6 – view of the site from one of neighbouring properties running parallel with the eastern boundary of the site.

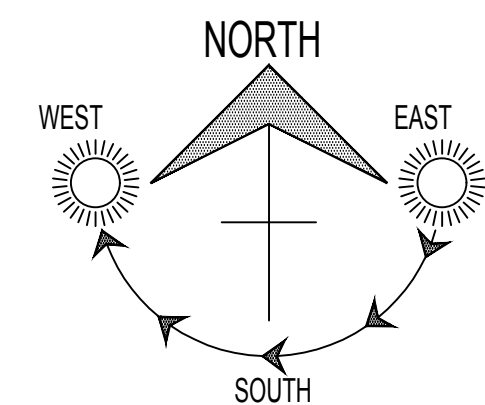


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SCHEDULE OF ACCOMMODATION				
TARLETON	3 BED MEWS HOUSE	772sqft	3	2316sqft
TARLETON	3 BED SEMI HOUSE	772sqft	6	4632sqft
CULCHETH	3 BED SEMI HOUSE	850sqft	12	10200sqft
CLITHEROE	3 BED DETACHED HOUSE	901sqft	1	901sqft
WINDLE	3 BED DETACHED HOUSE	901sqft	2	1802sqft
FRODSHAM	3 BED DETACHED HOUSE	1070sqft	4	4280sqft
WHALLEY 2	4 BED DETACHED HOUSE	1152sqft	10	11520sqft
BUCKLEY	4 BED DETACHED HOUSE	1261sqft	2	2522sqft
HARTFORD	4 BED DETACHED HOUSE	1281sqft	13	16653sqft
WILLASTON	4 BED DETACHED HOUSE	1483sqft	7	10381sqft
TOTAL			60	65207sqft

GROSS SITE AREA:	6.65 Acres
UNDEVELOPABLE AREA:	2.20 Acres
NETT SITE AREA:	4.45 Acres
GROSS DENSITY:	9.02 Units/Acre
NETT DENSITY:	13.48 Units/Acre
TOTAL FOOTAGE:	65207 Sqft
GROSS FOOTAGE:	9806 Sqft/Acre
NETT FOOTAGE:	14663 Sqft/Acre



B A		LAYOUT UPDATED TO PLANNERS COMMENTS. LAYOUT UPDATED TO HIGHWAYS COMMENTS.		JSM JSM	08.05.19 18.02.19
REV.	DESCRIPTION	INT.	DATE		
PROJECT CARRFIELD MILL, NEWTON STREET, HYDE					
DRAWING TITLE PLANNING LAYOUT					
JOB NUMBER		-		REV	
DRAWING NUMBER		102		B	
DRAWN		JSM	13.11.18	SCALE	A1
CHECKED		-	-	1:500	

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Application Number 18/01130/FUL

Proposal	Demolition and clearance of existing site comprising of shops and apartments within Ambleside parade and Rydal Walk to facilitate the erection of 24 no. residential houses comprising of 2no. 2-bedroom, 16no. 3-bedroom and 6no 4-bedroom semi-detached houses with front or rear in-curtilage parking.
Site	1 Rydal Walk, Stalybridge, Tameside.
Applicant	Jigsaw Homes (previously New Charter).
Recommendation	Members resolve to refuse planning permission.
Reason for report	A Speakers Panel decision is required because the application constitutes a major development which is also a departure from the Development Plan.

1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for a residential development of 24 dwellings on an affordable basis. The proposals are tied to the comprehensive redevelopment of properties on Ambleside and Rydal walk. The site previously supported 51 single bedroom maisonettes set within 4no. 3 storey blocks. Work has commenced on the demolition and clearance of the site of the Rydal walk blocks. The Ambleside facing block remains in situ, this is currently occupied at ground floor level by a local convenience store, and the proposals include the removal and redevelopment of this block also. The application states that there would be a phased approach to the redevelopment with the Rydal Walk (rear) being completed prior to the Ambleside Parade.
- 1.2 The development proposal comprises of the construction of 24no. 2, 3 and 4-bedroom semi-detached and terraced Houses comprising of 2no. 2-bedroom houses, 18no. 3-bedroom houses and 4no. 4-bedroom houses. The dwellings would be positioned in a similar arrangement to the existing maisonettes with 8 properties fronting onto Ambleside (along the position of the existing retail parade) and the other properties also occupying a similar alignment to the rear of the site fronting onto Rydal Walk.
- 1.3 Access to the site would be taken from Rydal Walk with the access culminating in cul-de-sac / private road. A shared parking court would provide off road parking for 39 vehicles. Plots 9-18 occupy an elevated position overlooking the central parking court. The Changes in levels (approx. 2m) requires a stepped access to these plots.
- 1.4 The application has been supported with the following documents:
 - Bat Survey and Bat roost Assessment;
 - Coal Mining risk Assessment;
 - Crime Impact Assessment;
 - Design & Access Statement;
 - Extended Phase One Habitat Survey;
 - Flood Risk Assessment;
 - Geo-Environmental Assessment;
 - Planning Statement;
 - Tree Constraints Report; and,
 - Full Plans Package.

2. SITE & SURROUNDINGS

- 2.1 The application relates to the Ambleside retail parade and Rydal Walk maisonettes which are located on the Ridge Hill Estate approximately 0.9m north of Stalybridge town centre. The site covers an area of approximately 0.7 hectares, until recently it supported 4 residential blocks, 3 of these which fronted Rydal Walk are under demolition, the Ambleside block originally supported 6 retail units at ground floor level, 3 of these units are occupied by Waz's 'convenience store and Newsagents.
- 2.2 Rydal Walk leads off Ambleside and provides access to a shared parking court and service area for the retail parade. There is a change in levels from east to west across the site down towards Ambleside. The retail parade occupies an elevated position which is set back from the highways and accessed from the highway via steps. The parade is separated from Ambleside by dedicated parking and area of soft landscaping / tree planting. Levels also rise from Rydal Walk and the former blocks had occupied an elevated position overlooking the parking court.
- 2.3 There are lawned areas throughout the site which also support a number of semi mature trees. These areas are generally enclosed by 1m high railings. There are open rights of way through the site which link with surrounding residential streets such as Coniston Drive located to the east.
- 2.4 The wider area is predominantly residential in character comprising mainly of semi-detached housing stock. The Ridge Hill estate is served with public transport and there are also 2 primary schools within a short walking distance. Around the estate there are examples of isolated commercial (retail) uses but these are not located within a dedicated retail parade.

3. PLANNING HISTORY

- 3.1 17/01088/NDM – Notice of demolition of all buildings within the site – Approved 21.03.2018

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Local Shopping Parade
- 4.4 **Part 1 Policies**
1.3: Creating a Cleaner and Greener Environment.
1.4: Providing More Choice and Quality Homes.
1.5: Following the Principles of Sustainable Development
1.6: Securing Urban Regeneration
1.12: Ensuring an Accessible, Safe and Healthy Environment
- 4.5 **Part 2 Policies**
S5: Changes of Use in Local Shopping Centres
H2: Unallocated sites
H4: Type, size and affordability of dwellings
H5: Open Space Provision
H6: Education and Community Facilities
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
 T11: Travel Plans.
 C1: Townscape and Urban Form
 N4: Trees and Woodland.
 N5: Trees within Development Sites.
 N7: Protected Species
 MW11: Contaminated Land.
 U3: Water Services for Developments
 U4: Flood Prevention
 U5: Energy Efficiency

4.6 **Other Policies**

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

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

Section 2 Achieving sustainable development
 Section 6 Delivering a sufficient supply of homes
 Section 7 Ensuring the vitality of town centres
 Section 8 Promoting healthy and safe communities
 Section 9 Promoting sustainable
 Section 11 Making effective use of land
 Section 12 Achieving well-designed places
 Section 14 Meeting the challenge of climate change, flooding and coastal change

4.8 **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 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 the application has been advertised as a departure and Major Development:

- Neighbour notification letters to 64 addresses on two occasions
- Display of site notices
- Advertisement in the local press

6. **RESPONSES FROM CONSULTEES**

6.1 Coal Authority – No objections agree with the recommendations within the submitted Coal Mining Risk Assessment and recommend that these initiatives are secured by a planning condition.

6.2 Contaminated Land – No objections subject to recommended conditions requiring further site investigations.

- 6.3 Environment Health Officer – Supportive of recommendations within the submitted noise assessment and request that the mitigation measures are conditioned. Further recommendation relating to controls on construction hours.
- 6.4 Greater Manchester Ecology Unit – No objections.
- 6.5 Highway Authority – Object to the proposals. Note that amendments have been requested from the applicant but information has not been forthcoming. Recommend refusal on highway safety grounds. State that the existing junction from the proposed Development does not have a minimum width of 5.5m or provide adequate pedestrian footways. The layout fails to provide adequate secure access for pedestrians and disabled people, particularly to plots 19-24
- 6.6 Lead local Flood Authority – No objections.
- 6.7 Police (Secure by Design) – Make the following observations:
- In terms of volume crime the location of the proposed site falls within an area which generally falls below average in most categories of crime types with the exception of vehicle crime.
 - We have drawn attention to the lack of definition of space around the proposed developments i.e enclosure/restriction to passageways between the proposed new building & definition to front gardens.
 - The proposed parking spaces at the rear of the properties facing Ambleside Road lack overlooking from within the dwellings, which will put the vehicles at risk theft from/of vehicles and criminal damage.
 - The significant changes in levels across the proposed site provide additional challenges in relation to security such as, securing boundaries/construction of retaining features, and if not detailed carefully can generate further anti-social activity and block sight lines.

With regards to the above points, our view is that without further consideration of these matters the anti-social disorder incidents generated through the previous layout would not be entirely eliminated, and still may generate additional incidents of crime to occur.

- 6.8 Tree Officer – No objections subject protection measures during construction and agreement on replacement planting.
- 6.9 United Utilities – Approve in principle the submitted drainage details request that a condition is applied to secure them

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the initial round of consultation 4 letters of objection have been received from neighbouring residents in addition to a 3 separate petitions of 10 signatures (against the removal of a right of way to the rear of Coniston Drive properties), 147 and 272 signatures (against the loss of the convenience store within the Ambleside Parade).
- 7.2 The following concerns have been raised with the individual object letters
- The application form is ambiguous and does not clearly identify the proposed loss/demolition of the retail parade.
 - There is no reasoning to why the retail units should be lost,
 - There is a lack of sufficient evidence to demonstrate that the Ambleside parade is either dated, redundant or unoccupied,

- The proposals are contrary to the advice of paragraph 92 of the NPPF which states that decisions should guard against the unnecessary loss of valued facilities and services , particularly where they would reduce the community's ability to meet its day-to-day needs.
- The applicant's statement is silent against UDP policy S5 which also advocates for the retention of local shops and services.
- The local convenience store is an essential service which is well used by the local community,
- The local topography restricts peoples mobility and other facilities are not convenient or accessible,
- The parade of shops were built as an integral part of the estate with the intention of sustaining a local and necessary facility for the community,
- The estate is a considerable distance from a post office or bank, the shop provides essential payment opportunities,
- General concerns over health and safety impact of construction on trees located outside of the site boundary.

7.3 Stalybridge North Councillors Pearce, Jackson and Gosling object to the proposals (Comments summarised). They support the principle of the redevelopment of a brownfield site but object to the loss of valued local shops and community facilities. Regeneration involves more than housing and needs to be mindful of the needs of the wider community. Comment that there have been cuts to services across the Ridge Hill estate which is isolating the local community. The topography of the estate creates mobility challenges. The existing convenience store is well used by local residents and provides a vital facility. The current owner has leased and operated the convenience store successfully for over 13 years demonstrating that there is local demand; there are also aspirations of operating a post office from the same premises. In addition to the loss of the retail use concerns are also raised with regard to the design and security of the proposed development and its impact upon local residents with properties bordering the site.

8. ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The land use allocation of the site is split, the Rydal Walk properties are unallocated but as a reflection of the ground floor retail units the Ambleside fronting block is identified as a local Shopping parade on the adopted UDP proposals map. It should be noted that this is the only allocated shopping parade to serve the Ridge Hill estate, any other retail/commercial uses within the vicinity are not subject to any formal allocation within the Development Plan. The nearest allocated centre outside of the site is Stalybridge town centre which is located approximately 0.6 miles to the south of the site access to which is constrained by local topography.
- 9.2 Policy S5 'Changes of Use in Local Shopping Centres' is the prevailing policy. Whilst the UDP pre-dates the NPPF policy S5 it is still considered to be compliant with national guidance particularly that contained within paragraph 92 which applies to local community services. Paragraph 92 (criteria C) stresses that to provide services the community needs decisions should; 'guard against the unnecessary loss of valued facilities and services , particularly where this would reduce the community's ability to meet its day-to-day needs'.
- 9.3 UDP policy S5 is a retail protection policy. It sets a very high threshold for the consideration of non-retail uses on allocated sites. It states that that the Council will; 'Permit changes of use of retail premises to other uses where each of the following criteria can be satisfied':
- (a) continued retail use does not appear to be viable,*
 - (b) introduction of other uses would reduce the extent of vacant properties and improve the local environment, and*
 - (c) the day to day needs of the local community can still be met from other local shopping facilities in the area.*
- 9.4 The applicant has updated their initial planning statement including a review of policy S5. It identifies that a reduction in footfall has driven a high turnover in voids rendering the parade unviable. It is stressed that the principle of the sites demolition, including the loss of the parade has been established under the prior approval application (17/01088/NDM), which when implemented would result in an empty void on the estate. The statement also identifies that there are alternative retail uses to those identified within the vicinity, this includes a variety of retail/convenience stores and Hot food takeaways located at Ladysmith Road, Church Walk, Ridge Hill Lane and George Street which are within a 400m catchment. The applicant, believes that the ability for the community to meet its day to day needs can be adequately met by provision at these alternate sites.
- 9.5 Application 17/01088/NDM was not an application for planning permission and solely relates to the demolition works only. Its approval is a material consideration, and it represents an established fall back for the demolition and site clearance of all 4 residential blocks located at Ambleside and Rydal Walk, which also includes the convenience store. However, in considering proposals for redevelopment the weight which can be attributed to the demolition works is limited, the starting point for the determination of any application for redevelopment remains the Development Plan, which affords protection to the local retail parade through the site allocation.
- 9.6 A balancing exercise needs to be undertaken to identify whether there are material considerations that would justify a departure from the loss of the retail parade and UDP policy S5 and the wider advice and guidance of the NPPF. Paragraph 120 (b) of the NPPF states that where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

- 9.7 With regard to the broad principle of residential development at the site, it is noted that the residential use would be readily compatible with adjoining uses and that the applicant's contribution to investment in affordable housing stock would be welcomed. The Council's current lack of a 5 year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- 9.8 Chapter 11 of the NPPF promotes the effective use of land and is of particular relevance during periods of housing undersupply. In Paragraph 121 (b) it identifies that decisions should support development of retail land for homes provided that it would be compatible with other policies within the framework. In the applicant's circumstances conflict arises against the provision of paragraph 92 so the provision of paragraph 121 carries reduced weight. In meeting housing needs paragraph 123 states that during periods of housing undersupply decisions should avoid homes being built at low densities. Criteria C goes on to state that permission should be refused where it is considered that an efficient use of land would not be achieved.
- 9.9 Prior to the current site clearance works the site supported 51 x 1 bedroom flats across the 4 residential blocks. The principle for the loss of these units has been established, it is recognised that elements for the previous accommodation were failing and that there is a regenerative case for the site's redevelopment (in principle) of family orientated housing. Notwithstanding this, as per the requirements of paragraph 123 and the Council's current housing undersupply situation, it is considered that a comparison of the previous and proposed densities is warranted. Not including the retail use the site was constructed to a housing density of 75uph in comparison the proposals would achieve a density of 35uph.
- 9.10 Moving back to the land use allocation, and the policy S5 / paragraph 92 assessment provided by the applicant, it is not considered that a robust case has been presented to justify a departure from the Development Plan. The applicant has provided some relevant information relevant against criteria C of policy S5 (the day to day needs of the local community can still be met from other local shopping facilities in the area), the case is however, substantially weakened given that these alternate sites are not formally allocated with the Development Plan. The applicant's case is also silent on the other two criteria points raised by the policy, namely continued use of the units being viable (criteria A) and the introduction of other uses to reduce vacancies (B). The policy test would usually expect to see sufficient evidence in the form of tenancy agreements and marketing information. The lack of substantive marketing evidence undermines claims that continued use of the units is not viable, the information which has been provided is a potted history which is not substantive to the merits of the case. Furthermore, it would appear especially challenging to demonstrate a lack of demand or need for the facility in the face of mounting objection from the local community and current retail operator. Notwithstanding that prior approval for demolition works has been granted, it remains that in accordance with policy S5 and Paragraph 92 significant weight should be given to the retention of commercial/retail activity at the site, which remains the only designated local parade on the Ridge Hill housing estate.
- 9.11 The applicant sets out that the site is within an accessible location, using Stalybridge town centre as an appropriate proxy from which to make this judgement identifying train and bus services operating from it. The site is some distance from the town centre, approximately 800m in real walking terms and is located within a Greater Manchester Accessibility area scored as Level 4/5. As set out within the draft Greater Manchester Spatial Framework through policy GM-H4 a minimum accessibility score of 6 is recognised as being an accessible location. Whilst there are some bus services within the Ridge Hill area overall connectivity with the transport network is not considered to be particularly good and this is

further compounded by access and mobility issues which arise as a result of the areas topography.

- 9.12 In balancing the merits of the proposals against matters of the community use, it is concluded that the application has failed to demonstrate that the ability of the community to continue to meet its day to day needs would not be prejudiced. The site is located within a purposeful and accessible location which fulfils its original intention of serving residents of the Ridge Hill estate. The relative low density (in comparison to the previous use) would further compromise the Council's current housing supply shortage. Consideration to this concludes that an element of commercial/retail development should be retained at the site and in the absence of this the principle is not supported.

10. DESIGN, LAYOUT AND SECURITY

- 10.1 The proposed house types themselves are considered to be of a sufficient design quality. Concerns are however, raised in relation to matters the design layout. The failings of the previous development was probably in part due to the layout which worked to 'Radburn' estate principles with a reliance upon shared parking courts which are openly accessible with poor surveillance. The demolition of the maisonettes in replacement of traditional family housing is in part welcomed but the replacement accommodation would effectively work to the same compromised layout with the dwellings being positioned in almost a like for like fashion to that of the original maisonettes. This would result in the exposure of rear boundaries with little to no passive surveillance, isolated car parking and servicing areas and overall lack of defensible space. This is not considered to be conducive to the principle of Secure By Design or Building for Life.
- 10.2 The revised NPPF places an even stronger emphasis on promoting security and ensuring that development is of a sufficient design quality . The cumulative impacts of the design shortcomings is considered to fail the test of paragraph 91(b) which promotes decisions which secure safe places and reduce crime and disorder and paragraph 130 which states that; 'Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions'.
- 10.3 The designs shortcomings are largely dictated by the change in levels across the site and exposure of rear boundaries within the central access/parking area. The position of plots 1-8 sets up a poor internal streetscape whereby the principal access would be framed by a dominance of car parking and rear boundary treatments. This arrangement exposes the rear boundaries of properties and goes against the grain of perimeter block principles which seek to ensure that back gardens do not have an interface with the public realm. This would not be conducive to good design and runs contrary to the advice with the Residential Design Guide and assessment criteria of Building for Life.
- 10.4 More generally it is considered that the overall spacing and layout is generally ill conceived. The layout does not meet the design requirements of the Highways Authority (to be discussed later) in terms of adoption and service consideration. More general areas of weakness taken with the design also include;
- Surveillance / engagement with the footpath & public parking areas is poor;
 - Dependence on steps and levels don't address mobility issues;
 - Bin storage area within the public domain.
 - Terminating views within the development are of parking spaces;
 - Rear gardens not proportionate to style/size of dwellings;
 - No understanding to the management / ownership of onsite public open space.

- 10.5 The designs shortcomings have also been reflected in the consultation responses from the GMP security officer. Secured By Design New Homes 2016 guidance advises that Vehicular and pedestrian routes should be designed to ensure that they are visually open, direct, well used and should not undermine the defensible space. Issues are raised with the perceived exposure of the rear boundary of Ambleside facing properties and the relative isolation of parking together with the overall openness of the site which could attract anti-social behaviour.
- 10.6 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 130). The cumulative impact of the above design issues suggests that the design needs to be revisited to improve security accessibility, failure to do this would lead to an environmental legacy which falls short of the Councils' aspirations of promoting sustainable inclusive design.

11. HIGHWAY SAFETY & ACCESSIBILITY

- 11.1 All properties would take pedestrian and vehicle access Ambleside via the existing entrance. Parking standards would be in accordance with policy requirements. Traffic movements to and from the site would be acceptable in terms of local capacity and no-off site mitigation is required to address the scale of development.
- 11.2 Rydal Walk is not an adopted highway. TMBC's policy is that no more than 5 dwellings can be served from a private drive. Consultation with LHA confirms that the layout would not meet adoption standards and would raise a number of maintenance and safety liabilities. Concerns are raised with the access levels to both carriage and footways and it has still not been demonstrated that these would be compliant with DDA requirements. Whilst the access routes have served previous development this would not meet modern design standards, this is particularly pertinent to overall mobility objectives. The lack of a dedicated footway within the design would require pedestrian and wheelchair users to access plots 19-24 via the carriageway which is not conducive to highway safety.
- 11.3 The ability for vehicles to safely manoeuvre within the development would be compromised. The turning head would struggle to accommodate refuse and emergency vehicles and the absence of a turning head to the private driveway means that vehicles would have to perform lengthy reversing manoeuvres from plots 19-24. The dimensions of this driveway also fail to accommodate an adequate service strip which raises questions with regard to utility provision and lighting.
- 11.4 In recognition of the above issues the development fails to demonstrate that safe and convenient access can be achieved to meet all highway users' requirements. This is therefore considered to be contrary to the requirements of T1.

12. LANDSCAPING & ECOLOGY

- 12.1 Consultation with the Tree Officer confirms acceptance to the proposals identifying the proposed landscaping would achieve an acceptable level of mitigation and overall enhancement in tree cover at the site.
- 12.2 All trees to be retained on the site would be protected from the development to prevent damage to the root system and ensure their future retention.

- 12.3 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include locally native species to benefit and maintain wildlife connectivity in addition to the fixture of bat and bird boxes to the each of the dwellings.

13. DRAINAGE

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have confirmed that the foul water drainage flows from the development can be accommodated into the existing network the apparatus for which is located within the surrounding highway to the site. .
- 13.2 The site would be positively drained and the attenuation of surface water would ensure that greenfield run-off rates can be achieved. Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

14. GROUND CONDITIONS

- 14.1 The Coal Authority records indicate that the site is not within a high risk mining area therefore any approval would be subject to the Coal authority's standing advice. .

15. CONTRIBUTIONS

- 15.1 Had the scheme been considered acceptable in all regards officers would be seeking contributions to mitigate the impact of the development in relation to highways, education and open space requirements. This would be secured through a section 106 agreement and has not been progressed.

16. CONCLUSION

- 16.1 It is accepted that prior approval has been granted at the site for the demolition and clearance of all existing properties. Whilst this is a material consideration it remains that prior approval is not an application for planning permission. The principle of redevelopment therefore needs to be established in accordance with the land use allocation which as a designated Local Shopping parade is protected by UDP policy S5 and paragraph 92 of the NPPF.
- 16.2 The proposal would result in the loss of the designated shopping parade which is the only allocated retail site on the Ridge Hill estate. The applicant has not provided sufficient justification that the parade is no-longer needed / viable in the form of robust marketing information. Conversely the comments raised by the existing retail operator, local residents and Members clearly demonstrates that the parade serves the day to needs of the local community.
- 16.3 Whilst there are merits to the provision of modern affordable housing the overall regeneration case presented by the applicant is not compelling. In addition to the concerns over the loss of the retail use and community impact there are also issues taken with the proposals in terms over the contribution to housing supply, design, layout, security and access arrangements. The cumulative impact of these unresolved issues confirms that there would be no demonstrable benefits which would outweigh the resulting harm which would be caused. Whilst the Council has tried to proactively work with the applicant to address these issues it is regrettable that an acceptable resolution could not be achieved.

Consequently it is recommended that planning permission is refused for the reasons set out below.

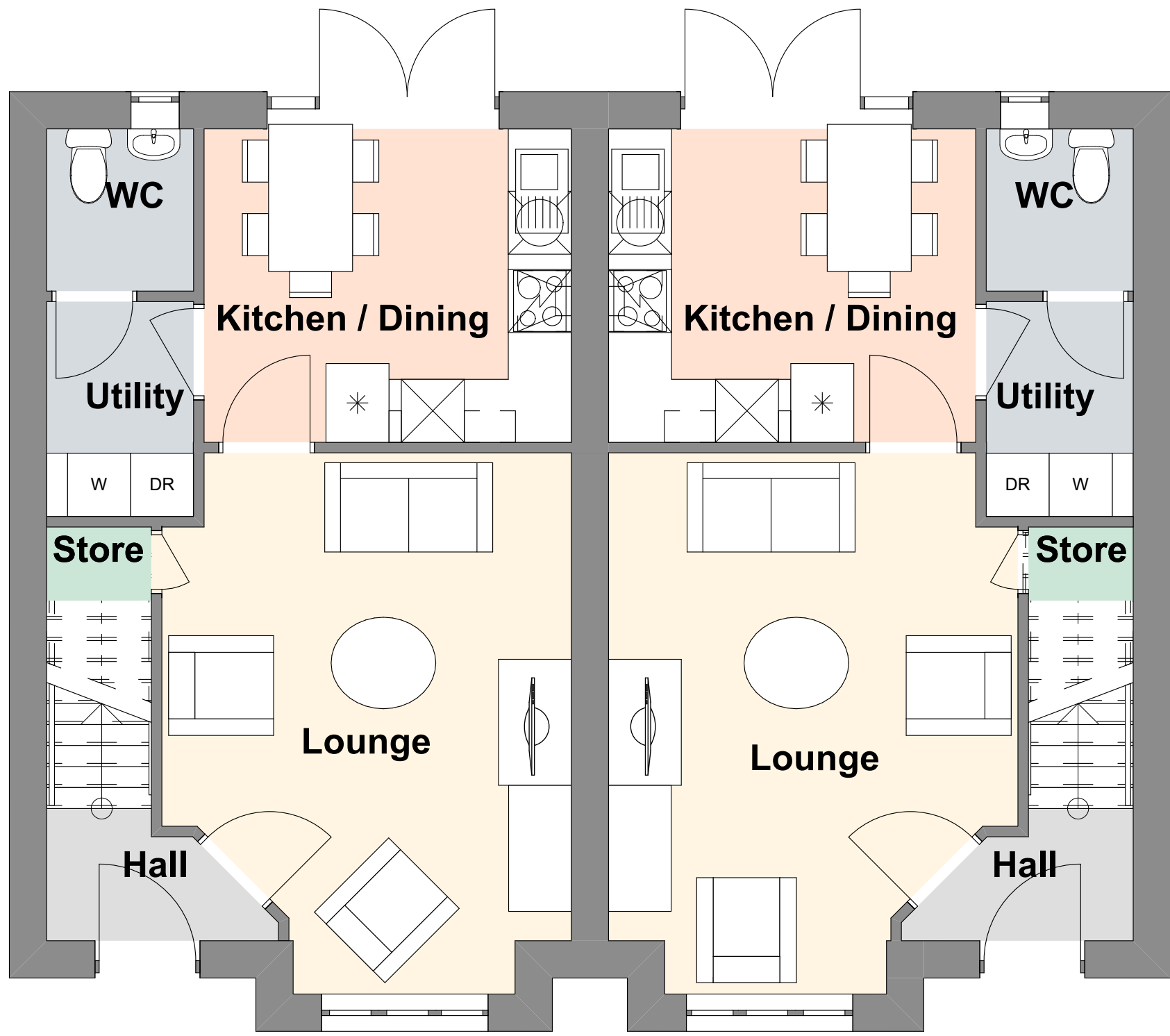
17. RECOMMENDATION: Refuse

1. The proposal would not be compliant with the sites allocation as a Local Shopping Parade in the adopted Tameside Unitary development Plan. The application has failed to provide an adequate justification as to why continued retail use would not be viable. The site is the only retail allocation on the Ridge Hill estate, other retail premises are not afforded the same level of protection and are also not as accessible as the application site. The loss of a retail use would be contrary to UDP policy S5 and paragraph 92 of the NPPF in that the development would result in the loss of an essential use which would prejudice the ability of members of the local community to meet their day to day needs.
2. The proposed layout, landscaping and access arrangements of the proposals would fail to achieve a standard of design that meets Secure by Design objectives or provides safe and convenient access for highways users. The proposals fail to provide the scale, built form or density of development that is required that would respond to the local regeneration context and allocation of the site as a Local Shopping parade. Given this combination of factors, the proposals would fail to comply with Section 12 (Achieving well-designed places) of the National Planning Policy Framework and policies H7, H10, C1, S5 and T1 of the Tameside Unitary Development Plan. The harm arising from the layout and appearance of the proposals would significantly and demonstrably outweigh the benefits of the scheme and therefore planning permission should be refused.
3. The layout fails to provide adequate secure access for pedestrians and in particular persons faced with mobility issues. The lack of dedicated footways would mean that access to plots 19-24 would necessitate pedestrian activity within the highway carriageway which is not conducive to safe highway design. Consequently the application is deemed not to meet the requirements of UDP policy T1 and paragraph 108(b) of the National Planning Policy Framework.
4. The development would fail to achieve a density that would make an optimal use of the site. This is considered contrary to paragraph 123 of the National Planning Policy Framework which strives to ensure the efficient use of land during periods of undersupply.

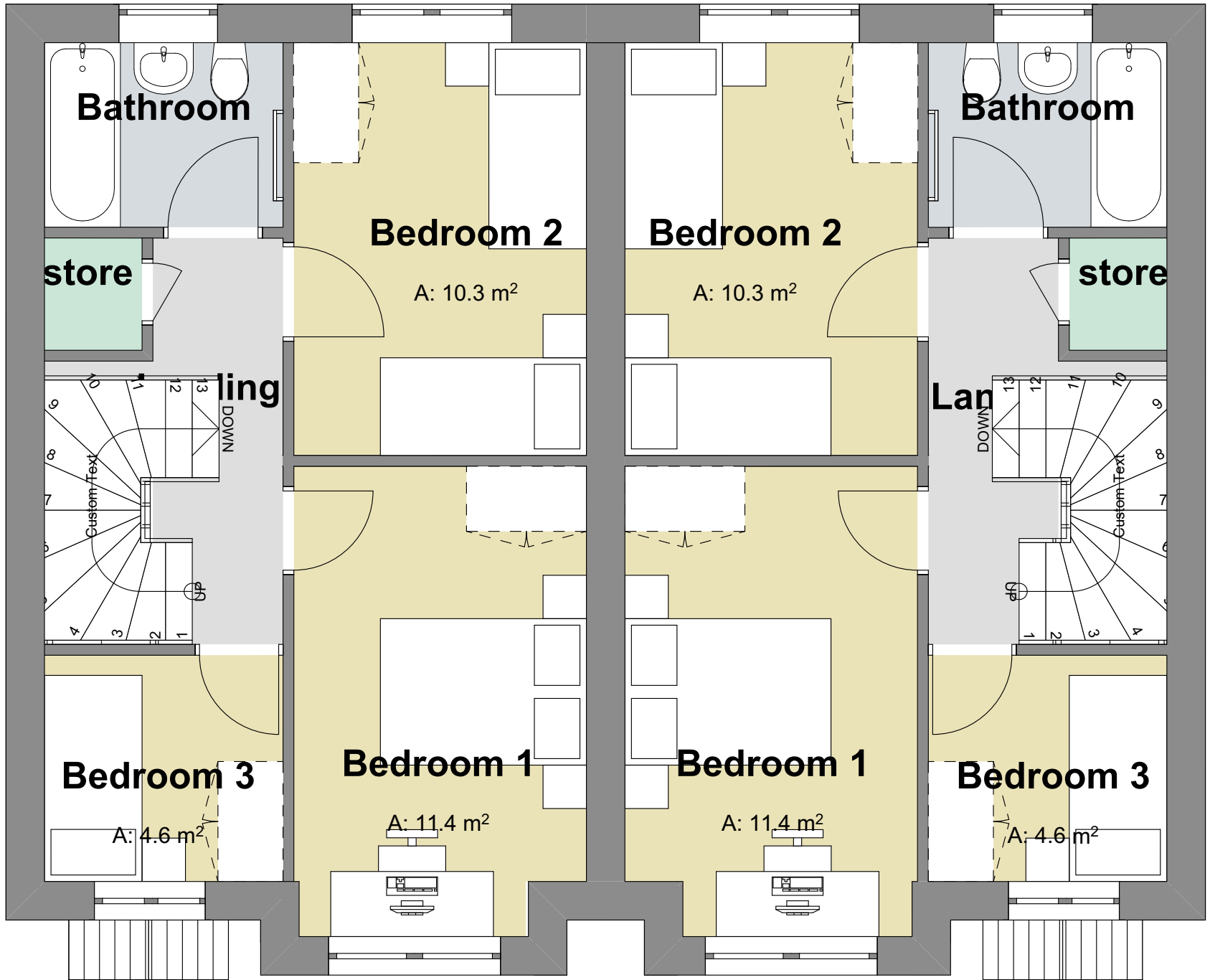
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4B6P Plans and Elevations
(98sqm)

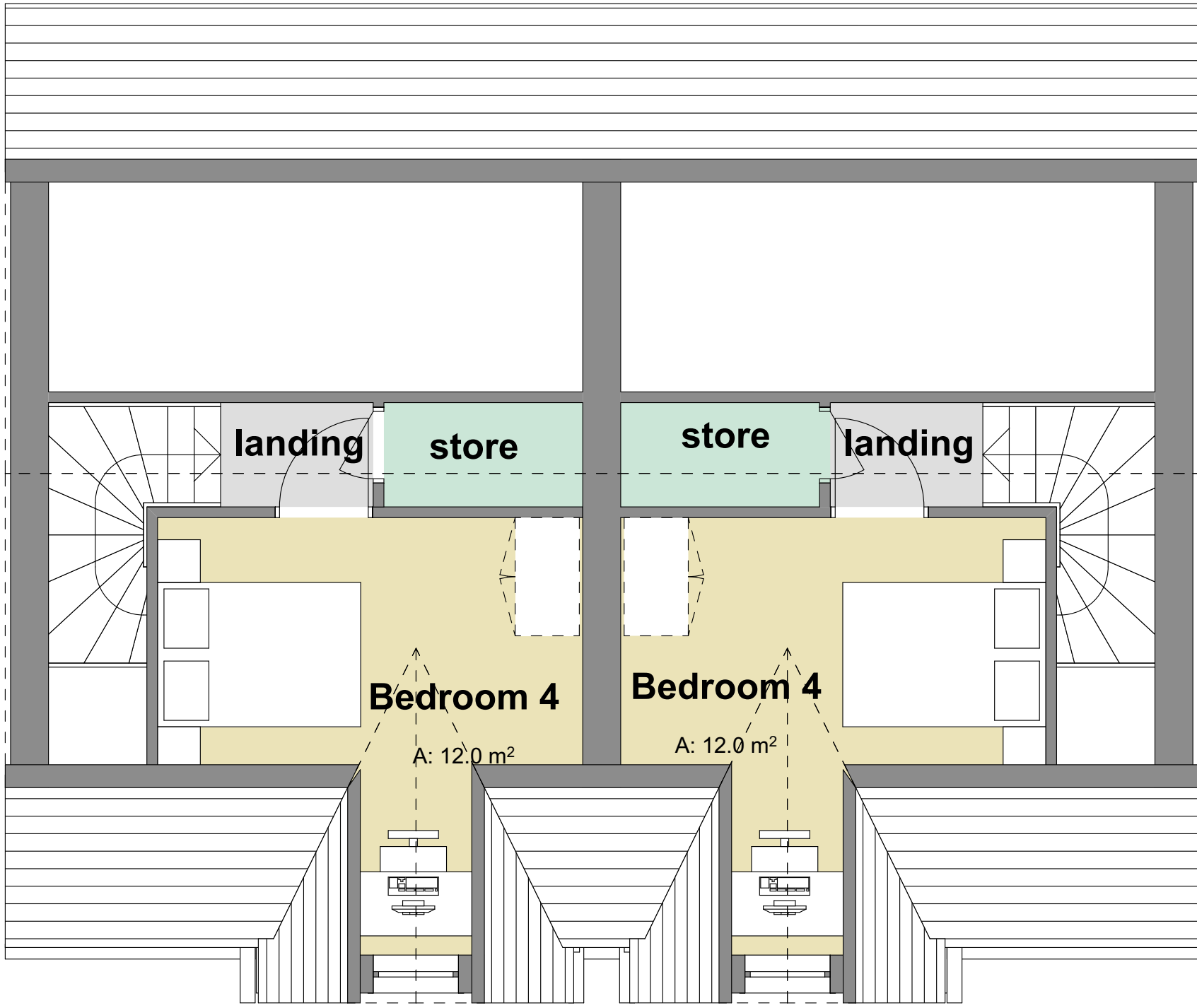
4B6P UNIT PLANS



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF FLOOR PLAN

Page 63



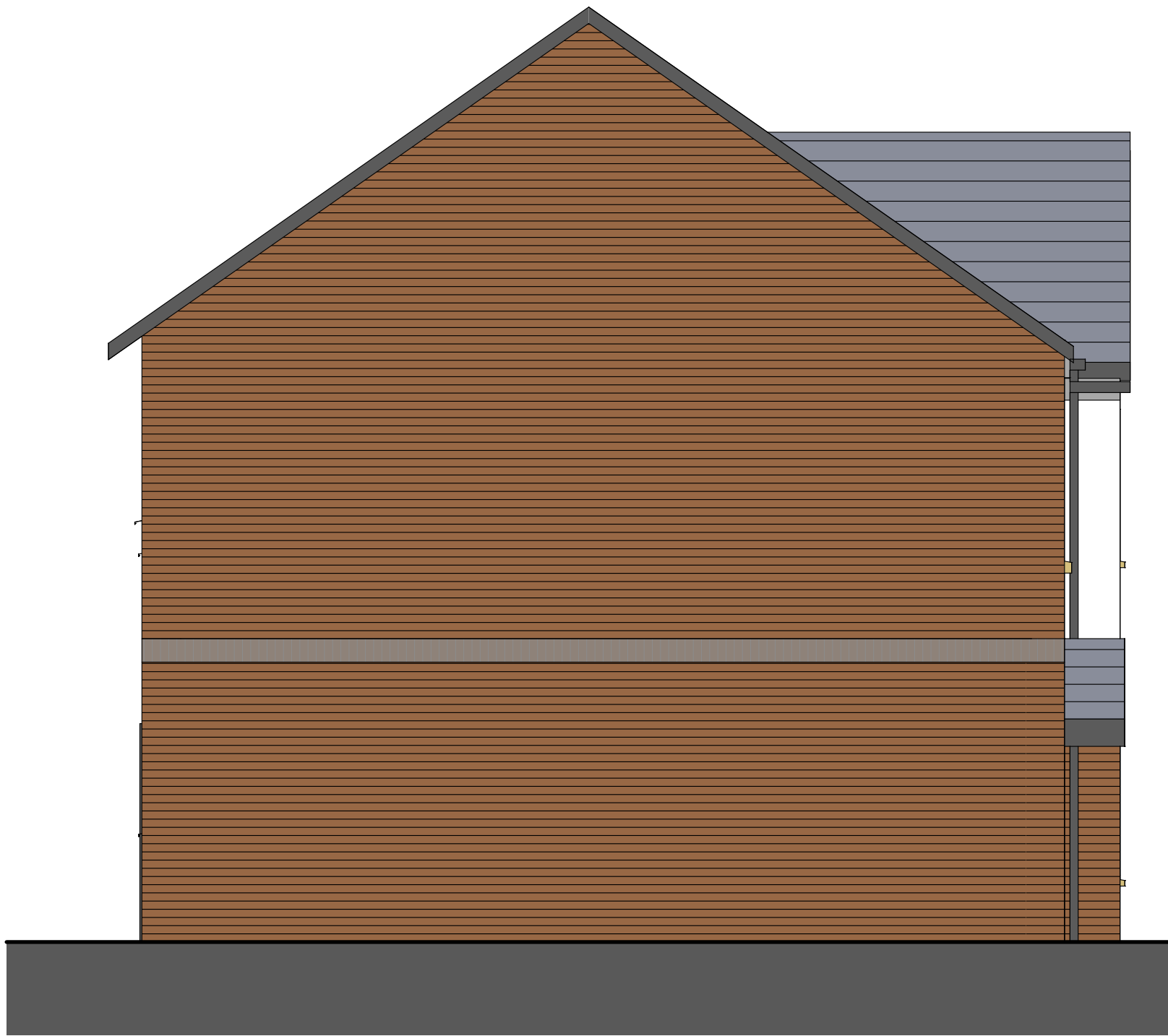
PROPOSED FRONT ELEVATION

- Dark grey slate effect Marley Edgemere roof tiles
- Dark grey gutter and fascia board
- Grey uPVC windows
- Off White silicone render
- Grey brick soldier course
- Dark grey rainwater pipes
- Brown brickwork
- Dark grey front door

- Vlux to top en-suite
- Obscure Glass to bathroom
- Obscure Glass to W/C
- Dark grey patio door



PROPOSED REAR ELEVATION



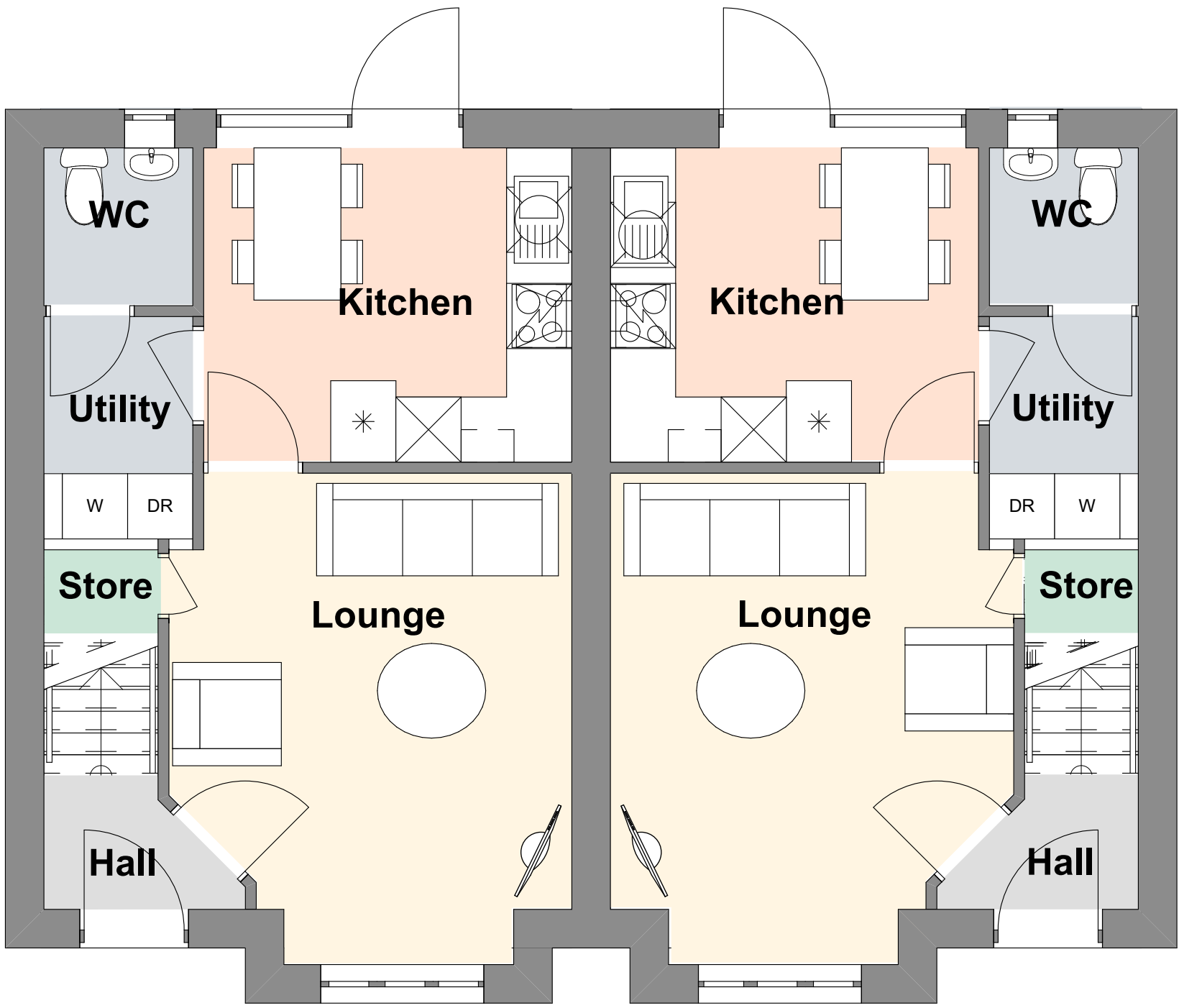
PROPOSED SIDE ELEVATION

A	UNIT SIZE AMENDED AND EN-SUITE OMITTED	23.11.2018	HW
DESIGNATION	DETAIL OF REVISION	DATE	INITIALS
PROJECT	TITLE	SIZE	STATUS
Rydal Walk Ambleside	4B6P Plans and Elevations (98sqm)	A1	PLANNING
PROJECT No: 1664	DRAWING No: L-006A	DRAWN BY: HW	CHECKED: DS
DATE: FEB 18	SCALE: 1:50		
JOHN McCALL ARCHITECTS LTD			
No. 1 Arts Village, Henry Street, Liverpool L1 5BS Tel: 0151 707 1818 Fax: 707 1819			
Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk			

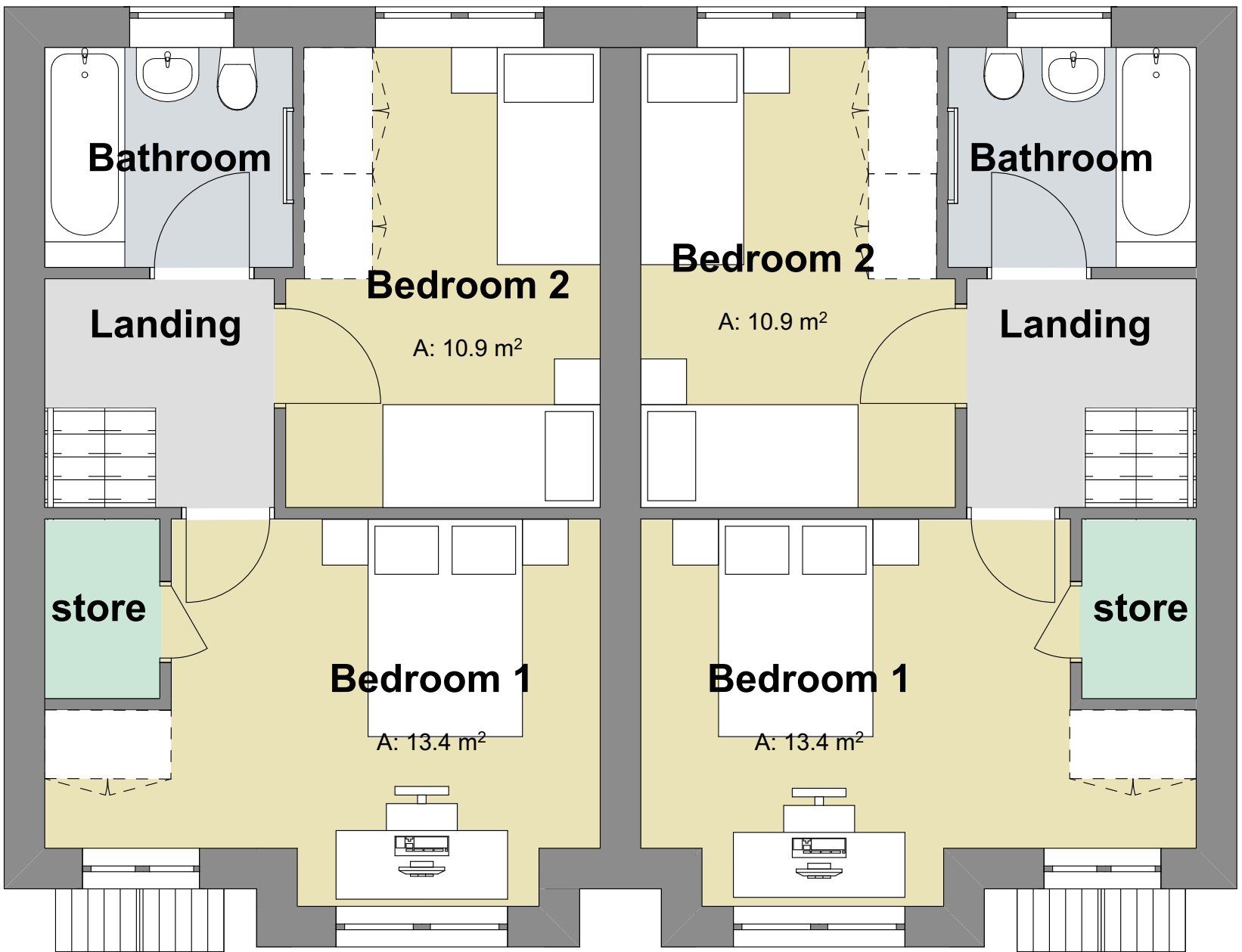
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2B4P Plans and Elevations
(70sqm)

2B4P UNIT PLANS



Page 65
PROPOSED GROUND FLOOR PLAN



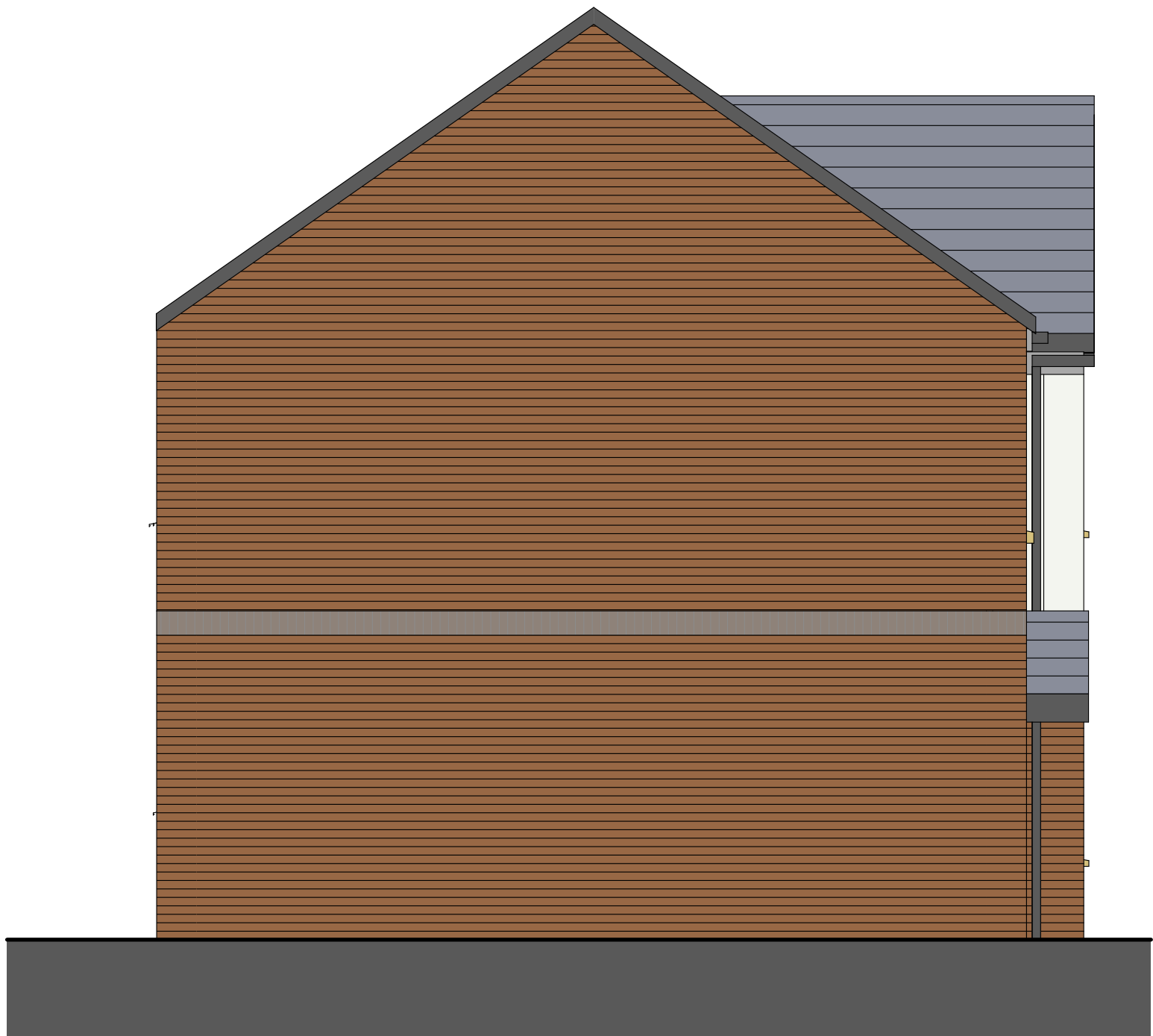
PROPOSED FIRST FLOOR PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

- Dark grey slate effect Marley Edgemere roof tiles
- Dark grey gutter and fascia board
- Grey uPVC windows
- Off White silicone render
- Grey brick soldier course
- Dark grey rainwater pipes
- Brown brickwork
- Dark grey front door

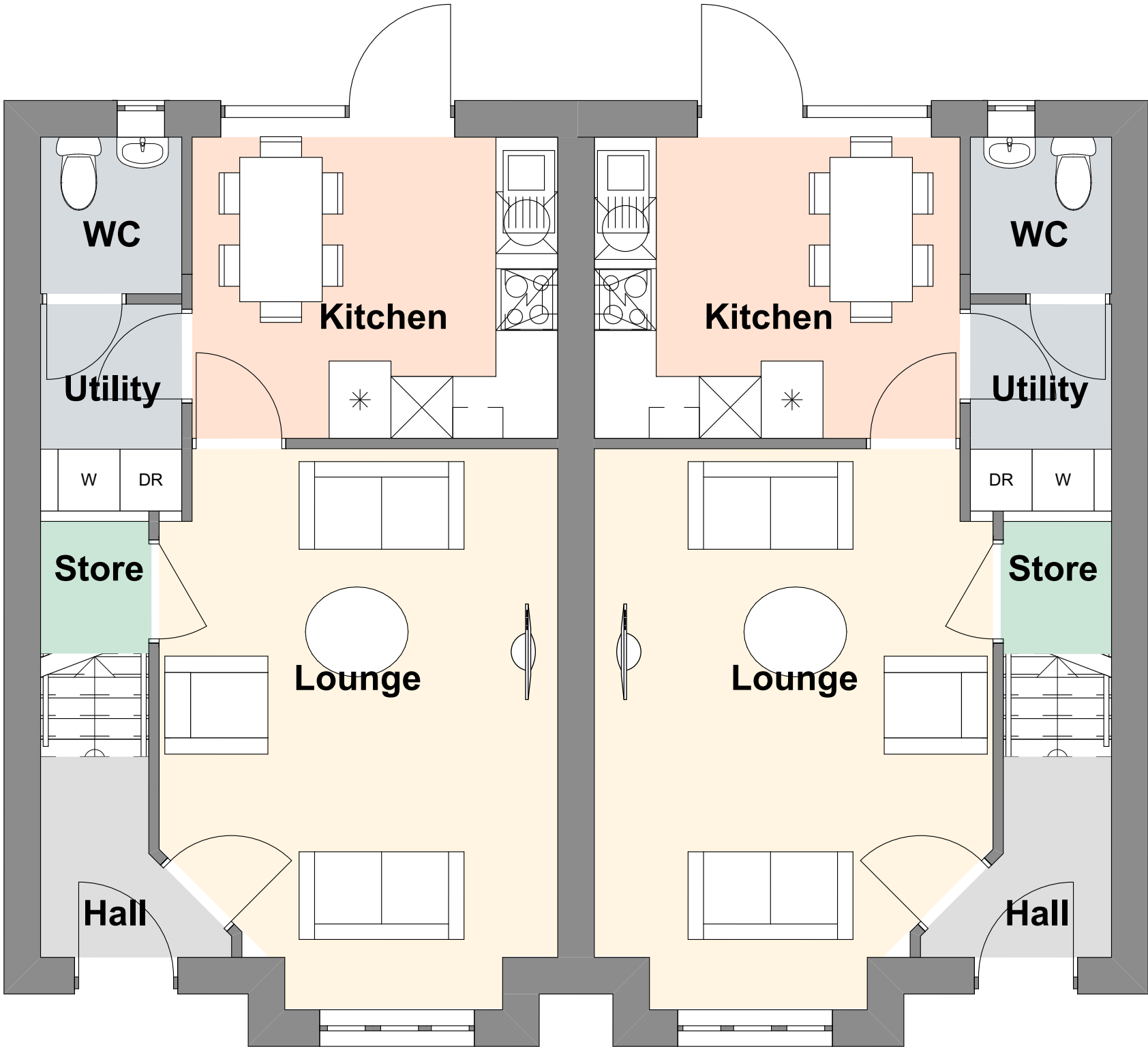
- Obscure Glass to W/C
- Obscure Glass to W/C
- Dark grey patio door

A	UNIT SIZE AMENDED	23.11.2018	HW
DESIGNATION	DETAIL OF REVISION	DATE	INITIALS
PROJECT	TITLE	SIZE	STATUS
Rydal Walk Ambleside	2B4P Plans and Elevations (70sqm)	A1	PLANNING
PROJECT No: 1664	DRAWING No: L-003A	DRAWN BY: HW	CHECKED BY: DS
DATE: FEB 18	SCALE (1:100)	1:50	
JOHN MCCALL ARCHITECTS LTD			
No. 1 Arts Village, Henry Street, Liverpool L1 5BS Tel: 0151 707 1818 Fax: 707 1819			
Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk			

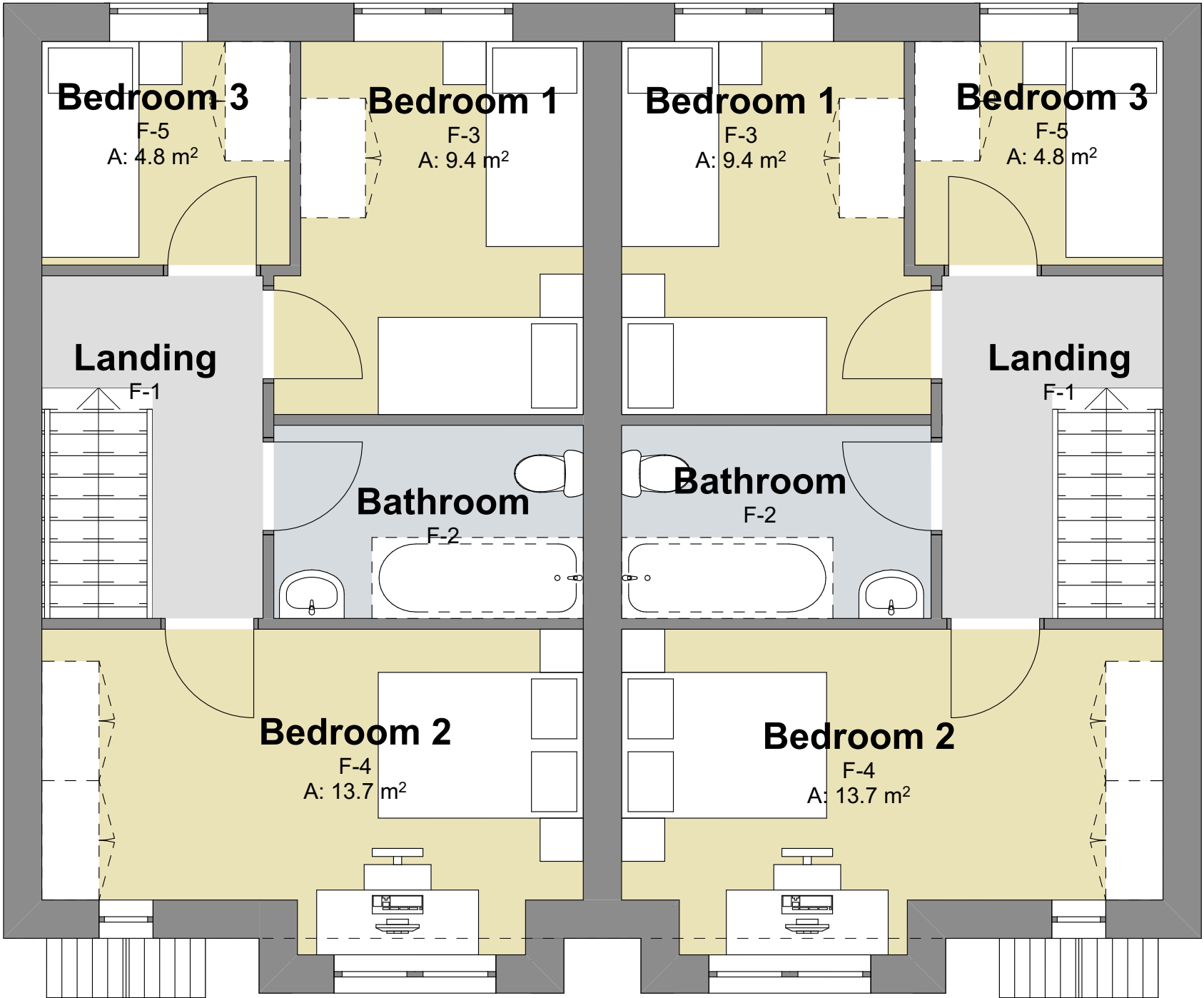
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3B5P Plans and Elevations
(80sqm)

3B5P UNIT PLANS



PROPOSED GROUND FLOOR PLAN



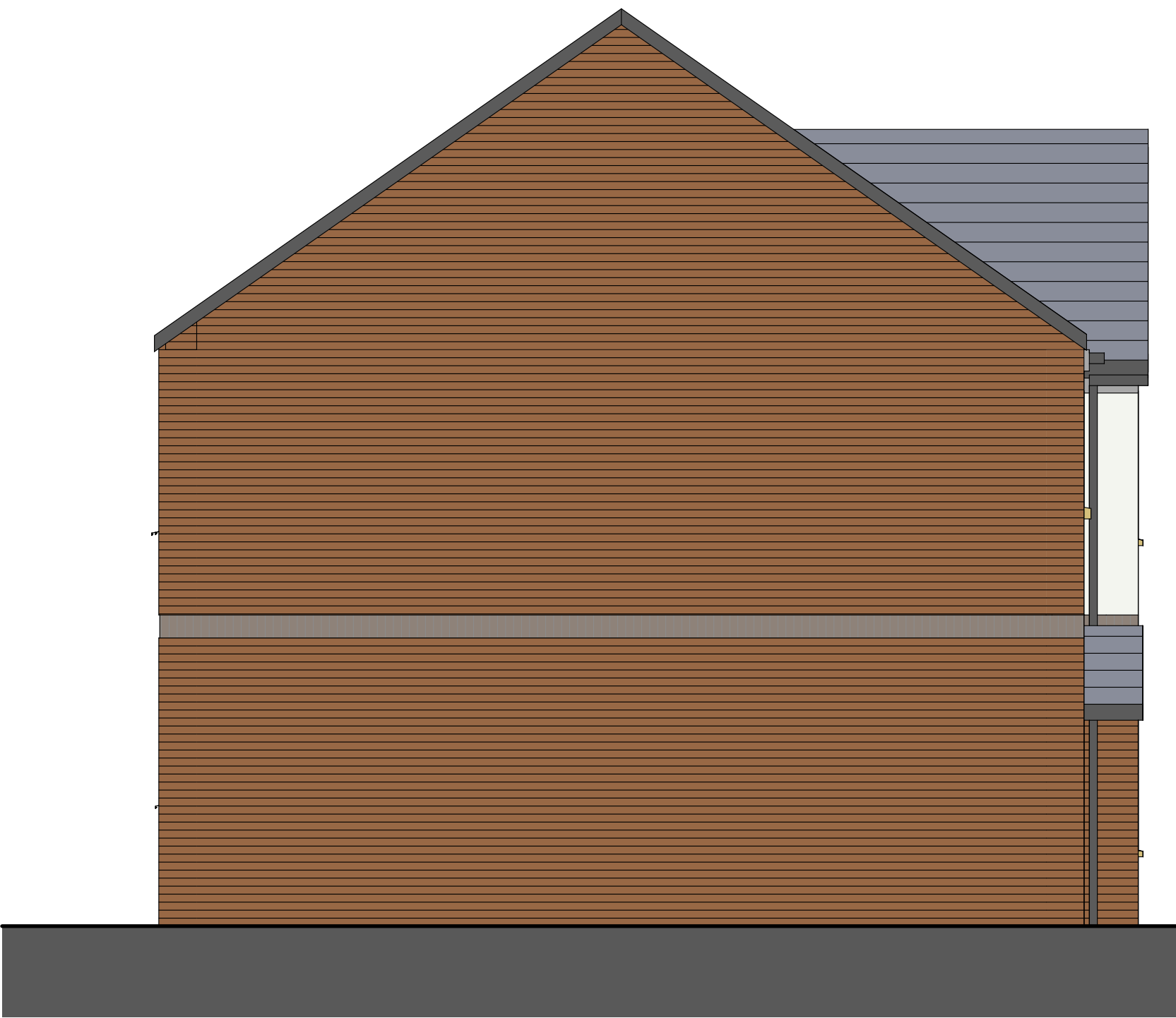
PROPOSED FIRST FLOOR PLAN



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

B	UNIT SIZE AMENDED	23.11.2018	HW
A	EN-SUITE OMITTED	26.10.2018	HW
DESIGNATION	DETAIL OF REVISION	DATE	INITIALS

PROJECT	TITLE	SIZE	STATUS
Rydal Walk Ambleside	3B5P Plans and Elevations (80sqm)	A1	PLANNING
PROJECT No 1664	DRAWING No L-004B	DRAWN BY HW	CHECKED DS
DATE FEB 18	SCALE (1:100)	1:50	

JOHN MCCALL ARCHITECTS LTD	No.1 Arts Village, Henry Street, Liverpool L1 5BS Tel: 0151 707 1818 Fax: 707 1819
Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk	

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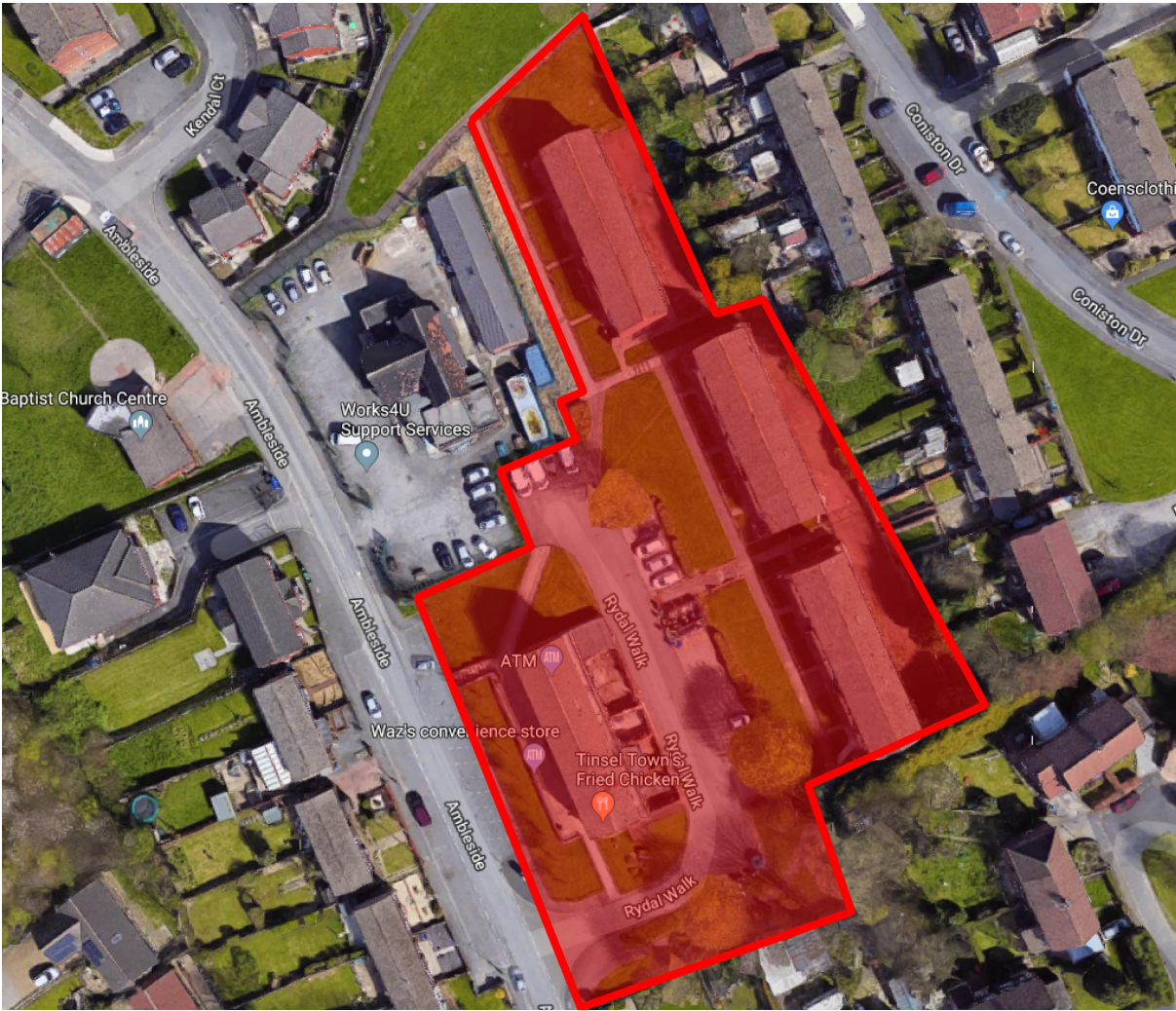
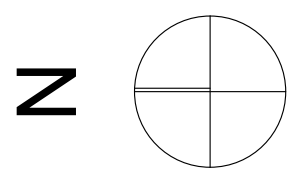
24

Units

2no. 2B4P @70 sqm

18no. 3B5P @80 sqm

4no. 4B6P @98 sqm



SITE AREA : Roughly 6800m² / 0.68 Ha



C	PAVING FLAGS REDUCED AND STEPS ADDED FOR FRONT ACCESS TO PLOTS 1-8	29.11.2018	HW
B	UNIT SIZE AMENDED	23.11.2018	HW
A	EN-SUITE OMITTED	26.10.2018	HW
DESIGNATION	DETAIL OF REVISION	DATE	INITIALS

PROJECT

Rydal Walk
Ambleside

TITLE

Proposed Site Plan

SIZE

A1

STATUS

PLANNING

PROJECT No

1664

DRAWING No

L-002C

DRAWN BY

HW

CHECKED

DS

DATE

FEB 18

SCALE (1:100)

1:200

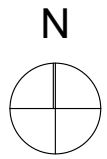
JOHN MCCALL ARCHITECTS LTD

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Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk

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Location Plan



PROJECT

**Rydal Walk , Ambleside
Stalybridge**

TITLE

Location Plan

SIZE

A4

STATUS

PLANNING

PROJECT No

1664

DRAWING No

L-000

DRAWN by

HW

CHECKED

DS

DATE

DEC 17

SCALE (u.n.o)

1:1250

JOHN MCCALL ARCHITECTS LTD

No .1 Arts Village, Henry Street, Liverpool L1 5BS Tel: 01707 1819 Fax: 707 1819

Old Coop Building, Church Street, Hayfield, SK22 2JE e-mail: admin@johnmccall.co.uk

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Application Number: 18/01130/FUL Land at Ambleside Parade / Rydal Walk, Ridge Hill, Stalybridge

Photo 1: View of the existing retail parade



Photo 2: Rear view of Ambleside Retail parade



Photo 3 Rydal Walk Maisonettes prior to demolition



Photo 4: Parking to Ambleside Parade



Photo 5: Rydal Walk Entrance



Photo 6: Rydal Walk



Appeal Decisions

Site visit made on 29 April 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2019

Appeal A: Ref: APP/G4240/W/19/3221352

53-55 Stockport Road, Denton, Tameside, M34 6DB

- 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 Mrs Kirsty Biden (Infinity Property Investing Ltd) against the decision of Tameside Metropolitan Borough Council.
- The application Ref: 18/00930/FUL dated 23 October 2018 was refused by notice dated 23 January 2019
- The development proposed is change of use of a listed building to from B1 (offices) to Sui Generis (12 No unit house in multiple-occupation).

Appeal B: Ref: APP/G4240/Y/19/3223203

53-55 Stockport Road, Denton, Tameside, M34 6DB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mrs Kirsty Biden (Infinity Property Investing Ltd) against the decision of Tameside Metropolitan Borough Council.
- The application Ref: 18/00946/LBC dated 28 October 2018 was refused by notice dated 20 February 2019.
- The works proposed are internal layout alterations only to Grade II listed building to facilitate proposed new residential use.

Decisions

1. **Appeal A is allowed**, and planning permission is granted for the change of use of a listed building from B1 (offices) to Sui Generis (12 No unit house in multiple-occupation) at 53-55 Stockport Road, Denton, Tameside, M34 6DB in accordance with the terms of the application, Ref: 18/00930/FUL dated 23 October 2018, subject to the conditions set out in the Schedule attached to this decision.
2. **Appeal B is allowed**, and listed building consent is granted for internal layout alterations only to Grade II listed building to facilitate new residential use at 53-55 Stockport Road, Denton, Tameside, M34 6DB in accordance with the terms of the application Ref: 18/00946/LBC dated 28 October 2018, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

3. I have taken the description of the proposed development and works from the Council's decision notices. Although they differ from that given on the application forms, I consider it more concisely describes the proposal.

Main Issues

4. **Appeal A:** I consider the main issue in Appeal A is the effect of the proposed change of use on the character and amenity of the surrounding area in terms of an over-intensive form of development and whether it would add to parking stress in the area because of an increased demand for on-street parking.
5. **Appeal B:** I consider the main issue in Appeal B is the effect of the proposal on the special architectural and historic interest of the Grade II listed building.

Reasons

6. The appeal relates to a 3-storey Georgian town house, a Grade II listed building which has latterly been used as offices. It has however been vacant for several years, and most of the rooms are in a state of disrepair. The ground floor is the most intact with original features limited to some examples of plasterwork and coving, together with some original doors and other woodwork. There are signs of fire damage and water ingress to several areas of the building and clear visual evidence of some structural problems.
7. In the main most of the external fabric seems to be in reasonable condition, although the front entrance is currently bricked up and the roof is in poor condition. Replacement timber windows were inserted about 10 years ago to a traditional design. The rear courtyard is shared with other neighbouring businesses and is currently used as an informal parking area.

Appeal A:

8. The proposal is for change of use from offices (Use Class B1) to a 'House in Multiple Occupation' (HMO). The 12 bedrooms would be spread over three floors and each would have en-suite facilities. Additionally, there would be two communal kitchens. The basement would incorporate a secure cycle/storage area and there would be three dedicated parking spaces in the rear yard.
9. The principle of redevelopment for residential purposes, albeit individual flats, has been established through an earlier permission which also incorporated the adjoining building (since converted to offices). The property is located within the Denton town centre boundary but does not fall within a defined Primary Shopping Centre. There is thus no policy restriction to changes of use to residential.
10. The Council and others in the representations are concerned that the proposal would amount to an overdevelopment of the site. However, the Council's *Residential Design Supplementary Planning Document* (SPD) identifies standards for new residential development and the Council says there is no conflict with the SPD in terms of room sizes. The rooms would be of a generous size and the provision of en-suite bathrooms would allow greater privacy than is often the case in HMOs. The communal rooms and basement room would allow good levels of social space and storage for residents which is a good indicator of amenity standards. Internally the property would benefit from a complete refurbishment which would bring the building up to modern standards.
11. The Council's Housing Needs Assessment makes no special reference to HMOs. It does however recognise the need for one-bedroom accommodation in the Borough. At present only 3.5% of the housing stock within Denton South is

privately rented which suggests to me that there is no over-concentration of HMOs in the locality which might be giving rise to environmental or social problems. Policy H7 of the *Tameside Unitary Development Plan* (UDP) promotes mixed uses and density, and the proposal would be compliant with this and provide a form of affordable accommodation. Whilst concerns have been raised about the appropriateness of the use, a Management Plan has been provided by the appellant which demonstrates various controls to ensure the effective and safe management of rooms within the HMO, together with an undertaking that the property will be regularly maintained and kept in good condition.

12. I note concerns expressed by the Council and others that the proposal would generate additional demand for on-street parking in an area subject to parking stress. In this regard UDP Policy H10 says developments should make suitable provision for parking with no unacceptable impact on the highway network, and Policy P10 says maximum parking standards will be applied (although none are given for HMOs).
13. However, given the generally low car ownership levels amongst residents of HMOs and the availability of other town centre car parks nearby, I am satisfied that the three off-street parking spaces proposed would be enough to serve the development without causing pressure for parking on surrounding streets or affecting highway safety. It is also likely to be lower than the demand for parking generated by the previously permitted conversion to flats. Furthermore, the proximity of public transport and local services also reduces car reliance and adds to the sustainability credentials of the scheme. In this regard paragraph 109 of the revised *National Planning Policy Framework* (the Framework) advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
14. Overall, and taking into account the current semi-derelict condition of the property and its proximity to commercial uses and the town centre, I favour a pragmatic approach. I conclude on the main issue that the proposal would not result in an over-intensive form of development that would add to parking stress or compromise highway safety in the area.
15. Furthermore, the proposal would accord with the aims of national and local planning policy to create balanced communities having regard to the level of shared housing in the area and other material considerations. I find no conflict with UDP Policies H7, H10 and T11.

Appeal B:

16. The *Planning (Listed Buildings and Conservation Areas) Act 1990* requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses.
17. Paragraph 193 of Revised *National Planning Policy Framework* (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

18. Paragraph 191 of the Framework says where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Amongst other things, paragraph 192 says local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
19. UDP Policy C5 says whilst continuation of the use for which the building was designed is most desirable, the Council will permit alternative uses where evidence suggests the existing or original use is unlikely to support the maintenance or preservation of the building. It adds that development must be of a high standard of design, and where appropriate, new internal features shall harmonise with the existing.
20. The significance of the building comes from its status as an externally largely unaltered late Georgian townhouse and its prominence and importance within the street scene. The proposed scheme would secure the full conversion of the building with the retention, wherever possible, of the existing plan and room layout. New internal partitions would be kept to a minimum and the removal of the secondary staircase and insertion of a new central staircase would not affect the building's significance. Internally, plasterwork and joinery would be repaired and reinstated where practicable, and the retention of the timber frame sash and casement windows would be in keeping with the historic character. Whilst conversion of the top storey would require considerable intervention, this area has suffered from extensive fire damage and the proposed changes can be accommodated without compromising the overall value of the building.
21. As with the change of use appeal, the Council says the proposal would represent an overdevelopment of the building that would undermine and harm its significance. However, in my view the proposal is a sensitive one that demonstrates that the heritage value would not be undermined by the proposed changes. I also afford considerable weight to the level of investment that would be committed in order to secure a viable future use for the building consistent with its conservation.
22. Taking all the above matters together, I consider the proposal represents an acceptable solution that would preserve the special architectural and historic interest of this listed building, causing no harm to its significance. Therefore, the question of public benefits to outweigh any harm does not arise. I find no conflict with policies of the Framework, and UDP Policies C5 and 1.11.

Conditions: Appeals A and B

23. I have considered the conditions put forward by the Council in the light of the advice in the Framework and the Planning Practice Guidance (PPG). I have taken account of comments made by the appellant in response to the imposition and precise wording of any pre-commencement conditions.
24. The Council has put forward the same suite of conditions for both planning and listed building appeals. However, to avoid duplication, I have attached those detailed conditions which specifically relate to the proposed internal and external works, rather than to the proposed change of use, to the listed building consent decision only. These are all necessary to safeguard the special architectural and historic interest of the listed building.

25. For both appeals, in addition to the time periods for the commencement of development and works, conditions are needed to secure compliance with the approved plans in the interests of proper planning.
26. The Council has suggested a condition requiring the submission of a management plan to include details such as the selection criteria for tenants. Management procedures for the safety and security of tenants, and protocols for investigating complaints from tenants. A further suggested condition requires the owner to maintain a register of all occupiers and their employment status. However, such conditions would fail the tests of being necessary and reasonable, and in any event cover non-planning matters which are more properly dealt with through the Licensing regime. Therefore, I have not imposed them.
27. I agree that conditions requiring car parking and secure cycle parking to be provided are necessary in the interests of highway safety.
28. The condition requiring details of noise insulation is needed in the interests of the living conditions of the occupiers of the proposed development. However, I do not consider the condition restricting the hours of construction or remedial work is necessary justified given the commercial surroundings and town centre location of the building.
29. Conditions requiring further details of the bin store and any externally mounted equipment such as lighting, security cameras and satellite dishes are needed as such features are shown indicatively on the submitted drawings or not at all.
30. A condition restricting the occupation in the buildings to 12 bedrooms is not necessary as this is clear from the approved plans. Therefore, I have not imposed it.

Conclusion: Appeals A and B

31. For the reasons given above and taking into account all other matters raised, I conclude that the appeals should be allowed. I consider that the proposed development and works would amount to a sustainable form of development that would satisfy the policies of the development plan and the Framework when taken together.

Nigel Harrison

INSPECTOR

Schedule of Conditions: Appeal A - Ref: APP/G4240/W/19/3221352

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan No. P001, Existing Side Elevations No. P002, Existing Front & Rear Elevations No. P003, Existing Ground Floor Plans No. P004, Existing First Floor Plans No P005, Existing Second Floor Plans No. P006, Proposed Side Elevations Drawing No P007, Proposed Front & Rear Elevations Drawing No. P008, Proposed Ground & First Floor Plans Drawing No.010, Proposed Second Floor plans No. P011, Heritage Statement & Addendum to Heritage Statement.
- 3) The approved development shall not be occupied until the car parking facilities have been provided in accordance with the approved drawings, hard-surfaced, drained to a soakaway system/marked out in bays. The car parking spaces shall thereafter be kept clear and remain available for occupiers of the development.
- 4) No development shall place until full details of a secure cycle store in the basement of the building have been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the cycle store has been provided in accordance with the approved details. The cycle store shall then remain available for occupiers of the development.
- 5) The approved development shall not be occupied until details of any externally mounted equipment (including utility meter boxes, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes,) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) The approved development shall not be occupied until a drawing showing the location and design of a single satellite television reception aerial/dish capable of distributing a signal to each room within the building has been submitted to and approved in writing by the Local Planning Authority. Any aerial/dish shall be located to minimise its effect on the appearance of the building and all distribution cables must be routed internally.
- 7) No development shall take place until a report is undertaken by a suitably qualified person to address the impact of noise between each of the rooms in the accommodation. This shall be submitted for approval in writing by the Local Planning Authority and shall be carried out in accordance with BS: 8233-2014, and any mitigation measures indicated in the report shall be carried out before the development is occupied.
- 8) Notwithstanding the details shown on the submitted drawing No P009, no development on the exterior or external areas shall take place until revised details for the provision of a bin store and enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the bin store has been provided in accordance with the approved details.

Schedule of Conditions: - Appeal B - Ref: APP/G4240/Y/19/3223203

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan No. P001, Existing Side Elevations No. P002, Existing Front & Rear Elevations No. P003, Existing Ground Floor Plans No. P004, Existing First Floor Plans No P005, Existing Second Floor Plans No. P006, Proposed Side Elevations Drawing No P007, Proposed Front & Rear Elevations Drawing No. P008, Proposed Ground & First Floor Plans Drawing No.010, Proposed Second Floor plans No. P011, Heritage Statement & Addendum to Heritage Statement.
- 3) No works or repairs to the southern gable shall take place until a full structural survey and schedule of repairs has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.
- 4) Notwithstanding the details shown on the submitted drawings, no works or repairs to the exterior of the building shall take place until a schedule of the proposed materials of external construction, including rendering, has been submitted to and approved in writing by the Local Planning Authority, and samples have been made available for inspection on the site. The approved development shall not be occupied until it has been completed in accordance with the approved schedule and materials.
- 5) No works or repairs shall take place to the external pointing work until a sample of pointing (approximately 1sqm) 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 shall be carried out in accordance with the approved sample.
- 6) The approved development shall not be occupied until all existing internal plasterwork, joinery, metalwork, has been retained and repaired in accordance with a schedule of works to be submitted to and approved by the Local Planning Authority.
- 7) No works shall take place until details of any proposed replacement windows have been submitted to and approved in writing by the Local Planning Authority. These shall be single glazed timber double hung sashes together with mouldings and sections of a traditional design and profile. The details shall include elevations at 1:20 scale, vertical and horizontal sections at 1:5 scale, 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. The works shall take place in accordance with the approved details.
- 8) No works shall take place until details of the proposed external doors and 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 doors and doorcases shall be installed in accordance with the approved details.
- 9) All existing chimney stacks, capping and pots shall be retained.

- 10) No works to the exterior of the building shall take place until details of external works to the rear courtyard including boundary balustrade and railings have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until it has been completed in accordance with the approved details.
- 11) No internal works or repairs to the building (except for any permitted clearance works) shall take place until details of the repair and relocation of the internal staircase have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until the staircase has been installed in accordance with the approved schedule and materials.

Appeal Decision

Site visit made on 7 May 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 June 2019

Appeal Ref: APP/G4240/W/19/3222156

Land between 255 and 281 Whiteacre Road, Ashton under Lyne

- 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 Sachdev Properties Ltd against the decision of Tameside Metropolitan Borough Council.
- The application Ref 18/00488/FUL, dated 29 May 2018, was refused by notice dated 10 August 2018.
- The development proposed is construction of 4 no. two bedroom two storey dwellings with associated landscaping and car parking provision.

Decision

1. The appeal is dismissed.

Procedural Matter

2. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed. Accordingly, no parties have been prejudiced by my having regard to it.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of existing occupiers at Hurst Hill Crescent, with particular regard to privacy and overshadowing.

Reasons

4. Whiteacre Road is a long, mainly residential street, characterised principally by rows of Victorian era red brick terraced properties of similar appearance. The appeal site is mostly grassed, sitting between Nos 255 and 281 Whiteacre Road. It also incorporates a small car park serving the apartments at Nos 281-287. The rear boundary of the site is delineated by a concrete fence, beyond which is a row of tall leylandii within the back gardens of Nos 25-29 Hurst Hill Crescent. These existing houses form part of a later twentieth century estate, with ground levels that are approximately 1.55m below the appeal site.
5. The appeal proposal would introduce a terrace of four two-bedroom two-storey dwellings fronting Whiteacre Road. The dwellings would have a back garden and parking would be provided within the existing car park, shared with the adjacent apartments.

6. A previous scheme for 4 dwellings on this site was refused by the Council and subsequently dismissed at appeal in September 2018¹. In that case, the difference in land level between the appeal site and Hurst Hill Crescent was uncertain and the dwellings were shown to be set back 0.75m from the back of the footpath on Whiteacre Road. As part of this appeal scheme, the dwellings would be positioned along the back edge of the pavement, and subsequently 0.75m further from the houses to the rear.
7. Saved Policy H10 of the Tameside Unitary Development Plan (Tameside UDP) (2004) requires new housing development to be of a high quality and requires, at criterion (d), that there should be no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic. This is further illustrated and explained within the Council's Tameside Residential Design Supplementary Planning Document (Design SPD) (March 2010), which is a material consideration.
8. Within the SPD, Policy RD22 relates specifically to infill sites, recognising that if appropriately designed, they can make efficient use of underutilised land, albeit having particular regard to matters such as ensuring that privacy distances are achieved. Policy RD5 of the SPD sets out a minimum privacy distance between new and existing developments of 21m between main facing habitable room windows. It recommends 1m extra for every 1m in height difference between facing buildings. Additionally, conservatories are specifically identified as a habitable room.
9. The decision notice cites only the relationship between the proposal and the houses on Hurst Hill Crescent, raising no issue in relation to the dwellings across the street on Whiteacre Road. Furthermore, the Council identify Nos 27 and 29 Hurst Hill Crescent to be most affected by the proposal. These properties would be directly to the rear of the proposed dwellings whilst No 25 would be at a more oblique angle. Nevertheless, all of these properties have conservatories.
10. The distance between the rear of the proposed dwellings and the main rear facing windows of properties on Hurst Hill Crescent, and Nos 27 and 29 in particular, would be between 21.5m and 22m. The distance to their conservatories would be less, between approximately 17.5m and 18m. For a development of two storeys, taking account of the level change, application of the SPD would require a minimum separation distance of 22m. Consequently, in relation to the conservatories at least, the distance would be appreciably below the SPD standard.
11. Reflecting guidance at Paragraph 126 of the Framework, in tailoring the details and degree of prescription within supplementary planning documents to the circumstances of each place, Saved Policy H10 of the Tameside UDP references the importance of the relationship between buildings and their setting. The Design SPD also acknowledges at RD5(e) that variation may be acceptable on infill sites where existing spacing should be considered. I further accept that in relation to daylight and sunlight, a flexible approach is encouraged by the Framework to make efficient use of the site, but only if the resulting scheme would secure acceptable living standards.

¹ Council Ref: 18/00063/FUL and Appeal Ref: APP/G4240/W/18/3203685

12. Having regard to Policy H10, I am not persuaded that the proposed dwellings would offer a particularly innovative design solution. They would, instead, reflect the traditional form of properties within the area. I accept that the layout of houses on Hurst Hill Crescent could be described as being of a looser grain than the dense terraces that characterise Whiteacre Road and the adjoining roads, including Alexandra and Princess Street. However, I concur with the findings of the previous Inspector that the majority of dwellings within the vicinity with sub-standard separation distances typically date from the Victorian period.
13. Moreover, the appeal site lies between these and later 20th Century housing. Indeed, the houses on Hurst Hill Crescent were themselves designed to respond to the alignment of the road and to ensure no adverse effect on the living conditions of occupants of properties on Whiteacre Road, taking into account the level differences. Being at the interface, such a reduced separation distance between habitable room windows on the appeal site and the dwellings on Hurst Hill Crescent would not be justified by local context and the proposal would fail to meet the minimum separation distance required to protect the privacy of existing occupiers on Hurst Hill Crescent, and those at Nos 27 and 29 in particular.
14. I further agree with the previous Inspector that the leylandii, being outside the site, would be outside of the appellant company's control so that whilst they presently offer screening, their existing height and long-term retention could not be guaranteed. Equally, being outside the site, their retention by condition would not satisfy the tests set out in paragraph 55 of the Framework.
15. In respect of overshadowing, the previous appeal decision concluded that as a consequence of the siting of the proposed dwellings, the occupiers of the neighbouring properties on Hurst Hill Crescent would be no worse off, regardless of whether or not the leylandii was altered, maintained or removed. In comparison to this previous scheme, the proposed dwellings would be further away from the rear elevation of the existing dwellings and I therefore concur with these previous findings. In respect of privacy, however, the leylandii would not provide appropriate mitigation to prevent overlooking between the existing properties and the proposed dwellings. Similarly, the concrete fence would not prevent overlooking between the upper floor windows in particular.
16. For these reasons, I conclude that the proposal would not achieve minimum privacy distances and consequently, it would result in significant harm to the living conditions of the occupiers of Hurst Hill Crescent to the rear and the occupiers of Nos 27 and 29 in particular, with regards to their privacy. It would therefore conflict with Saved Policy H10(d) of the Tameside UDP, which requires development to have no unacceptable impact on the amenity of neighbouring properties through, amongst other matters, loss of privacy. This is broadly consistent with the objectives set out at Paragraph 127 of the Framework, to create a high standard of amenity for existing and future users and consequently, Policy H10(d) can be afforded considerable weight. The proposal would further conflict with guidance at Policy RD5 and RD22 of the Design SPD, which seek to ensure that there is no unacceptable impacts on the amenity of neighbouring properties through loss of privacy.

Other Matters

17. I appreciate that the Council identify the site to be unallocated and it has not raised specific concerns about the effects of the scheme on a number of issues, including scale, design, appearance, materials, car parking and access arrangements, landscaping or open space. I also note that the site is not within a Conservation Area or other special policy control area. However, in order to demonstrate compliance with the development plan, these are requirements that would have to be met for any scheme to be acceptable in any event. They are not matters that diminish the harm I have identified in respect of the main issue above.

Planning Balance and Conclusion

18. Both parties agree that the Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with the Framework and, accordingly, the presumption in favour of sustainable development applies.
19. In this regard, I recognise that the site is within an accessible location for housing, close to services and facilities and with good access to public transport, where residential development would be acceptable in principle. The proposal would also contribute to the demand for open market houses and in particular, for two-bedroom dwellings within this part of the Borough. Having regard to the Framework's objective to boost significantly the supply of housing, four dwellings would make a modest contribution towards it and I attach moderate weight to its provision.
20. Furthermore, I acknowledge that the proposal would make better use of the land and I recognise that, having regard to paragraph 68 of the Framework, small sites are often built out relatively quickly, which also weighs in the scheme's favour. There would also be likely to be a degree of spend by future residents in the local area, as well as some benefits arising from the construction process in terms of jobs and spending within the construction supply chain, albeit these would be short-term.
21. Whilst I have fully considered these benefits, the adverse impacts of granting planning permission, having regard to the harm that would be caused to the living conditions of existing occupiers of Hurst Hill Crescent in respect of their privacy, would, in my view, significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Accordingly, in applying paragraph 11(d), planning permission should not be granted, and the proposal would not represent sustainable development.
22. For these reasons, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR

Appeal Decision

Site visit made on 11 April 2019

by D Guiver LLB (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29 May 2019

Appeal Ref: APP/G4240/W/19/3221226

1 Ralphs Lane, Dukinfield SK16 4UZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Meredith against the decision of Tameside Metropolitan Borough Council.
- The application Ref 16/00767/OUT, dated 5 August 2016, was refused by notice dated 26 July 2018.
- The development proposed is demolition of nos. 1 and 2 Ralphs Lane; provision of 32no. Extra Care apartments (comprising 6no. 2-bed, 3-person and 26no. 1-bed, 2-person dwellings), 17no. car parking spaces and communal gardens.

Decision

1. The appeal is allowed and planning permission is granted for demolition of nos. 1 and 2 Ralphs Lane; provision of 29no. single bedroom Extra Care apartments, 17no. car parking spaces and communal gardens at 1 Ralphs Lane, Dukinfield SK16 4UZ in accordance with the terms of the application, Ref 16/00767/OUT, dated 5 August 2016, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr J Meredith against Tameside Metropolitan Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is described as being for outline planning permission but indicated that determination was sought on all matters with none reserved for future determination. However, the appellant's evidence states that landscaping should have been a reserved matter and there are no details for a landscaping scheme before me. I have therefore considered the application on an outline basis with only landscaping reserved for future consideration.
4. The scheme was amended during the application phase and now comprises 29 single-bedroom apartments. This was the scheme upon which the Council made its decision and therefore no one is prejudiced by my determining this appeal on the same basis and I have amended the wording of the scheme in the decision accordingly.

5. The Council has indicated a need for a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards highway improvements and open space provision. The appellant disputes the need for any planning obligation but has provided a planning obligation, and I deal with this matter below.

Main Issues

6. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area; and
 - b) highway safety.

Reasons

7. The appeal site comprises two relatively large detached dwellings at 1 and 2 Ralphs Lane, in large open plots of land together with an additional parcel of land adjacent to No. 1. Access to the site is by a relatively narrow carriageway that also serves The Lakes care home opposite the site and six or so other detached dwellings in a cul de sac in spacious grounds to the east.
8. The revised proposal is for the demolition of Nos. 1 and 2 and the construction of a building containing 29 single-bedroom extra-care units. Future occupiers would be restricted to households where at least one member of the household is 55 years of age or older and has care needs.

Character and Appearance

9. The area served by Ralphs Lane is a roughly rectangular plot located behind houses on Boyds Walk to the north and comprising a mixture of buildings and wooded open space. Buildings include two-storey dwellings on the appeal site and in the cul de sac and the large bulk of the Lakes care home. The Lakes is a heavily extended property of between two- and three-storeys high. All the buildings sit comfortably within the overall landscape of the area. The site is reasonably close to the town centre.
10. The appeal site is in a relatively prominent location on a bend in the road as it sweeps round from Boyds Walk to the cul de sac. The existing rear boundary treatments of properties on Boyds Walk and the large trees on the site effectively screen much of the area from general view. However, while the open space and large plots give the area a suburban grain, the large bulk of the care home is the dominant feature that defines the character of the area.
11. The proposed building would be slightly taller than the care home being three-storeys high over most of its structure, but its bulk and massing would be reduced by hipped roofs. Moreover, a number of valuable mature trees located around the site would be retained to further soften the impact of the scheme.
12. The proposed building would occupy a significantly smaller footprint than the care home and would be clearly subservient to it and be equally comfortable in the wooded open space. The remaining houses would form a clear and distinct area of development whose appearance would be unaffected by the proposed building.
13. Therefore, the proposal would accord with Policies C1 and H10(a) of the Tameside Unitary Development Plan 2004 (the UDP) and the advice in the

National Planning Policy Framework (the Framework), which together seek to ensure that developments complement or enhance the character and appearance of the surrounding area and respect the relationship between buildings and their setting.

Highway Safety

14. Ralphp Lane is a relatively narrow road that runs roughly straight south from Boyds Walk before turning east in front of the appeal site. The road does not appear to be adopted highway as the owners of houses pay a contribution to its maintenance and repair. Two brick pillars at the entrance to the area form an effective pinch-point and gate beyond which an informal 10mph speed limit is advised. The road is metalled but has no footpath to separate pedestrians from vehicles, though there are some paths amongst the trees to the west of the road.
15. The scheme would provide a footpath along the eastern side of the road running between the entrance to the area and a vehicular access to the site itself. Within the curtilage of the site the scheme would provide five parking spaces and two additional disabled parking spaces. This parking area would be wide enough for vehicles to turn and therefore to enter and leave in forward gear. A number of spaces would also be made available for use by future occupiers within the existing circulatory car park, a few metres away at the nearby care home.
16. Ten additional spaces would also be created on the western side of Ralphp Lane opposite the site and terminating close to the entrance to the care home car park before the road takes its turn to the east. The narrowness of Ralphp Lane and the bend in the road, coupled with the advisory speed limit, is likely to result in traffic travelling at relatively slow speeds. Cars exiting the care home car park and vehicles entering the area through the gate would almost certainly be travelling at low speeds and would have a clear sight of any vehicles manoeuvring into or out from the parking spaces on the western side of the road. Vehicles approaching from the cul de sac would also be travelling slow enough to see such manoeuvring vehicles.
17. The Council estimates that the proposal would generate approximately 20 additional journeys in each direction. Given the slow speed achievable on Ralphp Lane and the clear lines of sight these additional journeys could comfortably be accommodated within the area without any unacceptable risk to road safety. The additional journeys would normally increase the risk to pedestrian safety but the construction of a separate footpath would reduce the risk and increase overall highway safety for the site and surrounding area.
18. Therefore, the proposal would accord with Policy T1 of the UDP and the advice in the Framework, which seek to ensure that developments improve road safety for all users.

Planning Obligation

19. Planning obligations should only be sought where they meet the tests in paragraph 56 of the Framework. Policy T13 of the UDP states that developers should provide or fund additional transport infrastructure where a scheme would generate additional movements that would place a detrimental demand on existing facilities. Policy H5 states that where there is a deficiency in

- children's play areas, informal recreation space or sports pitches developers will be required to provide space or make an equivalent payment for the provision of that space elsewhere.
20. The Council has calculated that a development for market housing would attract a contribution of £37,083.82 towards upgrading off-site open space and £6,517.71 towards highway improvements together with a contribution towards educational provision. Given the nature of the proposal no contribution is sought for educational provision and as the scheme is not for pure market housing the Council has requested a reduced combined contribution of £21,800.52, which is roughly half the sum that would be required for market housing. The appellant has provided a Unilateral Undertaking (UU) for the payment of these sums.
21. The Council states that the provision of pedestrian crossing infrastructure would cost approximately £14,000, which is significantly greater than the calculated sum of £6,517.71, and greater still than a 50% reduction in this figure. However, the Council proposed spending £14,000 on highway infrastructure and the remainder of the requested sum, £7,800.52 on open space, which is significantly lower than both the calculated sum and the 50% reduction in that sum.
22. The Council has referred me to the National Travel Survey of 2011, which indicated that 40% of persons aged 60 and over are likely to rely on public transport for at least one journey per week. The intent of the scheme is to provide supported housing for households where at least one person is aged 55 or older and therefore more likely to rely on public transport. There are bus stops on Boyds Walk but some of these are on the northern side of the carriageway and would require pedestrians to cross the road. There is no compelling evidence before me to question these conclusions.
23. Future occupiers of the proposed development are likely to be less mobile than the general population and therefore more likely to require safe crossing facilities to access public transport. There are currently no reasonably usable pedestrian crossings on Boyds Walk and accordingly the provision of such infrastructure would be directly related to the proposed development and, to ensure that future occupiers are able to access public transport, necessary to make the scheme acceptable in planning terms.
24. While the sum is greater than the figure derived using the standard calculation, the provision of the infrastructure would be rendered necessary mainly as a result of the proposed development. Generally speaking, public money should not be used to make a private development viable and therefore, while the requested sum is greater than that identified in the standard calculation it is fairly and reasonably related in scale and kind to the development.
25. There is some open space available close to the appeal site within the curtilage of the care home. While this is not public open space it would be available for use by future occupiers. However, this space would be shared with existing users and the scheme would reduce the overall space available as it would occupy the land to the north of No. 1. The proposal is likely to generate a demand for open space as the units are not provided with any private amenity space. The requirement is therefore clearly directly related to the proposed development and necessary to make the scheme acceptable in planning terms.

26. The Council's proposal to use £7,800.52 for the provision of public open space reflects both a reduced need because of the available open space close to the site and a reduced burden because of the 50% reduction in the requested sum and the need to spend a greater proportion on highway infrastructure. The specific sum for open space is fairly and reasonably related in scale and kind to the development.
27. Therefore, for the reasons given the UU is required and satisfies the tests in paragraph 56 of the Framework.

Other Matters

28. Interested parties objected to the proposal for a number of reasons in addition to the grounds upon which the Council made its decision, including illumination, noise and disturbance during construction, overlooking and impact on wildlife. There is no compelling evidence to show that the scheme would result in invasive 24-hour external lighting to an extent that would be detrimental to neighbouring occupiers and in any event, the level and location of illumination could be controlled by conditions. Similarly, noise and disturbance during construction could be controlled by a condition limiting the hours and days of work on the site.
29. Separation distances, orientation differences between existing properties and the proposed building and design features would prevent any unacceptable impact on neighbouring occupiers from overlooking or overbearing. The impact on wildlife and biodiversity could be further controlled by condition and would be dealt with as part of landscaping at detailed consideration of reserved matters.
30. Objections relating to the upkeep of the road and repair of any damage during the construction phase are a private law matter. The possible impact on land values and house prices is not a planning consideration. I have been referred to a possible restriction on development in an earlier planning permission for the construction of Nos. 1 and 2. That scheme is not before me but in any event, a restriction on development in a planning permission would be overridden by a subsequent planning permission authorising development.

Conditions

31. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with the advice in the Planning Practice Guidance.
32. In the interests of proper planning I have imposed the standard conditions in respect of time limits. For certainty I have imposed a condition requiring compliance with the plans. To protect the biodiversity of the site I have imposed conditions requiring compliance with an approved biodiversity enhancement plan and limiting the period during which trees and vegetation can be removed.
33. To protect the character and appearance of the area I have imposed conditions requiring approval of external surface materials and floor and ridge heights. In the interests of the living conditions of future occupiers I have required installation of the bin storage area before first occupation. To protect the living

- conditions of neighbouring occupiers I have imposed conditions relating to construction and external lighting and requiring the use of obscured glass.
34. To ensure the site is properly drained I have required approval of foul and surface water drainage schemes and to deal with any potential land contamination or coal mining legacy issues I have required investigation and approval of any remedial actions. In the interests of highway safety, I have imposed conditions requiring the provision of car parking and the construction of the footpath.
35. I have not imposed a condition requiring details of the number, species and location of trees to be planted as landscaping is a reserved matter. I have also not imposed a condition for the construction of the access road as this already exists.

Planning Balance and Overall Conclusion

36. I am referred to a recent appeal decision¹ that found the Council was unable to demonstrate a five-year supply of deliverable housing sites. The Council does not appear to challenge this conclusion. In the absence of a demonstrable five-year housing land supply footnote 7 of the Framework states that local development plan policies relating to housing supply should not be considered up-to-date and the 'tilted balance' in paragraph 11 of the Framework applies.
37. However, while the benefit arising from the proposed development is substantial and there is nothing in the evidence before me that would lead me to conclude that any adverse impacts would significantly and demonstrably outweigh that benefit, I have concluded that the proposal is in accord with the Policies in the UDP. Given my conclusions on those matters it is not necessary to consider the impact of paragraph 11 of the Framework.
38. Therefore, for the reasons given above and taking account of all material considerations, I conclude that the appeal should succeed.

D Guiver

INSPECTOR

¹ APP/G4240/W/18/3203685 dated 28 September 2018

Schedule

- 1) Details of landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 819 A 002 Rev C; 819 A 003 Rev B; 819 A 004 Rev B; 819 A 005 Rev B; 819 A 006 Rev C; 819 A 009 and the measures detailed in section 3.3 of the Crime Impact Assessment.
- 5) Notwithstanding Condition 2 above, the application for approval of reserved matters shall include details of all tree and root protection measures to meet the requirements of BS5837:2012 to be installed.
- 6) No development shall take place until details of biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the local planning authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any part of the development and shall be retained thereafter.
- 7) No tree-felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the local planning authority.
- 8) No part of the building hereby authorised shall be occupied until external surfaces have been completed in accordance with materials approved in writing by the local planning authority to include the structure and external surface of the vertical panel (fin) to offset vision splay shown on the approved plans.
- 9) No development shall take place until scaled plans detailing the existing and proposed ground levels on the site and the finished floor and ridge levels of the building (with reference to a fixed datum point) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 10) Notwithstanding Condition 4 above, the bin storage area shall be completed in accordance with approved plan 819 A 009 before any part of the building hereby permitted is first occupied.
- 11) Demolition or construction works shall take place only between 0730 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the access, parking and turning of vehicles of site operatives and visitors;
- ii) storage of plant and materials used in constructing the development;
- iii) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) Details of any floodlighting and/or external lighting shall be submitted to and approved in writing by the local planning authority before the building is occupied. Development shall be carried out in accordance with the approved details.
- 14) The building hereby permitted shall not be occupied until the windows in the east-facing elevations have been fitted with obscured glazing to a minimum of Pilkington standard level 3 obscurity and shall be retained thereafter. No part of those windows that is less than 1.7 metres above the internal floor level of the room or area in which it is installed shall be capable of being opened.
- 15) No part of the building hereby authorised shall be occupied until works for foul and surface water drainage shall have been completed in accordance with plans submitted to and approved in writing by the local planning authority. Such drainage works shall thereafter be retained.
- 16) No development shall take place until a preliminary risk assessment to determine the potential for the site to be affected by contamination and/or coal mining legacy issues shall have been undertaken and approved in writing by the local planning authority. Prior to any physical site investigation, a methodology shall be approved in writing by the local planning authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved in writing by the local planning authority prior to implementation.
- 17) Any additional or unforeseen contamination and/or coal mining legacy issues encountered during development shall be notified in writing to the local planning authority as soon as reasonably practicably and a remedial scheme to deal with those issues shall be submitted to and approved in writing by the local planning authority before development recommences. The development shall be carried out in accordance with the approved details.
- 18) No part of the building hereby authorised shall be occupied until space has been laid out within the site in accordance with drawing no. 819 A 002 Rev C for 17 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

- 19) The building shall not be occupied until a means of access for pedestrians shall have been constructed in accordance with the approved plans. The access shall be retained thereafter.

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