

Public Document Pack



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

SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 18 October 2023
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence from Members of the Panel.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 13 September 2023, having been circulated, to be signed by the Chair as a correct record.	1 - 6
4.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	23/00599/FUL - LAND ON THE JUNCTION OF ASTLEY STREET, SMITH STREET AND CHAPEL STREET, DUKINFIELD, SK16 4QN	7 - 42
b)	23/00673/FUL - LAND AT FREDERICK HOUSE, DUNKIRK LANE, HYDE	43 - 70
c)	23/00774/FUL - WHITE HART INN, 91 MARKET STREET, MOTTRAM, SK14 6JQ	71 - 94
5.	APPEAL DECISION NOTICES	
a)	APP/G4240/W/23/3318703 - 50 DROYLSDEN ROAD, AUDENSHAW, M34 5SW	95 - 100
b)	APP/G4240/W/23/3318038 - TWO TREES LANE, DENTON, M34 7RJ	101 - 104
c)	APP/G4240/W/23/3319540 - ASHLEY STREET WORKS, ASHLEY STREET, HYDE, SK14 4AJ	105 - 108
6.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
7.	DATE OF NEXT MEETING	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Benjamin Hopkins, Senior Democratic Services Officer, to whom any apologies for absence should be notified.

To note that the next meeting of the Speakers Panel (Planning) will take place on 1 November 2023.

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Benjamin Hopkins, Senior Democratic Services Officer, to whom any apologies for absence should be notified.

SPEAKERS PANEL (PLANNING)

13 September 2023

Commenced: 10:00am

Terminated: 11:40am

Present: **Councillor McNally (Chair)**
Councillors Affleck, Bowerman, Boyle, Dickinson, Owen, Mills, Pearce, Quinn and Ricci

21. DECLARATIONS OF INTEREST

There were no declarations of interest from Members of the Panel.

22. MINUTES

The minutes of the proceedings of the meeting held on 26 July 2023, having been circulated, were approved and signed by the Chair as a correct record.

23. OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH (STAMFORD ROAD, GROBY ROAD AREA, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022

Consideration was given to a report of the Assistant Director, Operations and Neighbourhoods outlining the objections received to the proposed waiting restrictions on Stamford Road and Groby Road in Audenshaw.

Members were informed that the Council had received correspondence from both residents and Members expressing their concerns with regard to the movement of traffic around the junctions of Stamford Road and Groby Road in Audenshaw.

To address the issues raised, it was advised that a scheme was designed to introduce 'no waiting at any time restrictions' at all junctions into the estate. The proposed restrictions were advertised in the local press and by on-street notices from 19 January 2023 for a 28-day period.

During the 28-day consultation period, correspondence was received from two objectors in relation to the proposed restrictions around the junction of Groby Road and Woodbridge Avenue. No objections were made with regard to the other proposals sited at the junctions along Stamford Road with Roker Park Avenue, Woodbridge Avenue and Oakwood Avenue. It was therefore the intention to introduce these restrictions as originally advertised.

In relation to the restrictions proposed within the vicinity of the junctions of Groby Road and Woodbridge Avenue, the objectors raised concern that the introduction of waiting restrictions would result in a loss of parking spaces for local residents. A concern was also raised regarding potential damage to vehicles if parking adjacent to resident's property could not be maintained.

The objectors had the suggested that the current parking arrangement, close to the width restriction, helped to reduce the speed of vehicles passing through this restriction and therefore helped road safety near to the park entrance. A request was also received for the

implementation of a parking bay on the west side of Woodbridge Avenue, on the approach to the width restriction.

It was explained that residents were choosing to park near to the entrance to the Ponderosa Park to discourage anti-social behaviour at this location.

Some of the objectors had requested that the 'no waiting at any time' be altered to Monday to Friday, during the work day only. One objector had also asked for the restrictions to be reduced past their driveway on the south side of Groby Road, in order to facilitate parking.

Mr John Charlesworth addressed the Panel objecting to elements of the proposals.

In response, the Highways Manager highlighted that whilst the proposed restrictions could displace approximately three vehicles, a balance had to be struck between facilitating safe movement of traffic and that of minimising disruption to frontages. It was also noted that all the properties at this location had private driveways.

On all site visits it was suggested that there was alternative available on street parking provision for any displaced vehicles.

The proposed 'no waiting at any time' restrictions on the west side of Woodbridge Avenue extended from Roker Park Avenue to Groby Road. Although vehicles did park within this location, it was not considered that there was sufficient room to amend the proposed waiting restriction between the width restriction and Roker Park Avenue, taking into account that vehicles should not park within 10 metres of a junction and the need for vehicles to be able to line up to negotiate the width restriction. All vehicles passing through this width restriction were observed to be doing so at low speeds.

In relation to the proposed restrictions on the northeast side of Groby Road, a distance of approximately 11 metres, covering the area between the Ponderosa Park entrance (gated vehicle access) and the industrial Delta Point good vehicle entrance, vehicles had been witnessed parking wholly on the pavement. This had forced pedestrians to walk into a live carriageway putting their safety at risk. Furthermore, parking this close to a bend and 6' and 6" width restriction was considered unsafe and inappropriate. Whilst residents were parking here to deter anti-social behaviour, the Council and police could support in taking action if vehicles were parked there to engage in antisocial activities.

Regarding reducing the time span of the proposed restriction, this would imply that it was acceptable to park in the location at other times throughout the day when it was not and therefore was not recommended.

It was felt that proposed restriction on the south side of Groby Road could be reduced past the dropped crossing and the transition kerb of a driveway by approximately two metres without hindering the scheme. Although only a small reduction in length, it would assist in reducing the impact on parking arrangements within that area.

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: TAMESIDE METROPOLITAN BOROUGH (STAMFORD ROAD, GROBY ROAD AREA, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022 subject to the amendment detailed in the schedule of the draft second notice, attached at Appendix 1 to the submitted report.

24. 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:	23/00455/FUL Mr Bailey
Proposed Development:	Change of use from B2 workshops and offices to B8 self-storage and ancillary offices. Greenside House, Richmond Street, Ashton-under-Lyne, OL6 7ES
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

Name and Application No:	23/00613/FUL KMM Homes Ltd
Proposed Development:	Variation of condition 1 (drawings) to incorporate changes to the design and layout to planning permission 21/00320/REM. Land to the rear of 75-99 Stockport Road, Mossley
Speakers(s)/Late Representations:	Jim Seymour, the agent for the applicant, addressed the panel in relation to the application.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

Name and Application No:	22/00472/OUT Real Estate Aventor Ltd
Proposed Development:	Outline planning application for three-storey building comprising 18no. apartments with access and associated works (access, appearance, scale and layout applied for). Emerald and Pearl Street, Denton, M34 3GZ
Speakers(s)/Late Representations:	Richard Pike, the agent for the application, addressed the panel in relation to the application
Decision:	That planning permission be refused for the reasons detailed within the submitted report.

Name and Application No:	22/01131/FUL MAC Roofing
---------------------------------	-------------------------------------------

Proposed Development:	Two storey building for use as general industrial (Use Class B2) or storage and distribution (Use Class B8), including access, parking and loading areas, and associated landscaping. Land located off Globe Lane, Broadway Industrial Estate, Newton Wood, Dukinfield
Speakers(s)/Late Representations:	Jill Nicholls addressed the panel objecting to the application.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

Name and Application No:	23/00650/FUL Mr A Juceff
Proposed Development:	New detached dwelling. Fern Lodge, 134A Queens Road, Ashton-under-Lyne, OL6 8EG
Speakers(s)/Late Representations:	Usman Imtiaz addressed the panel in support of the application.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

Name and Application No:	23/00480/FUL Mr Montgomery
Proposed Development:	Demolition of existing outbuilding and rear extension, erection of a single storey rear and side extension, and conversion of existing dwelling to a 10 bedroom HMO. 106 Stamford Street, Stalybridge, SK15 1LU
Speakers(s)/Late Representations:	Cllr Beardmore, ward Member, addressed the Panel objecting to the application. Lewis Berry, the agent for the application, addressed the panel in relation to the application. The planning officer advised that since publication of the agenda, condition 5 had been updated as follows: “Prior to the first occupation of the development hereby approved, the bin store arrangements and means of enclosure as indicated on the approved site plan, shall be implemented in accordance with the approved details and shall be retained as such thereafter. All bins shall be collected by a commercial waste contract and be subject to a weekly trade collection. Reason: To safeguard the general amenity of the area in accordance with UPD policy 1.12/1.13/H10”.

Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report, and updated condition 5 as outlined above.
Name and Application No:	23/00561/FUL Tameside Metropolitan Borough Council
Proposed Development:	Redevelopment of Ashton Market Square, including new market canopy, trader kiosks, public realm improvements and waste storage provision, in addition to public realm improvements to Fletcher Square, Bow Street, Warrington Street, Market Street, Market Avenue and Wellington Road. Outdoor Market, Ashton Market Ground, Market Place, Ashton-under-Lyne
Speakers(s)/Late Representations:	Damien Cutting, on behalf of the applicant, addressed the panel in relation to the application.
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

25. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
APP/G4240/W/23/3318999 Land adjacent to Tobits, Mount Road, Hyde, SK14 3AH	Proposed erection of one detached infill dwelling.	Appeal dismissed.

26. URGENT ITEMS

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

27. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 18 October 2023.

CHAIR

This page is intentionally left blank

Application Number:	23/00599/FUL
Proposal:	Erection of 4no. 1-bed bungalows with off-street parking.
Site:	Land on the Junction of Astley Street, Smith Street and Chapel Street, Dukinfield, SK16 4QN
Applicant:	Mr Darren Leetch
Recommendation:	Refuse planning permission.
Reason for Report:	A third party has requested to speak against the application before it is determined.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application concerns a small wooded area of open space located at the junction of Astley Street, Smith Street and Chapel Street within Dukinfield. The site is roughly rectangular in shape and was until recently owned and managed by the council. Residential properties border the site, this includes 2-6 Smith Street which directly overlook the site, 313-321 Astley Street which share a rear boundary to the site and 240-252 Chapel Street which also overlook the site. These former are examples of late 19th Century brick terraces and the latter being 1950's Local Authority housing stock. Levels across the site are flat and it is publically accessible from the highway. There are 8 semi-mature trees on site which include beech, sycamore and oak, all of which are protected by a tree preservation order.

2. PROPOSAL

- 2.1 Planning permission is sought for the removal of a number of protected trees on site and the erection of 4no. 1 bedroom detached bungalow properties and associated landscaping. The dwellings would front and take access from Smith Street, opposite nos. 2-6.
- 2.2 Each dwelling would benefit from one off-street car parking space to the front of the plot with a private garden area to the rear.
- 2.3 Each of the bungalow properties would measure 5.7m x 7.5m and a 1m x 1.62m porch to the front elevation, with a total floor space of around 43sqm. Materials are proposed to be red facing brickwork, grey roof tiles (hipped roof), grey uPVC double glazed units and grey uPVC doors. 1.8m high timber fencing is proposed to the side and rear with a 1m high brick wall to the front.
- 2.4 All habitable living spaces would have access to natural light/ventilation. Internal living arrangements comprise a bedroom, open kitchen/lounge, wet room, store and central hallway connecting all rooms together.

PLANNING HISTORY

- 2.5 19/00260/FUL - Erection of a new 2-storey 13No bed HMO development with parking, amenity and ancillary spaces - Refused 20 June 2019

Reasons for refusal:

2.5.1 In the opinion of the Local Planning Authority, the site should be retained as an area of Open Space. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of Open Space would exacerbate local deficiencies of residents access to functioning open space. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently the proposal does not meet the exception test of Tameside Unitary Development Plan Policy OL4 'Protected Green Space' or paragraph 97 of the National Planning Policy Framework and the loss of the Protected Open Space cannot be tolerated.

2.5.2 The development would result in the removal of 8 trees which have been assessed for their amenity value to warrant protection by a Tree Preservation Order. The loss of these high amenity trees would be significantly detrimental to the amenity and overall environmental quality of the area contrary to the requirements of policies of N4 'Trees and Woodland' and N5 'Trees within development Sites' of the Tameside Unitary Development Plan and Section 15 of the NPPF.

- 2.6 APP/G4240/W/19/3235933 (Appeal 19/00260/FUL) – Appeal Dismissed 18 November 2019

Summary:

- The proposed 13 bed HMO would make a modest contribution to the supply of housing. There would be limited economic benefits, most of which would be realised in the short term during the construction phase. There is little before me to demonstrate that there would be significant social benefits arising from a HMO in this location. Conversely, the proposal would result in the loss of protected green space and the associated valuable tree group. There would be significant harm to the character and appearance of the area. There would also be likely harm to a protected species.

3. PLANNING POLICY

National Planning Policy Framework

- 3.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 3.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

3.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

3.4 The following chapters within the Framework are considered relevant:

- Section 2: Achieving Sustainable Development;
- Section 5: Delivering a sufficient supply of homes;
- Section 8: Promoting healthy and safe communities;
- Section 9: Promoting sustainable transport
- 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
- Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

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

Development Plan

3.6 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004) (UDP)

3.7 The site is unallocated according to the UDP Proposals Map.

Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

- Policy C1: Townscape and Urban Form
- Policy H2: Unallocated sites
- Policy H4: Type, size and affordability of dwellings
- Policy H7: Mixed Use and Density.
- Policy H10: Detailed Design of Housing Developments
- Policy MW11: Contaminated Land
- Policy T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking
- N4: Trees and woodland
- N5: Trees within Development Sites;
- U3: Water Services for Developments
- U4 Flood Prevention
- U5 Energy Efficiency
- OL4: Protected Green Space

Supplementary Planning Documents

3.10 The following are relevant:

- Residential Design Supplementary Planning Document (SPD); and,
- Trees and Landscaping on Development Sites Supplementary Planning Document (SPD).

3.11 **Other Relevant Guidance**

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)
- Department for Communities and Local Government: Technical housing standards – nationally described space standard.

Places for Everyone

3.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

3.13 Paragraph 48 in the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

3.14 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.

3.15 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.

3.16 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.

3.17 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

3.18 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

- 3.19 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

4. PUBLICITY CARRIED OUT

- 4.1 Neighbour notification letters were issued and a notice was displayed adjacent to the site for 21 days, 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.

- 4.2 The representations received are summarised below within section 6 of this report.

5. SUMMARY OF THIRD PARTY RESPONSES

- 5.1 5no objections have been received. The following material comments have been raised (summarised):

- Loss of sun/day lighting/overshadowing, despite being single storey;
- Noise/ Hours of operation;
- Traffic/Parking matters – already on street parking issues with many people owning two vehicles plus work vehicles;
- Object to loss of green space;
- Development too big;
- Out of character;
- Sets a precedent;
- Visual amenity;
- Plan has been stopped before for larger building;
- Destruction of well-established stable trees which are protected by a Tree Preservation Order;
- Trees on site are good for local environment, homes for birds, carbon intake and oxygen out;
- Land is used all the time by local children to safely play out overlooked by parents and dog walkers;
- Concerns regarding maintenance of existing properties due to gardens/fencing abutting boundaries;
- Object to loss of existing trees and the planting of new trees along the common boundary with root systems causing damage to property;
- The one bedroom homes do not conform with the surrounding area so they will clash;
- Development area is too small for the proposal;
- Querying who the target market is for houses of this type;
- Appeal decision confirms Dukinfield has less than average amenity space;
- The small area could have been developed by the Council at a very low cost, with a seating area and flowerbeds which would increase biodiversity; and,
- Conflict with policy OL4.

- 5.2 Other issues have been raised which are not relevant to the decision (not constituting a material planning consideration):

- Loss of property value;
- Problems arising from the construction period (noise, dust, construction vehicles etc.); and
- Concerns regarding the sale of the land to private ownership.

6. RESPONSES FROM CONSULTEES

6.1 Local Highway Authority (LHA)

Object to the proposal.

6.2 Environmental Protection Unit (Contaminated Land)

No objection subject to the submission of a CLS1B contaminated land screening form prior to the commencement of development on site, in order to ensure that all potential contamination and ground gas risks are appropriately considered and where necessary, remediated during the development of the site.

6.3 Environmental Health (Public Protection)

No objections to the proposals subject to a condition controlling the hours of work during the construction phase of the development.

6.4 National Highways

Offer no objection to the proposal.

6.5 Arboricultural and Countryside Estates Officer

The proposed plans are not acceptable from an Arboricultural perspective, due to the required loss of protected trees.

6.6 Greater Manchester Ecology Unit

The proposals appear to result in a net loss of biodiversity for which no compensation has been made.

6.7 United Utilities

Strongly recommend that a detailed foul and surface water drainage plan is submitted as part of this application. Should permission be granted without the provision of this information, it is recommended that prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.

7. ANALYSIS

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

1. The principle of development with regard to recent planning history;
2. The impact of the proposed development on the character of the site and surrounding area;
3. The impact on the residential amenity of neighbouring properties and amenity of the future occupiers;
4. The impact on highway safety; and.
5. Any other material planning considerations.

8. PRINCIPLE OF DEVELOPMENT

8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.

- 8.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations. Further to this, when it comes to plan making, paragraph 62 of the Framework states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)".
- 8.4 Consistent with application 19/00260/FUL, a search of historic records identifies that the site was previously developed having supported terrace housing stock. Records suggest that these were demolished between 1967 and 1977. Recognising the passage of time and subsequent landscaping of the site it would not be reasonable to classify the land as being previously developed for the purposes of the planning assessment. The NPPF excludes land which had blended into the landscape from the definition previously developed land (PDL).
- 8.5 Whilst the site is unallocated, in lieu of its landscape value policy OL4 should be the prevailing policy against which the development proposals should be assessed against. Although the UDP pre-dates the NPPF, Policy OL4 is consistent with policies in the NPPF that relate to open space.
- 8.6 OL4 'Protected Green Space' applies to all areas identified as Protected Green Space and also equally to; *'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the proposal map'*. Policy OL4 stipulates a number of qualifying criteria that may permit the release of Protected Open Space for development purposes. It however, makes clear reference that this criteria would not apply if; *'part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor'*.
- 8.7 In addition to the above it remains a core principle of the NPPF (paragraphs 92 & 93) that planning should plan positively for the provision and use of shared space. Paragraph 98 acknowledges the importance of the contribution that open spaces make to overall health and well-being. Paragraph 99 states that existing open space should not be built on unless the land in question is surplus to requirements, would be replaced by space of an equivalent or better quantity/quality or is for alternative sport and recreation provisions.
- 8.8 No open space assessment has been undertaken specific to this application. Consideration of the site's value is that it provides a welcome area of openness within an otherwise dense urban grain. The space is framed by the highway and has a very meaningful and direct relationship to nearby residential properties. The trees which occupy the site are of a high amenity value, this value is further impressed by their prominence with in the street scene which give public view and ownership. A tree preservation order has now been placed on 8no trees on the site (The Smith Street, Dukinfield Tree Preservation Order (2019)).
- 8.9 It is therefore considered that the effect of the development would be to exacerbate local open space deficiencies in relation of functioning informal amenity/recreation space. Consideration to the current role and function of the green space identifies that it is a highly valued asset within the context of the local community and environment. The site has a very purposeful relationship to the residential properties on surrounding roads serving almost as a 'village green' function. The local terraced streets provide a dense form of development, the character of the area is also compromised by a dependence on on-street parking which detracts from the street scene. In contrast, the site presents an important break from the

built form which brings significant amenity benefits and actively achieves the environmental qualities referenced by policy OL4.

- 8.10 Further to the findings of the recent appeal decision, the current proposal is not deemed to be ancillary to the use of the land. It is not necessary to and it would not support the function of the land as open space. It would not provide a compensatory area of green space in a suitable location. Therefore, overall, the principle of development is contrary to policy OL4 and does not meet the exceptions set out in OL4 a) – c).
- 8.11 In recognising the significance of the loss of green space, and further to discussions in acknowledgement of the issues raised, the applicant has stated that they are willing to offer compensation through either the planting of trees at alternative location, a contribution under a section 106 agreement, or potentially conducting a loss of open space assessment if required. The applicant has advised that this would be in an effort to mitigate the impact and ensure a balanced approach to development and environmental conservation.
- 8.12 However in 2019, planning permission was refused for the erection of a new 2-storey 13No bed HMO development with parking, amenity and ancillary spaces. Although the scale of the refused scheme was greater than the current proposal, the impact in relation to policy OL4 remains consistent and is a strong material planning consideration.
- 8.13 As concluded in the first reason for refusal for planning reference 19/00260/FUL: *'In the opinion of the Local Planning Authority, the site should be retained as an area of Open Space. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of Open Space would exacerbate local deficiencies of residents access to functioning open space...'*
- 8.14 In support of the subsequent appeal from 2019, an Open Space Assessment (OSA) was submitted in order to demonstrate that the site would meet the exception in policy OL4 (d), by virtue of being surplus to requirements and of no special significance to the interests of sport and recreation. The OSA relied on a study from 2010 (a full report was not provided) which found that there were a range of different types of open spaces in Tameside. However it also found that Dukinfield has below average amenity space, both in terms of the number of sites and their total area.
- 8.15 It was accepted by the Inspector at appeal that other types of open space can be found elsewhere, but ultimately the OSA failed to demonstrate that there was an adequate supply of amenity space in the area/ that the appeal site was surplus to requirements. In the absence of any site specific assessment, no additional evidence was provided to demonstrate that the application site was not of any significance to the local community.
- 8.16 Therefore, even if an open space assessment was undertaken as part of this application, the site is still occupied by a number of mature trees which collectively have been afforded a tree preservation order owing to the valuable contribution they make to the verdant character and appearance of the street scene and the townscape. As such, notwithstanding the provision of a potential OSA, the presence of the protected trees represents a fundamental issue/barrier to development on the site. The loss of these trees would be significantly detrimental to the amenity and overall environmental quality of the area, contrary to the requirements of policies N4 and N5 of the UDP. Replacement planting elsewhere would not be an acceptable solution and overcome this reason for refusal, give the harm that would arise specifically in this locality.
- 8.17 Although found to be contrary to Policies OL4, N4 and N5, It is nevertheless necessary to have regard to material considerations, specifically the NPPF and housing supply.

Housing Supply:

- 8.18 Whilst the principle of development is contrary to the development plan, it is nevertheless necessary to have regard to material considerations, specifically the NPPF.
- 8.19 In terms of housing development, the council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified within the footnote of paragraph 11 of the NPPF should be applied to determine planning applications.
- 8.20 The balance between the loss of the functioning green space/protected trees and housing supply is not compelling. The representations that have been received coupled with the site assessment confirm that the site serves an important local green space function which fulfils a strong social and environmental role. The value of the site to the local community is reflected within the representations which are material to the balancing exercise. There is not considered to be an overriding economic (regenerative) case which would outweigh the associated harm that would result from development of the site/loss of the functioning green space. The contribution to housing supply does not outweigh consideration to the adverse social and environmental impacts and it is not considered that the proposals constitute a sustainable form of development to which there would be significant and demonstrable benefits.

9. CHARACTER AND APPEARANCE

- 9.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Amongst other matters, paragraph 130 of the Framework requires new development to: function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout, appropriate and effective landscaping; be sympathetic to local character and history and establish and maintain a strong sense of place.
- 9.2 Policy C1 of the UDP, Townscape and Urban Form, states that in considering proposals for built development, the council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development. This is also echoed by UDP Part One Policy 1.3.
- 9.3 Policy H10 states that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:
- a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and
 - b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and
 - c) suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas, and
 - d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and

anti-social behaviour. The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.

- 9.4 The Residential Design SPD also makes clear that proposals for new development should be drafted with an understanding of a place's character and identity, acknowledging the elements (buildings, features and spaces) that have shaped it and applying a respectful design that complements or enhances it. Policy RD2 provides detailed design criteria for new proposals. As set out in the above policies, in order to integrate sympathetically, the design of the proposal needs to be carried through to the proposed development in terms of: scale, massing, proportions, materials, fenestration patterns and general design/appearance.
- 9.5 In terms of design, the scale, overall proportions and general architectural style of the proposed bungalow properties fail to align with the surroundings and would be a departure from the well-defined character and established built form within the locality. That being traditional two storey/three storey terraced housing. The houses would provide an active frontage to Smith Street, but plot no.4 in particular, would have a poor relationship/connection with the adjoining road, Chapel Street, being situated at an askew angle with the proposed introduction of 1.8m fencing fronting the highway (in order to provide necessary levels of privacy for the future occupiers). It is accepted that alternative boundary treatment could be designed into the scheme, for example a matching brick wall, however this would have negative and unacceptable impacts on the visual quality of the street scene, of detriment to its openness and spaciousness. In this respect, the design of the proposal is contrary to the aims and aspirations of policy RD2 of the SPD and policies H10 and C1 of the Unitary Development Plan, as well as design criteria contained within the National Design Guide.
- 9.6 From a wider street scene perspective, the area of open space and subsequent trees that the site currently supports forms an important visual feature in the locality. Its contribution to the street scene and relationship to nearby properties adds significantly to local amenity. The development would result in the loss of practically all of the usable and functional area of the open space to development. This would undermine the value and use of the site, as it presently forms a welcome break from the dense built form and contributes positively to local streetscape and character. This openness and character would be lost to the development and the subsequent result would be harmful to the local environment.
- 9.7 In a bid to address the above issues, the applicant presented a revised draft site plan showing two pairs of semi-detached bungalows (as opposed to four detached). Accompanying elevation drawings were not provided. However due to the general scale/appearance of the bungalows, the draft proposal would have still failed to integrate sympathetically with the character of the existing street scene. The application is therefore considered on the basis of the original plans.

10. RESIDENTIAL AMENITY

Existing residential amenities

- 10.1 The NPPF outlines the importance of planning in securing good standards of amenity for future and existing occupiers of land and buildings. Policy H10 of the UDP states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic.
- 10.2 Policy RD5 advises that buildings should be orientated to maximise levels of natural light / solar gain and minimise overlooking in habitable rooms and private gardens. To ensure this, the following minimum distances between extensions and existing properties are applied:
- Between two directly facing habitable rooms, a minimum distance of 21m is required and 14m between on street frontages and between bungalows.

- Between a habitable room window and a single storey blank wall, there should be a distance of 10m, which is increased to 14m for a two storey blank wall.
- 10.3 The above requirements can be relaxed in cases where there is oblique overlooking; or in cases which already fail to meet these standards, the Council can permit a further reduction in distance if it can be demonstrated that doing so will have no detrimental impact on the neighbouring property.
- 10.4 The proposal fails to comply with Policy RD5 (minimum privacy distances) of the Residential Design Supplementary Planning Document. The scheme falls short at around 10.8m between the properties opposite on Smith Street. With no clear material reasons to depart from these standards, Officers conclude there to be an unwarranted loss of privacy to the neighbouring occupiers, between the directly facing habitable room windows.
- 10.5 No other properties are considered to be unduly affected by the proposed development in regards to light, outlook and privacy. The development would be screened at the rear by a 2m high fence.
- Residential Environment Created
- 10.6 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10 (a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent national technical standard which is given in the Government's Technical housing standards – nationally described space standard document (THS).
- 10.7 According to the THS, a 1 bed, 1 person, 1 storey dwelling should have a minimum gross internal floor area of 39m² (this is reduced to 37m² where a 1bed 1person has a shower room instead of a bathroom). In this instance the proposed dwellings are all single storey. Each of the bedrooms has access to natural light and ventilation. The bedroom is shown to be 8m² which is sufficient to accommodate one bedspace, in accordance with 10c of the THS. Overall, achieving an internal floor area of 43sqm, the proposal achieves the minimum space requirements.
- 10.8 In considering the level of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. The Policy requires that all houses should have private amenity space of a size and function suitable for its intended occupants. In reviewing the proposals, the LPA are satisfied that gardens proposed will have adequate privacy to create a satisfactory useable/functional amenity space to serve the intended occupants.
- 10.9 Overall, despite the proposed dwellings being of a sufficient size with sufficient outdoor amenity space, there would be a loss of privacy to the existing occupiers of the residential properties opposite on Smith Street due to substandard separation distances being provided. Thus also resulting in a poor standard of amenity for the future occupiers of the proposed dwellings, contrary to Policy H10 of the UDP, the Residential Design SPD and the NPPF, in particular paragraph 130.
- 10.10 As above, in a bid to address the highlighted amenity issues, the applicant presented a revised draft site plan showing two pairs of semi-detached bungalows creating a 14m separate distance on the street frontage. However, given the other outstanding matters relating to the principle of development and design issues, accompanying elevation drawings were not provided and the scheme is considered on the basis of the original plans.

11. HIGHWAY SAFETY

- 11.1 The Local Highway Authority have considered the submitted plans (A1123-(02)AP001 revision P2) and cannot offer their support to the proposed development.
- 11.2 The application proposes off street parking arrangement for 4 dwellings on Smith Street to comply with Tameside MBC SPD Policy RD8: Parking Standards. This would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility, the proposal is found to be unacceptable.
- 11.3 Tameside MBC Highways do not permit a vehicular dropped crossing to be constructed within 10m of a junction and 1.2m from a lighting column. The proposal would therefore be at a risk to public and highway safety, providing inadequate visibility splays, contrary to Policy T1 of the UDP, in particular subsections 1a) and d). The proposal therefore fails to achieve the required safe distances as required by the Local Highway Authority standards. The proposal would therefore fail to accord with the NPPF, in particular paragraph 111, which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

12. CONTAMINATED LAND / GROUND CONDITIONS

- 12.1 The Council's Environmental Protection Unit (EPU) has reviewed the proposal and note the following:
- 12.2 Early 1851 town mapping shows a row of five terraced properties in the north west of the site running along Astley Street. A further single terraced property adjoins this row in the north east of the site. To the rear of these properties is larger building and two smaller buildings. The remainder of the south east of the site is open undeveloped land / fields and to the north - north west is the Peak Forest Canal. On the 1874 town map, a further row of five terraced properties has been constructed along the north east boundary of the site, running along Smith Street. These properties adjoin the ones in the north west of the site forming an 'L' shape. To the rear of these properties, the large unknown building and two smaller buildings are no longer present and instead, a single unknown building / structure is shown. There appear to have been no significant changes until circa 1940's when significant development has taken place in the surrounding area. On 1950's mapping, the terraced properties on site are identified as 303 – 311 Astley Street and 1 – 11 Smith Street. By the mid – late 1900's all properties on site have been demolished. The site appears to have remained undeveloped until the present day.
- 12.3 In addition to the above, mapping held by the EPU identifies the presence of a former landfill (called the Ashton-Under-Lyne Effluent Treatment Works Landfill) approximately 80 metres north – north west of the site on the opposite side of the Peak Forest Canal.
- 12.4 The former terraced properties on site may have been constructed from asbestos containing materials (ACM). The subsequent demolition of these properties may therefore have resulted in contamination of the soils at the site with ACM and asbestos fibres. The properties may also have had basements / cellars, which have since been infilled.
- 12.5 From experience of dealing with other sites in the borough, there is also the potential for made ground to be present. This type of ground is commonly associated with a range of contaminants including asbestos, heavy metals (e.g. arsenic, lead etc) and PAH's that may pose a potential risk to future site users / residents particularly, in garden and soft landscaped areas where soils are exposed. Depending on its nature and depth, made ground may also

pose a ground gas risk, as may the former landfill situated approximately 80 metres north – north west of the site.

- 12.6 On this basis, the EPU has no objection to the proposal subject to a condition requiring the submission of a preliminary risk assessment, site investigation strategy and remediation strategy, as well as a verification report to be approved in writing by the LPA. This is in order to ensure that any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of The Framework. If the application was recommended for approval, a condition would be recommended on this basis.

13. DRAINAGE

- 13.1 The site is located within flood zone 1 and is therefore at a lower risk of flooding. In terms of drainage, United Utilities seeks a condition requiring foul and surface water to be drained from the development via separate systems and the submission and approval of a sustainable surface water drainage strategy. If the application was recommended for approval, a condition would be recommended on this basis.

14. TREES / ECOLOGY

- 14.1 Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Eight of the trees on the site are proposed to be removed and are subject to a tree preservation order.
- 14.2 The condition of the trees was deemed to be 'fair' with only minor defects which can be resolved with pruning, and the potential for the ground to be retained for circa 40 years. The Council's Arboricultural and Countryside Estates Officer has stated that as a group these trees are of significant amenity value to the surrounding area and their loss could not be mitigated for on the site while facilitating the development. Therefore the proposed plans are not acceptable from an arboricultural perspective, due to the required loss of protected trees. The
- 14.3 Greater Manchester Ecology Unit has been consulted on the proposal offering the following comments: No ecological information appears to have been submitted with the application. From aerial photography the site appears to support amenity grassland with trees. Overall the proposals appear to result in a net loss of biodiversity for which no compensation has been made. The proposals are therefore currently contrary to chapter 15 of the National Planning Policy Framework, which requires development to achieve a measurable net gain for biodiversity.

15. OTHER MATTERS

- 15.1 The Council's Environmental Health Officer has no objection to the proposal and recommends a condition controlling construction/conversion hours. If the application was recommended for approval, a condition would be recommended on this basis.

16. CONCLUSION

- 16.1 The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in the loss of this amenity function and the resultant reduction in the quantum of open space would exacerbate local deficiencies of

resident's access to functioning open space. The application has not been supported by a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Notwithstanding the Council's current position on 5 year housing supply, the proposals would not achieve the three dimensions of sustainable development.

- 16.2 The site is also occupied by 8no trees which are protected by the Smith Street, Dukinfield Tree Preservation Order (2019), owing to the valuable contribution they make to the verdant character and appearance of the street scene and townscape. The loss of these trees would be significantly detrimental to character. Replacement planting elsewhere would not be an acceptable solution given the harm that would arise specifically in this locality.
- 16.3 The scale, overall proportions and architectural design of the proposed bungalows fail to align with the surroundings and would be a departure from the well-defined character and built form within the locality.
- 16.4 The proposal fails to comply with Policy RD5 (minimum privacy distances) of the Residential Design Supplementary Planning Document. With no clear material reasons to depart from these standards, Officers conclude there to be an unwarranted loss of privacy to the neighbouring occupiers.
- 16.5 The proposed parking arrangements would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility, the proposal is found to be unacceptable.
- 16.6 On this basis in accordance with the requirements of local and national policy the application is recommended for refusal.

RECOMMENDATION

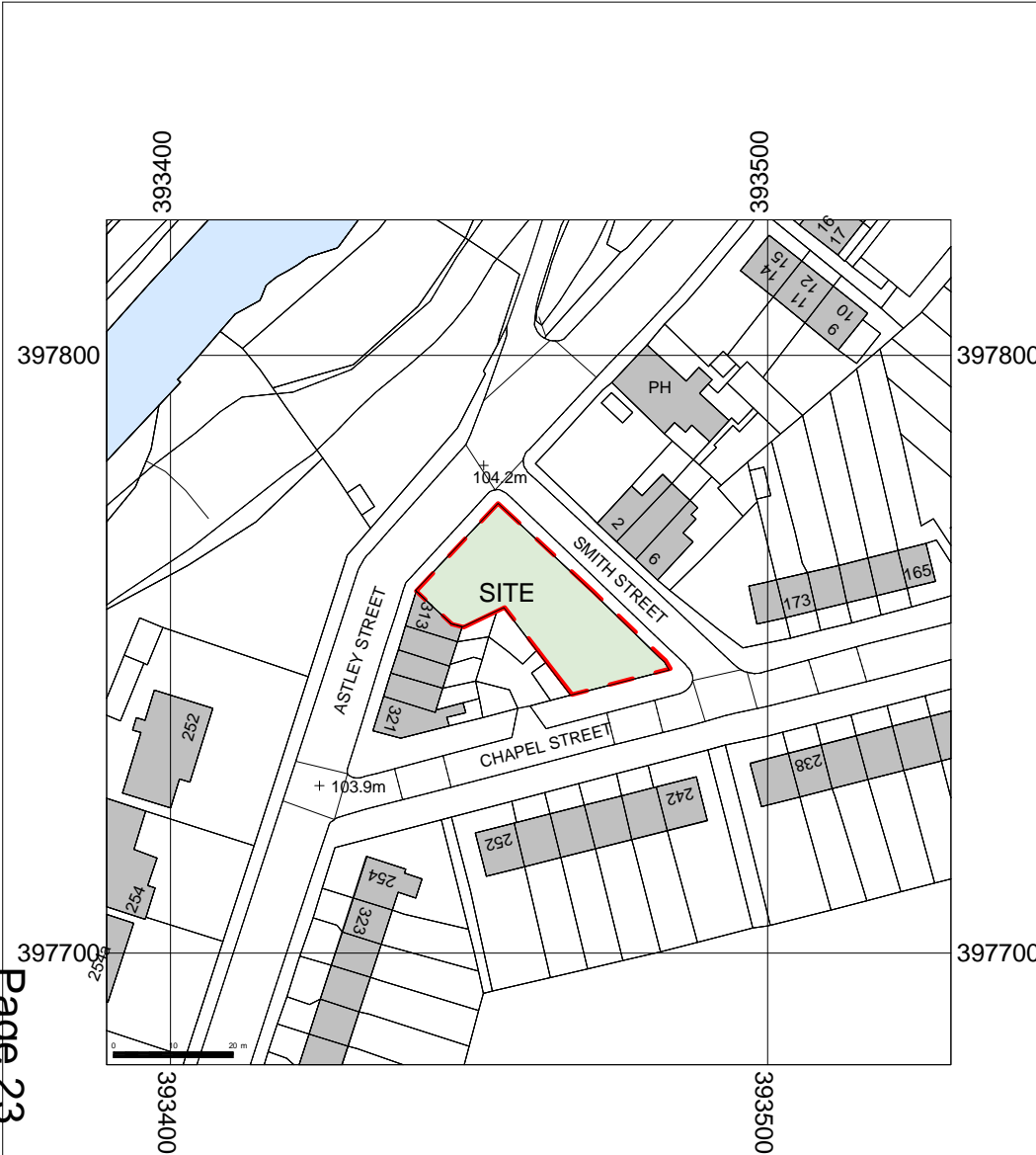
That planning permission be refused for the following reasons:

1. The site functions as a valued area of open space within the local urban environment, it has a significant amenity value and contributes positively to local character and the overall local environmental quality. The development would result in a significant loss of this amenity function and the resultant reduction in the quantum of open space would exacerbate local deficiencies of resident access to functioning open space. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently, the proposal does not meet the exception test of UDP Policy OL4 'Protected Green Space' or paragraph 99 of the National Planning Policy Framework and the loss of the protected open space cannot be tolerated.
2. The development would result in the removal of 8 trees which are protected by the Smith Street, Dukinfield Tree Preservation Order (2019). The loss of these high value amenity trees would be significantly detrimental to the amenity and overall environmental quality of the area contrary to the requirements of policies of N4 'Trees and Woodland' and N5 'Trees within development Sites' of the Tameside Unitary Development Plan.
3. By reason of their overall form, scale and appearance, the proposed bungalows would fail to integrate sympathetically with the locality and would be a departure from the well-defined character and established built form, out-of-keeping with their immediate context. The proposal is therefore found to be contrary to Policies 1.3, C1 and H10 of the Tameside

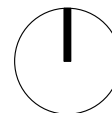
Unitary Development Plan and the National Planning Policy Framework, in particular paragraph 130.

4. The proposal would fail to achieve satisfactory separation distances between habitable room windows resulting in a loss of privacy for both the existing occupiers at No.2-6 Smith Street and the potential future occupiers of the proposed dwellings. The development would also not be the form of sustainable development that the National Planning Policy Framework sets out a presumption in favour of, as it would be contrary to Paragraph 130 of the National Planning Policy Framework which seeks, amongst other matters, a high standard of amenity for existing and future users. The proposal is therefore contrary to Policy H10 of the Tameside Unitary Development Plan, the Tameside Residential Design Supplementary Planning Document, in particular RD5, and the National Planning Policy Framework.
5. The proposed parking arrangements would require vehicles from the dwellings to access/exit at a location close to the junction of Smith St/Astley St and Chapel St, resulting in a highway safety concern, due to close proximity of the driveways to the junctions and the potential for conflict between vehicles accessing/exiting the dwelling and vehicles turning into the junctions and the reaction times involved by all drivers to assess speeds and forward visibility. The proposal is therefore contrary to paragraph 111 of the National Planning Policy Framework.

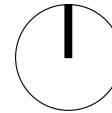
This page is intentionally left blank



1 Site Location Plan
1 : 1250



2 Site Plan
1 : 500



General Notes
The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
All dimensions should be checked on site. Do not scale from this drawing.
To be read in conjunction with all other Consultant's drawings.
The Architect to be immediately notified of any discrepancies.
Copyright on this drawing retained by the Architect.

LEGEND
- - - Site Boundary

No.	Date	Drawn	Checked	Appr.	Revision or reason for issue
-	30/12/16	SA	SH		Initial Issue

Client
Darren

create studios
...leave an impression
Create it Studios (NW) Ltd
Huddersworth Mill Business & Art Centre
Huddersworth Street
Ruddish, Stockport
SK2 6JA
info@createitstudios.co.uk

Project Title
Smith Street, Dukinfield

Scale / North Point
As indicated

Drawing Title
Existing Site Location Plan

Drawing Number	Revision
A1123-(01)AP001	-
Drawing Status	
Preliminary	

This page is intentionally left blank



General Notes
 The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
 All dimensions should be checked on site. Do not scale from this drawing.
 To be read in conjunction with all other Consultant's drawings.
 The Architect to be immediately notified of any discrepancies.
 Copyright on this drawing retained by the Architect.

LEGEND
 Site Boundary

No.	Date	Drawn	Checked	App.	Revision or reason for issue
-	30/12/16	SA	SH		Initial Issue

Client
 Darren

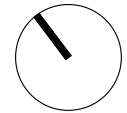
create studios
 ...leave an impression
 Create it Studios (NW) Ltd
 Houldsworth Mill Business & Art Centre
 Houldsworth Street
 Rudden, Stockport
 SK2 6JA
 info@createstudios.co.uk

Project Title
 Smith Street, Dukinfield

Scale / North Point
 1 : 200


Drawing Title
 Existing Site Topo Plan

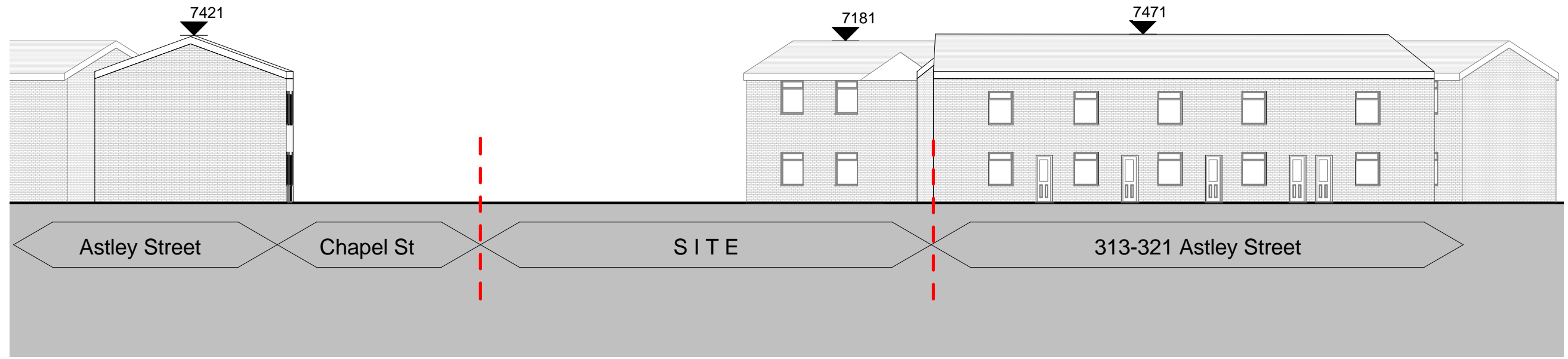
Drawing Number	Revision
A1123-(01)AP002	-
Drawing Status	
Preliminary	



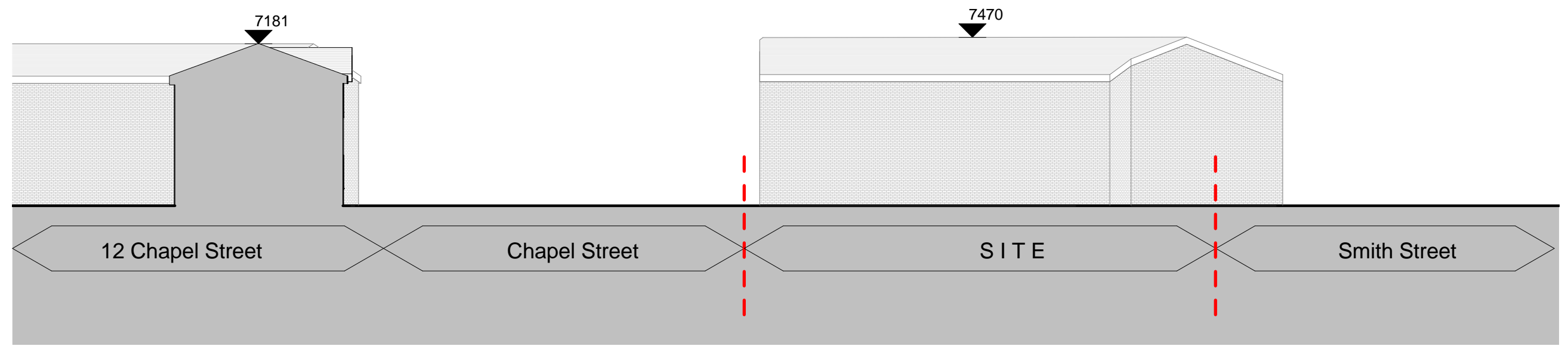
This page is intentionally left blank

General Notes
 The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
 All dimensions should be checked on site. Do not scale from this drawing.
 To be read in conjunction with all other Consultant's drawings.
 The Architect to be immediately notified of any discrepancies.
 Copyright on this drawing retained by the Architect.

LEGEND
 Site Boundary



1 Existing Elevation - Astly Street
 1 : 200



2 Existing Elevation - Smith Street
 1 : 200

No.	Date	Des	Chk	App	Revision or reason for issue
-	30/12/16	SA	SH		Initial Issue

Client
 Darren

create studios
 ...leave an impression
 Create it Studios (NW) Ltd
 Huddersworth Mill Business & Art Centre
 Huddersworth Street
 Ruddish, Stockport
 SK12 6JA
 info@createstudios.co.uk

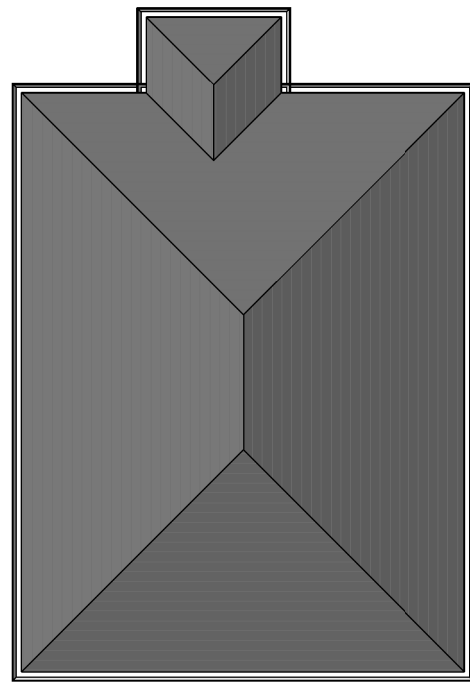
Project Title
 Smith Street, Dukinfield

Scale / North Point
 1 : 200

Drawing Title
 Existing Street Elevations

Drawing Number
 A1123-(01)AP004
 Drawing Status
 Preliminary

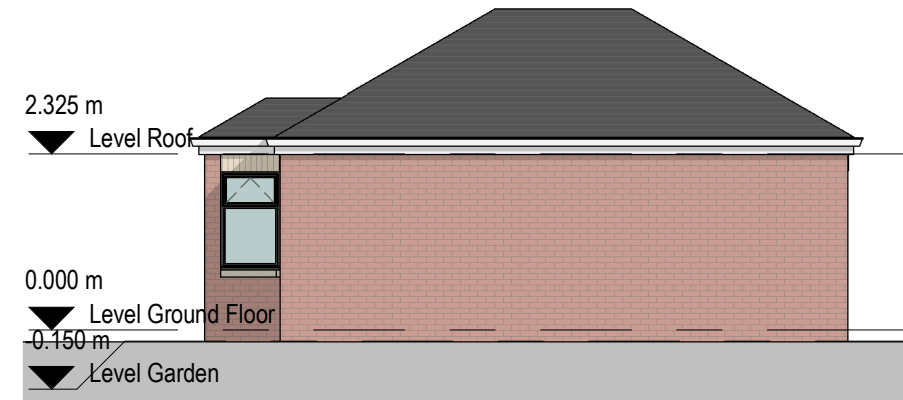
This page is intentionally left blank



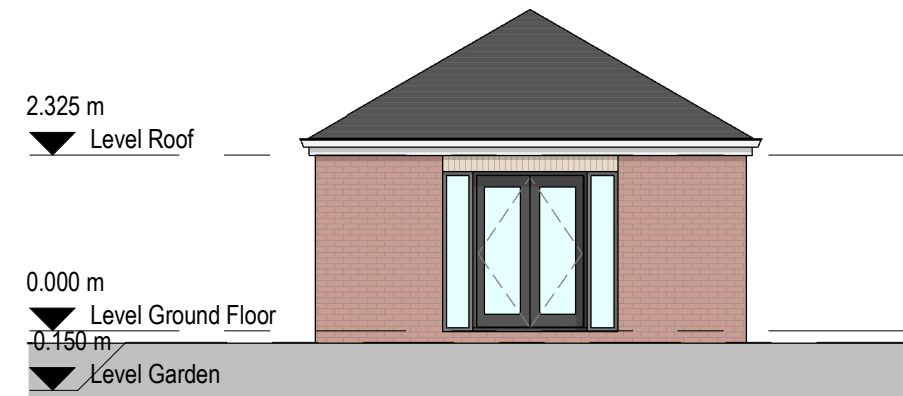
1 Proposed Roof Plan
1 : 100



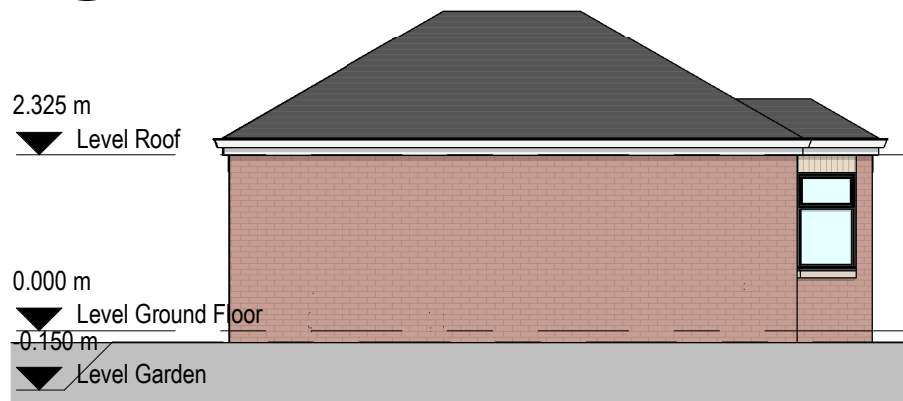
3 Proposed East Elevation
1 : 100



4 Proposed North Elevation
1 : 100



5 Proposed West Elevation
1 : 100



6 Proposed South Elevation
1 : 100

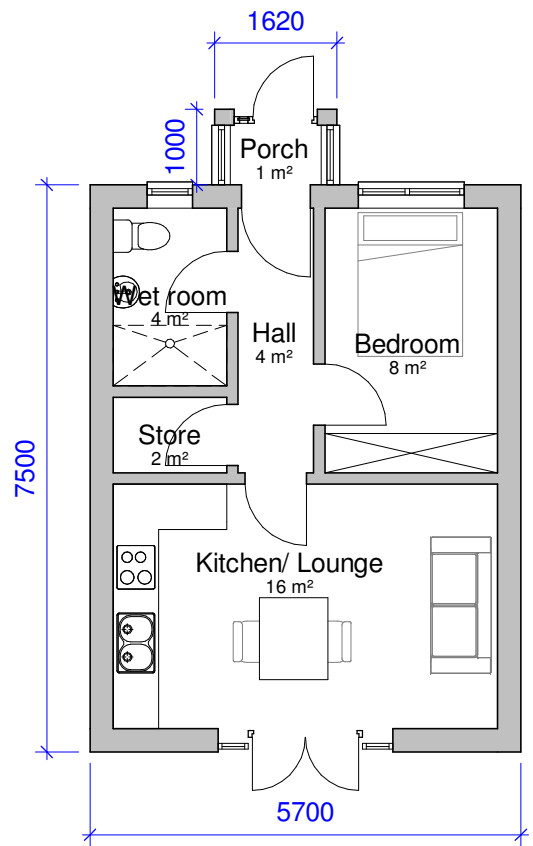
HOUSE - 43 sqm



7 Proposed Front View



8 Proposed Rear View



2 Proposed Floor Plan
1 : 100

General Notes
The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
All dimensions should be checked on site. Do not scale from this drawing.
To be read in conjunction with all other Consultant's drawings.
The Architect to be immediately notified of any discrepancies.
Copyright on this drawing retained by the Architect.

P1 12/05/22 SA SH Initial Issue
No. Date Dwn Chk App Revision or reason for issue

Client
Darren

createitstudios
...leave an impression

Create It Studios (NW) Ltd
Houldsworth Mill Business & Art Centre
Houldsworth Street
Reddish, Stockport
SK5 6CA
info@createitstudios.co.uk

Project Title
Smith Street, Dukinfield - Apartments

Scale / North Point
1 : 100

Drawing Title
Proposed House

Drawing Number
A1123(02)AP000
Drawing Status
Preliminary
Revision
P1

This page is intentionally left blank



Community Public Access
Defibrillator, external wall mounted
on one property for community use

General Notes

The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
All dimensions should be checked on site. Do not scale from this drawing.
To be read in conjunction with all other Consultant's drawings.
The Architect to be immediately notified of any discrepancies.
Copyright on this drawing retained by the Architect.

LEGEND

 Site Boundary

P2 19/06/23 SA SH Defibrillator added
P1 13/05/22 SA SH Initial Issue
No. Date Dwn Chk App Revision or reason for issue

Client
Darren

createitstudios
...leave an impression

create it studios (NW) Ltd
Houldsworth Mill Business & Art Centre
Houldsworth Street
Reddish, Stockport
SK5 6DA
info@createitstudios.co.uk

Project Title
Smith Street, Dukinfield - Apartments

Scale / North Point
1 : 200

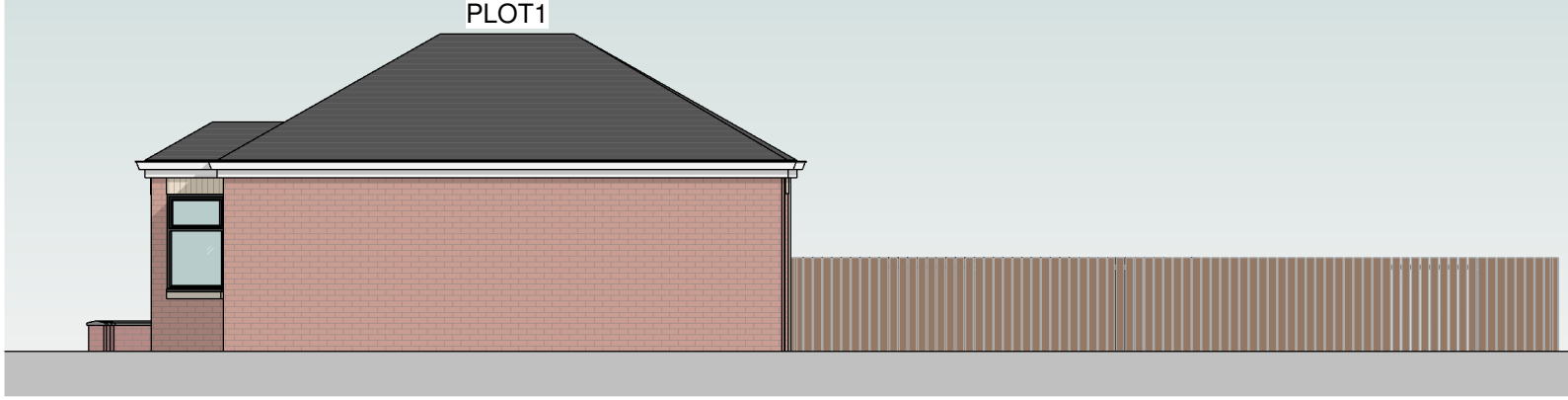
Drawing Title
Proposed Site Plan

Drawing Number A1123-(02)AP001	Revision P2
Drawing Status Preliminary	

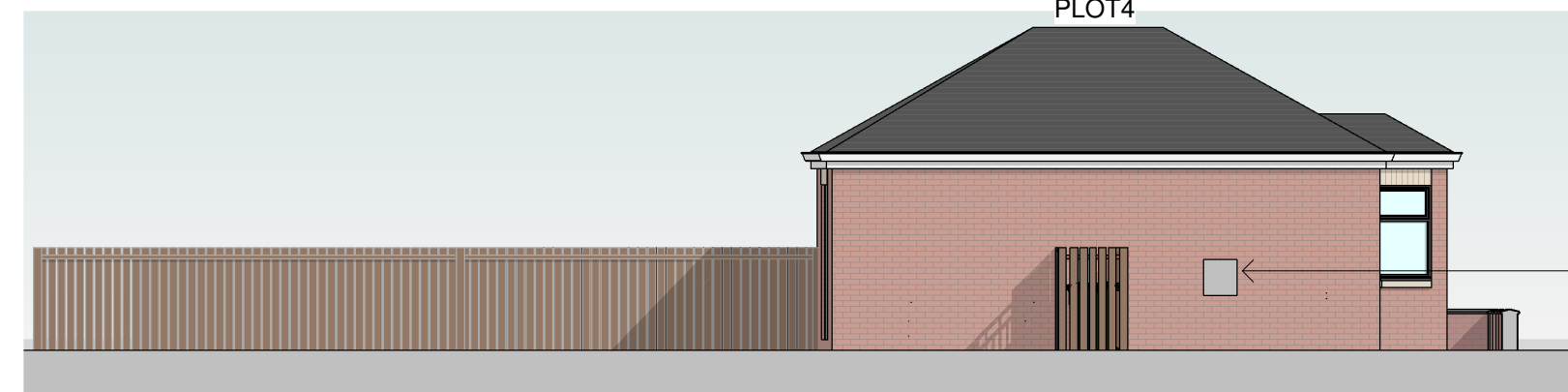
This page is intentionally left blank



1 Proposed East Elevation
1 : 100



2 Proposed North Elevation
1 : 100



Community Public Access Defibrillator,
external wall mounted on one property
for community use

3 Proposed South Elevation
1 : 100



4 Proposed West Elevation
1 : 100



General Notes
The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
All dimensions should be checked on site. Do not scale from this drawing.
To be read in conjunction with all other Consultant's drawings.
The Architect to be immediately notified of any discrepancies.
Copyright on this drawing retained by the Architect.

Page 33

P2 19/06/23 SA SH Defibrillator added
P1 13/05/22 SA SH Initial Issue
No. Date Dwn Chk App Revision or reason for issue

Client
Darren

createitstudios
...leave an impression
Create It Studios (NW) Ltd
Houldsworth Mill Business & Art Centre
Houldsworth Street
Reddish, Stockport
SK5 6CA
info@createitstudios.co.uk

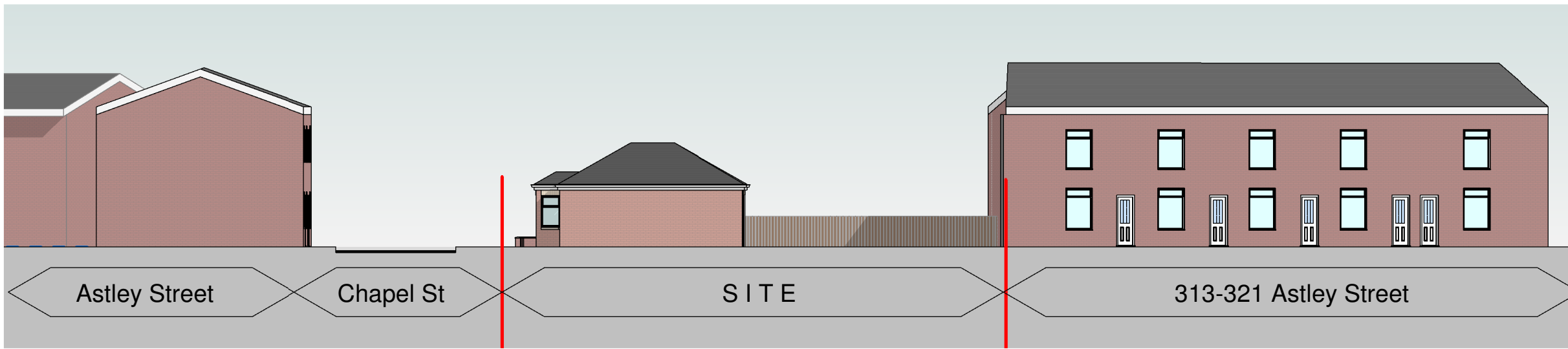
Project Title
Smith Street, Dukinfield - Apartments

Scale / North Point
1 : 100

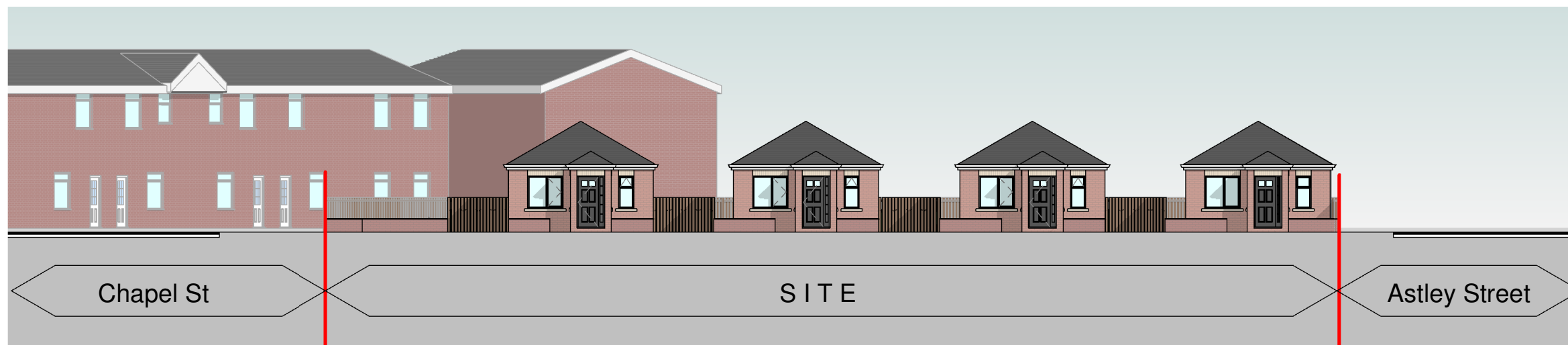
Drawing Title
Proposed Site Elevations

Drawing Number
A1123-(02)AP002
Drawing Status
Preliminary
Revision
P2

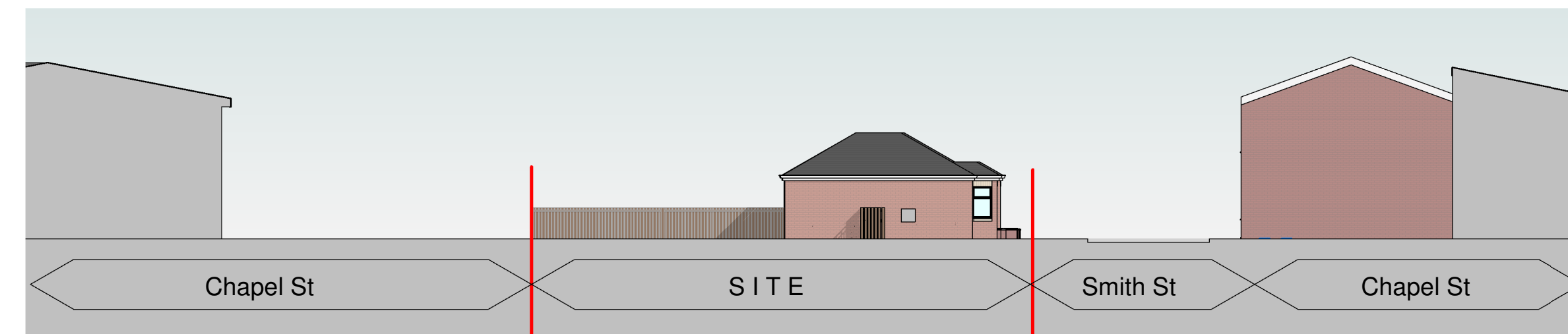
This page is intentionally left blank



1 Proposed Astly Street Elevation
1 : 200



2 Proposed Smith Street Elevation
1 : 200



3 Proposed Chapel Street Elevation
1 : 200



General Notes

The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.
All dimensions should be checked on site. Do not scale from this drawing.
To be read in conjunction with all other Consultant's drawings.
The Architect to be immediately notified of any discrepancies.
Copyright on this drawing retained by the Architect.

P2 19/06/23 SA SH Defibrillator added
P1 13/05/22 SA SH Initial Issue
No. Date Dwn Chk App Revision or reason for issue

Client
Darren

createitstudios
...leave an impression

Create It Studios (NW) Ltd
Houldsworth Mill Business & Art Centre
Houldsworth Street
Reddish, Stockport
SK5 6CA
info@createitstudios.co.uk

Project Title
Smith Street, Dukinfield - Apartments

Scale / North Point
1 : 200

Drawing Title
Proposed Street Elevations

Drawing Number A1123-(02)AP003	Revision P2
Drawing Status Preliminary	

This page is intentionally left blank

General Notes

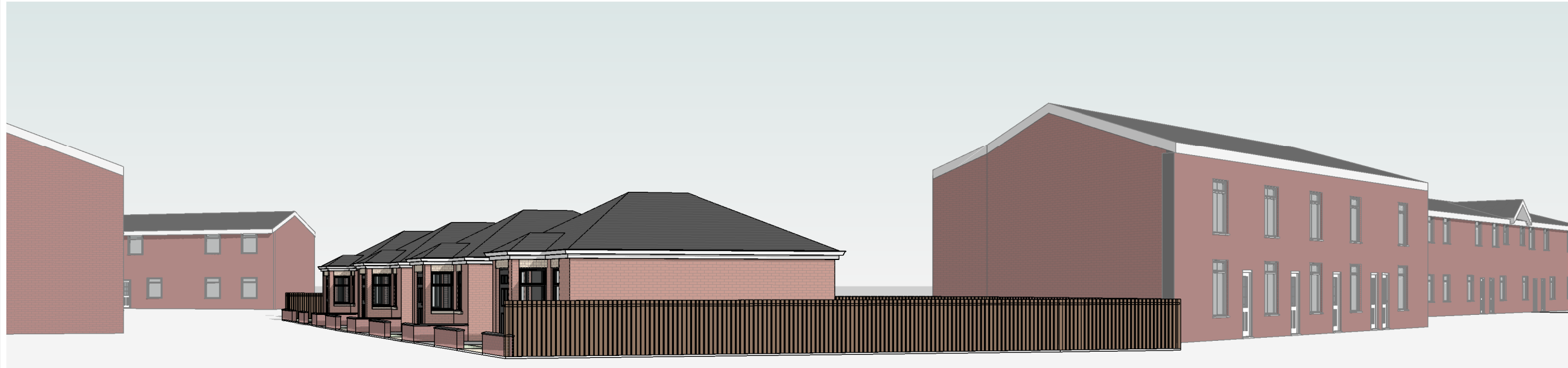
The Architect shall have no responsibility for any use made of this document other than for that which it was prepared and issued.

All dimensions should be checked on site. Do not scale from this drawing.

To be read in conjunction with all other Consultant's drawings.

The Architect to be immediately notified of any discrepancies.

Copyright on this drawing retained by the Architect.



1

Proposed Astley Street View



2

Proposed Smith Street View

P2 19/06/23 SA SH Defibrillator added
P1 07/11/17 SA SH Initial Issue
No. Date Dwn Chk App Revision or reason for issue

Client
Darren

createitstudios
...leave an impression

Create It Studios (NW) Ltd
Houldsworth Mill Business & Art Centre
Houldsworth Street
Reddish, Stockport
SK5 6CA
info@createitstudios.co.uk

Project Title
Smith Street, Dukinfield - Apartments

Scale / North Point

Drawing Title
Proposed 3D Views

Drawing Number
A1123-(02)AP004

Revision
P2

Drawing Status
Preliminary

This page is intentionally left blank



Figure 1 Smith street elevation



Figure 2 Smith Street



Figure 3 Chapel Street elevation



Figure 4 Properties at the rear on Astley Street



Figure 5 View looking east on Chapel Street (site on left)



Figure 6 Site as viewed from Astley Street at junction with Smith Street on left



Figure 7 smith street



Figure 8 looking west down chapel street at junction with smith street (right)

Application Number:	23/00673/FUL
Proposal:	Provision of additional warehouse and storage area and associated works.
Site:	Land at Frederick House, Dunkirk Lane, Hyde
Applicant:	Involvement Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The site relates to a 0.16 hectare parcel of land. It comprises an existing hardstanding area immediately to the north-west of Frederick House and a 2 storey office block which fronts Dukinfield Road.
- 1.2 In 2019 permission was granted for a single storey, pitched roof warehouse to be used for storage and distribution purposes (Use Class B8) (ref: 19/00327/FUL). This permission was implemented at the time.
- 1.3 To the rear of the office accommodation is warehousing which is accessed from Dunkirk Lane. Employment uses are found to the west, south and east of the site. Terraced residential properties fronting Dukinfield Road are located beyond the eastern boundary.
- 1.4 Levels across the site are flat and the site laid almost completely to hardstanding (parking) albeit for a grassed area along the western boundary. The applicant is an established local business. Their existing headquarters is within Hyde Point located on the opposite (southern) side of Dunkirk Lane to the application site. Immediately adjacent to Frederick House on the same side of Dunkirk Lane is Newton Hall which is a 14th-century grade II listed cruck-framed building.
- 1.5 The application site is in a highly accessible area on the road network with Dukinfield Road being one of the main routes into Hyde town centre from the north. The site is 3km to the east of Junction 24 of the M60, which connects it to Stockport and the A57 connecting with Manchester.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the erection of a storage warehouse building. The structure would be located to the north-west of Frederick House on an area, which is currently hard surfaced used for informal open storage and occasional parking. The building will replace a single storey brick built outbuilding that is currently used for storage.
- 2.2 The building will comprise an enclosed warehouse area with a partially opened adjacent storage area with a total floor area of 1,092 square metres (sqm) gross (and 1,067 sqm internal). It will measure at a maximum 35m x 20m with an eaves height of 7.7m and a ridge height of 12.5m.

- 2.3 The building is semi-permanent with white sandwich panel walls, a PVC thermo roof also in white with a roller shutter door in anthracite on the southern elevation and a personnel door on the eastern elevation.
- 2.4 The building has been designed to enhance the storage upon the site following the success of the business and will ensure the site continues to meet its operational needs and those of its customers whilst also creating an attractive environment in which to work.
- 2.5 The applicant specialises in supplying containers across a range of industries including DIY, pharmaceutical and food. The company has four locations across the UK with its head office currently based at Hyde Point. The applicant employs in the region of 85 staff across its four branches within the UK, with approximately 50 employees currently employed between Hyde Point and Frederick House.

3. PLANNING HISTORY

- 3.1 95/00718/FUL – Extension to existing factory with two storey office block additional car parking and erection of 2m high security fence – Approved 06.07.1995
- 3.2 00/00287/ADV – Erection of illuminated signage – Approved 05.05.2000.
- 3.3 19/00327/FUL - Erection of single storey pitched roof warehouse to be used for storage and distribution purposes (Use Class B8) – Approved on 31.07.2019.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.5 **Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.9: Maintaining Local Access to Employment and Services;
- 1.10: Protecting and Enhancing the Natural Environment;
- 1.11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- C1: Townscape and Urban Form
- C6: Setting of Listed Buildings
- E3: Established Employment Areas
- E6: Detailed Design of Employment Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

4.7 **Supplementary Planning Documents**

Trees and Landscaping on Development Sites SPD adopted March 2007; and, Employment Land Supplementary Planning Document adopted January 2009.

Places for Everyone

4.8 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.9 Paragraph 48 of the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.10 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a

significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.

- 4.11 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.12 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.13 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

- 4.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.15 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

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 major development by neighbour notification letters, display of site notice, and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the neighbour notification letters, there has been one letter of objection received. The concerns raised within the letters of objection are summarised below:
- Noise/Hours of Operation
 - Traffic/Parking Matters
 - The previous request was for temporary warehousing which would not include any night working.
 - The development is still there with no notification whether this is now permanent.
 - There is additional light pollution at night on numerous occasions.
 - The company land is bordered by trees which are overgrown for the area preventing light to gardens and housing.
 - The company associated with this land are extremely difficult to contact on this issue as I have tried several times.

- It is now more and more evident that the main road (Dukinfield Road) is not suitable for the size of vehicles accessing this site as now due to the weight of them houses now shake as they pass certain points on the road.
- Increased storage results in increased traffic.

7. RESPONSES FROM CONSULTEES

- 7.1 Highways – No objections subject to recommended conditions.
- 7.2 Lead Local Flood Authority (LLFA) – No objection subject to details of a sustainable surface water drainage scheme.
- 7.3 Canal & River Trusts – No objections
- 7.4 Coal Authority – No objections subject to relevant informative.
- 7.5 Contaminated Land – No objections subject to recommended conditions.
- 7.6 Environment Agency – No objections.
- 7.7 Environmental Health – No objections subject to a condition for controls on construction hours.
- 7.8 Greater Manchester Ecology Unit – No objections
- 7.9 Arboricultural Officer – No significant trees or vegetation will be affected by the proposals. Acceptable from an Arboricultural perspective.
- 7.10 Planning Policy – No comments received
- 7.11 United Utilities – No comments received

8. ANALYSIS

Principle of Development

- 8.1 Section 6 of the NPPF is entitled “Building a strong, competitive economy”. Paragraph 81 states that ‘planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’
- 8.2 The site has a longstanding established employment allocation, along with adjoining land which follows the alignment of the Peak Forest Canal from Hyde in the south to Ashton Via Dukinfield in the north. Historical maps show that the site has been developed and served in an employment capacity since the 1970’s.
- 8.3 The Council recognises that there is, at present, a shortage in the supply/allocation of employment land within the Borough. This will be partly addressed within the emerging spatial plan, Places for Everyone. The evidence submitted as part of the Greater Manchester Spatial Framework and Places for Everyone highlights that Tameside has the lowest availability of industrial and warehousing space within Greater Manchester. Industrial and warehousing development has an important role to play in addressing the economic disparities across Greater Manchester and, in particular, to boost the competitiveness of the Borough within the northern areas. It is therefore material to the decision.

- 8.4 Policy E3 states that in Established Employment Areas, the Council will permit development for employment purposes. The supporting text of the policy clearly defines employment purposes as including B8 storage and distribution uses. The erection of the proposed building would yield direct economic outputs and the creation of the employment floor space would provide direct employment opportunities. The investment within the site is welcomed and this would compliment the wider employment offer within the established industrial/employment area off Dunkirk Lane. The investment is welcomed and it fully accords with the strategic objectives of the Council, current UDP policies and those of the emerging Places for Everyone strategic plan.
- 8.5 The principle of development is considered to be acceptable, the proposals would be compliant with the site allocation and meet the test of policy E3 'Established Employment Areas' subject to all other material considerations being satisfied which are addressed below.

9. DESIGN & LAYOUT

- 9.1 Policy E6 'Detailed Design of Employment Developments' sets out a number of design-based criteria to be applied in the consideration of new employment development. Building design and use of materials should relate well to local features and complement or enhance the character of the surrounding area.
- 9.2 Policy C1 states that *"In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development."*
- 9.3 Paragraph 124 of the NPPF states *"Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) the identified need for different types of housing and other forms of development, 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 that limit future car use;*
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) the importance of securing well-designed, attractive and healthy places*
- 9.4 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments :
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and,*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks."*

- 9.5 Paragraph 134 of the National Planning Policy Framework states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.
- 9.6 The building is of a robust construction and it will form a permanent structure within the site whilst there remains an economic need for it. The location of the building is not viewed as being contentious. The position of the building is such that it would occupy a central location within an established employment area; as such it would be screened from public views.
- 9.7 The design is typical to that of modern warehousing units which are constructed from a steel frame and externally clad. The building would have a pitched roof and would be aligned along an orientation identical to that of employment units located adjacent to the site. The building would be of a height similar to the existing buildings on site and within the surrounding industrial estate and would not form a dominant feature either within the site or wider locality.
- 9.8 The development would comprise of a large warehouse building, with roof and wall panel cladding coloured white. No windows are proposed to the buildings.
- 9.9 The overall height and scale of the building is considered to be acceptable. Levels within the site are generally flat. The warehouse building would appear as a natural addition to the established employment character of the surrounding area. The design and scale would not result in an overbearing impact on the character of the surrounding area.
- 9.10 The design is acceptable, meeting the criteria of policies E6 and C1. The building is deemed to be complimentary to existing industrial units within the immediate area and would not detract from the appearance of the locality. The building takes a simple but functional appearance similar to that of adjacent buildings.

10. IMPACT UPON HERITAGE ASSETS

- 10.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.2 Policy C6 of the UDP states that new development, including any proposed as a result of a new use for a listed building, which fails to preserve, or detracts from, the setting of a listed building or structure will not be permitted.
- 10.3 Newton Hall is a designated heritage asset (Grade II) and is an early example of a cruck-framed building sited approximately 150metres away to the south-east. The proposals would not result in any encroachment on the setting of the Hall, recognising that it would have no visual connection with the asset, which would be segregated from view behind the existing buildings of Frederick House. The setting of the listed building will therefore be preserved.
- 10.4 In light of the above, in the absence of any undue harm to the setting of the listed building as a result of the proposed development, the application accords with the above policies and is acceptable in this regard.

11. RESIDENTIAL AMENITY

- 11.1 The site is bounded to the east by a warehouse building and beyond this are residential gardens of terraced properties on Dukinfield Road. A more unusual feature of these properties is that their rear gardens are separated from the dwellings by a communal access

road which severs their rear yard area from the main garden space. This creates an arrangement whereby properties are positioned over 88m away from the site boundary that also supports a tree belt that will be retained. The proposals demonstrate that full compliance is reached with SPD 'Employment Land' with regard to spacing standards.

- 11.2 The comments from a neighbouring property have been taken into account. However consultation with Environmental Health has been positive and it is not envisaged that any disturbance should occur from the site which would be harmful to levels of residential amenity noting the separation distance from the proposed building and the neighbouring properties along Dukinfield Road. Details of security lighting have, however, not been provided. In the interests of good practice it is therefore recommended that such details are requested through the imposition of a condition.
- 11.3 It is also noted that the development would have the potential to cause undue disturbance during a construction phase. A condition is recommended restricting construction work to daytime hours only.
- 11.4 Following the above assessment, the proposed development would not result in an adverse impact on the residential amenity of any surrounding neighbouring properties.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1 Policy T1 of the UDP states *"The Council will carry out new highway construction, highway improvement and traffic management schemes with the aims listed below. The access arrangements for development schemes must also be designed with these aims, wherever appropriate.*

(a) improving safety for all road users,
(b) encouraging the use of non car modes,
(c) providing safe and convenient facilities for pedestrians and cyclists,
(d) improving road and community safety especially in residential areas,
(e) improving safety and the environment in town and local centres, assisting their viability and encouraging new investment,
(f) assisting sustainable development,
(g) safe management of congestion problems,
(h) improving the efficiency and attractiveness of public transport and the convenience and safety of passengers,
(i) providing for the needs of people with mobility difficulties,
(j) providing for the safe use of powered two wheelers,
(k) providing for the sustainable movement of freight,
(l) conserving and enhancing the valued characteristics of an area through the use of appropriate design and materials.

- 12.2 Policy T10 of the UDP states *"Proposals will be brought forward, following local consultation, for secure off-street parking where needed in residential areas and where suitable sites are available. New developments will be subject to maximum levels of parking provision, in accordance with standards to be established in association with the other Greater Manchester authorities and in line with national and regional guidance."*
- 12.3 Paragraph 111 of the NPPF states 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."*
- 12.4 The proposed building would effectively replace an area which has been used for informal open storage and occasional parking. The principle access from Dunkirk Lane would remain unchanged and vehicles would continue to access the site in a like for like manner via the

existing gated entrance. Dukinfield Road is a principle highway and the site has quick and convenient access to the motorway network via Hyde.

- 12.5 At present Frederick House has 61 parking spaces located to the front (east and south) of the building. UDP policy T10 requires that 1 parking space is provided per 100sqm of floorspace. The cumulative space of the proposed and existing floorspace equates to a total of 72 parking spaces which is a shortfall of 11 spaces. However having said that, the LHA is satisfied that there is sufficient capacity to accommodate the 11 No. additional vehicles on the highway within the vicinity of the development.
- 12.6 It is emphasised that the parking standards recommended by UDP policy T10 are maximum thresholds. It is noted that the site is within a sustainable location and that Dukinfield Road is well served with bus serves which includes the 330 service which links townships across the Borough. It is reasonable to assume that an element of employees would therefore arrive by public transport. Likewise, the proximity to established residential areas and the Peak Forest Canal provide safe and convenient walking and cycling options to staff. To promote cycling, it is recommended that additional secure cycle storage is provided along with staff changing facilities and a condition is included in the recommendation requiring this. It is considered that these measures would address the relatively minor shortfall on the maximum standards of the parking guidelines and that for the purpose of Paragraph 111 of the NPPF the impact of the development would not have an unacceptable impact upon highway safety or create a severe impact upon the highway network.
- 12.7 With this in mind, it is considered that the development provides a safe, secure and convenient access for all road users in accordance with UDP policy T1 and the NPPF.

13. DRAINAGE AND FLOOD RISK

- 13.1 Paragraph 167 of the NPPF states *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.*
- 13.2 Policy U4 of the councils UDP states *“When considering proposals for development the Council will apply a risk based approach to the assessment of possible flooding.*

In a sequential test taking into account the nature and scale of the development proposed, priority will be given to development in areas of little or no risk of flooding, over areas of low to medium risk, over areas of high risk. Within high risk areas, priority will be given to previously developed land, over undeveloped land, over functional flood plains.

The Council will consider, among other things, whether the development would be at direct risk of flooding, likely to increase the risk of flooding elsewhere, likely to obstruct the flow of flood waters, or likely to interfere with the integrity of existing flood defences.

Where, exceptionally, development is permitted in areas liable to flooding, appropriate flood protection and mitigation measures will be required as part of the development. Where practical, areas adjacent to watercourses will be preserved or created to allow access for maintenance purposes.”

- 13.3 The site lies within flood zone 1, and therefore at the least risk of flooding.
- 13.4 Recognising that the site will be located on an area of existing hardstanding there would not be an increase in impermeable surfaces which would influence rates of surface water runoff. Planning Practice Guidance refers to the DEFRA Technical Standards for Sustainable Drainage Systems which states that for developments on previously developed land, runoff flows and volumes must be close to as reasonably practicable to green field runoff rates, but

should never exceed the rate of discharge from the development prior to redevelopment for that event.

- 13.5 The Environment Agency has no objections to the proposed development however they note that the development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters. They recommend a condition requiring that no drainage systems for the infiltration of surface water to the ground are permitted other than those consented by the Local Planning Authority, and that any proposals for such systems should be supported by an assessment of the risks to controlled waters. The condition recommended as above, requiring details of a surface water drainage scheme to be submitted, is considered appropriate and the details will be shared with the Environment Agency at that stage to ensure they are satisfied with the submitted drainage details.
- 13.6 Subject to the above referenced condition, it is considered that the proposals are acceptable in this regard.

14. GROUND CONDITIONS / MINING LEGACY

- 14.1 The site falls within the Coal Authority's defined Development High Risk Area. The Coal Authority has reviewed the submitted information they do not consider that any further information is necessary, and do not raise any objections to the proposal subject to the inclusion of a recommended informative note.
- 14.2 Information submitted by the applicant confirms that from the earliest available historical Ordnance Survey map of 1881, the site comprised undeveloped green field land. The site appears relatively unchanged on subsequent maps until the 1970s, when it was developed into Shepley works with an electricity sub-station. By the 1980s, the building on site had been designated as a works. The chemical store within the north-west portion of the site is shown as present from 1999 onwards. The site appears unchanged on subsequent maps to the latest available map of 2018. In addition, anecdotal information suggests that the Kaman Corporation have occupied the space from 1996 until recently.
- 14.3 A ground investigation was undertaken at the site and this identified that made ground was found within all boreholes to a maximum depth of 1.00m below current ground level (bcgl). They advised that this generally comprised a sub-base of yellow sandy sandstone gravel. However, they stated that within 7 of the boreholes, a made ground comprising grey sandy gravel including red brick, sandstone and concrete was identified. Underlying the made ground they confirmed that Natural Devensian Till deposits were identified within the windowless sampling boreholes generally comprising firm to very stiff brown slightly sandy slightly gravelly clay to a maximum depth of 5.45m bcgl. In addition, Anthesis advised that rotary drilling encountered Devensian Till Deposits to a maximum depth of between 16.70m and 18.9m bcgl, underlain by solid deposits of the Pennine Middle Coal Measures Formation largely comprising grey sandstone, siltstone and mudstone to a maximum proven depth of 50.00m bcgl.
- 14.4 In relation to contamination, the applicant states that no visual or olfactory evidence of contamination was identified during the site investigation. In addition, no elevated concentrations of potential contaminants of concern were recorded within any of the soil samples screened. However, Chrysotile asbestos fibres have been identified within 3 of the 15 samples submitted for analysis, which were identified under hardstanding which is located in the proposed area of the extension. Slight organic exceedances were noted within 3No. leachability samples from the made ground, when compared against the overly conservative controlled waters assessment criteria. However, they confirmed that these are therefore not considered of concern. Ground gas monitoring installations were placed within exploratory locations during the investigations and they were intended to be monitored on six occasions. At the time of completing the phase II Geo-Environmental report, only one monitoring round

had been undertaken on 16 January 2018. They advised that the final results will be provided in a gas addendum. In addition, they advised that based on the findings of the Coal Mining Risk Assessment, the site is not considered to be at risk from former coal mining activity and no further intrusive investigation works were deemed to be necessary.

The reports produced to date are useful although, the following further information is required:

- The reports appear to be produced solely for Arics Properties Ltd. Therefore, the applicant will need to ensure that they have the correct permissions in place to be able to rely on the data and risk assessments included in these reports.
- The Landmark Information Group Envirocheck regulatory database search report and associated set of historical map extracts does not appear to be included with the reports. Similarly, reference is made to a Coal Authority Report. However, this was also not provided with the reports.
- The reports are produced more for environmental due diligence and do not specifically comment on the proposed development.
- The Phase II Geo-Environmental Site Investigation and Risk Assessment is only in a draft format.
- Ground gas monitoring rounds are incomplete

- 14.5 Based on the information provided, the Council's Contaminated Land team have no objections to the proposed development subject to recommended conditions. The conditions recommended by the Contaminated Land team are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

15. LANDSCAPING & ECOLOGY

- 15.1 Paragraph 133 of the NPPF states that *“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

- 15.2 Paragraph 174 of NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”*

- 15.3 Policy N4 of the UDP states that *“The Council will not permit the felling of protected trees and woodlands, or other trees of amenity value, unless:*
- a) the removal of a tree has been considered appropriate in connection with an approved development, or*

- b) good arboricultural practice requires that the tree should be felled, or*
 - c) the condition or safety of structures is conclusively proven to be adversely affected by the presence or growth of a tree, or*
 - d) a serious risk to public safety is presented by the tree.*
- Where a tree is removed the Council will require appropriate replacement planting.*

15.4 Policy N5 of the UDP states that “*Where the quality and location of existing trees, whether individually, in groups or in woodlands, are of significant value to the appearance and amenity of a site, the Council will not permit development proposals which would:*

- (a) result in unnecessary loss of, or damage to, such existing trees, or*
- (b) not allow for successful retention of such existing trees, or*
- (c) not make adequate provision for replacement planting.*

Where a development proposal affects a site containing trees or woodlands, the Council will require a full arboricultural impact assessment, survey and method statement to be undertaken and submitted with the planning application, to enable the value of the trees and the effect of the proposal on the trees to be properly assessed and proposals made for the best of the trees to be accommodated within the scheme.

15.5 Consultation with the Tree Officer confirms that existing trees and vegetation located towards the site boundaries can be retained and no significant trees or vegetation will be affected by the proposals.

15.6 Greater Manchester Ecology Unit (GMEU) has reviewed the submitted information, and raise no objections, noting that there does not appear to be any ecological issues associated with the proposal.

15.7 As referenced above Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. It is expected that the scheme will provide biodiversity enhancements and provide a net gain for biodiversity at the site, in line with the requirements of the National Planning Policy Framework. These conditions are considered to be necessary to encourages enhancements and net gains for biodiversity to be delivered through the planning system, therefore physical features such as bird and bat boxes are required. As a result the impact on ecology and trees is acceptable.

16. CONCLUSION

16.1 The application proposes the erection of development that will generate employment on a site which is allocated for employment uses in the Unitary Development Plan. The economic benefits associated with investment and subsequent employment opportunities carry significant weight and the principle of the development is acceptable.

16.2 The development would be viewed within the context of the existing industrial estate and the buildings adjacent to the proposal. The application has adequately demonstrated that the site is of an appropriate size to accommodate the scale of the employment development proposed and it would not unduly impact upon the character of the area.

16.3 The setting of the adjacent Grade II heritage asset has been considered. Due to existing development and the prevailing nature of the immediate area, it is considered that there is an established industrial character and the addition of a similar industrial building would not cause further harm to the asset.

16.4 Its location within an established employment area with good access to links to public transport and the motorway network means that it is ideally located in relation to the strategic

highway network. The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.

- 16.5 The proposal would not to be significantly detrimental to residential amenity, given the considerable distance from any neighbouring properties and intervening development.
- 16.6 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an allocated site.
- 16.7 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

Location Plan - Dwg no: 23007-1000-A

Existing Site Plan - Dwg no: 23007-1001-B

Proposed Site Plan - Dwg no: 23007-1003-F

Existing and Proposed Car Parking Plans - Dwg no : 23007-1006

Proposed Floor Plan - Dwg no: 23007-1004

Proposed Elevation Plans - Dwg no: 23007-1005

Covering Letter dated 18th July 2023

Environmental Due Diligence Assessment by Anthesis dated August 2018

Phase II Geo-Environmental Site Investigation and Risk Assessment by Anthesis dated January 2019 (including coal mining assessment)

For the avoidance of doubt and to ensure that the development complies with the following saved Policies of the adopted Tameside Unitary Development Plan :

Policy C1: Townscape and Urban Form

Policy C6: Setting of Listed Buildings

Policy E3: Established Employment Areas

Policy E6: Detailed Design of Employment Developments

Policy MW11: Contaminated Land

Policy MW12: Control of Pollution

Policy N4: Trees and Woodland

Policy N5: Trees within Development Sites

Policy N7: Protected Species

Policy OL10: Landscape Quality and Character

Policy T1: Highway Improvement and Traffic Management

Policy T7: Cycling

Policy T10: Parking

Policy U3: Water Services for Developments

Policy U4: Flood Prevention

Policy U5: Energy Efficiency and the National Planning Policy Framework (NPPF).

- 3) The materials of external construction shall be identical in appearance to those specified on the submitted application form and plans. The development shall be carried out in accordance with the approved details. Unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the appearance of the development reflects the character of the surrounding area.

- 4) The car parking spaces to serve the development hereby approved (Drw.Number 23007-1006) shall be laid out as shown on the approved site plan prior to the first occupation of that development and shall be retained free from obstruction for their intended use thereafter.

Reason: To mitigate the highway impacts of the development in the interests of highway safety and convenience in accordance with UDP policy T1.

- 5) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the development, along with suitable changing facilities, have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the units and shall be retained as such thereafter.

Reason: To encourage sustainable forms of travel in accordance with UDP policy T1 and T7.

- 6) Prior to occupation of the building/commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.

Reason: In the interests of the amenities of local residents to ensure that no undue disturbance will occur.

- 7) Prior to the commencement of the development hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 8) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning

Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A Preliminary Risk Assessment which has identified: - All previous and current uses of the site and surrounding area. - All potential contaminants associated with those uses. - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) will be fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 9) Upon completion of any approved remediation scheme(s), and prior to use, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

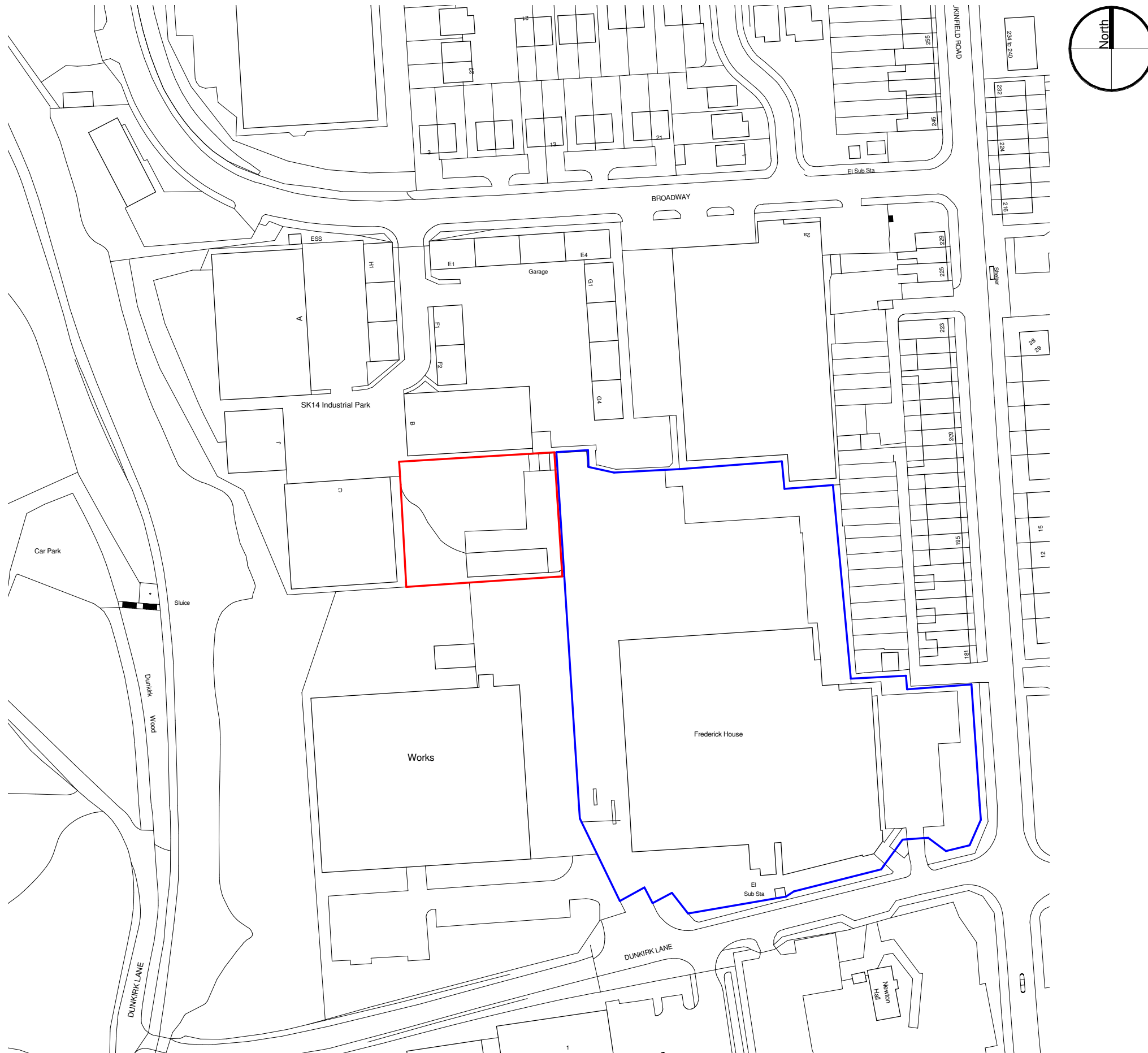
Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 10) No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved have 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 the dwelling and shall be retained as such thereafter.

Reason: To ensure that biodiversity enhancements are secured to mitigate the environmental impacts of the scheme in accordance with paragraph 174 of the National Planning Policy Framework.

11) During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: In order to protect the amenities of nearby residents in accordance with Unitary Development Plan policies 1.12 and E6.



Rev	Date	Description
A	13/07/23	Planning Issue Amendment

Client ARICS Properties
 Project Dunkirk Lane, Hyde
 Drawing Site Location Plan

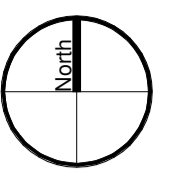
Ref. 23007-1000-A

Date 21/03/23 Scale 1 : 1250 @ A3

Status	Design	Planning	Tender	Construction	As Built
--------	--------	----------	--------	--------------	----------

Gareth King Architects

This page is intentionally left blank



© COPYRIGHT
 This drawing remains the copyright of Gareth King Architects Limited and may not be reproduced in any form without written consent.
 DO NOT SCALE FROM THIS DRAWING
 The Contractor shall check and verify all dimensions and conditions on site and report any discrepancies before commencing.

Drawing based on Survey Solutions
 Topographical Survey Drawing
 48386MCUG-01

Page 61



N 396000.000
 E 394050.000

B 13/07/23 Planning Issue
 A 03/05/23 Survey updated
 Rev Date Amendment

Client ARICS Properties
 Project Dunkirk Lane, Hyde

Drawing Existing Site Plan

No. 23007-1001-B

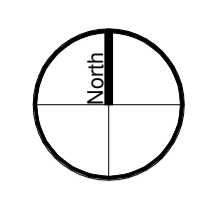
Date 20/04/23 Scale 1:200 @ A1

Sheet Design **Planning** Tender Construction As Built

Gareth King Architects

35 Welman Way Altrincham, Greater Manchester WA15 8WD
 07812 346 283
 gk@garethkingarchitects.com
 www.garethkingarchitects.com

This page is intentionally left blank



Proposed new temporary building

N 396000.000
 E 394050.000

F	13/07/23	Planning Issue
E	07/07/23	HR Structures DWG added
D	19/05/23	Setting out detail added
C	11/05/23	Building positioned 1500mm from kerbs. Canopy shown
B	03/05/23	Survey updated
A	25/04/23	Spine line removed
Rev	Date	Amendment

Client: ARICS Properties
 Project: Dunkirk Lane, Hyde
 Drawing: Proposed Site Plan
 35m x 20m Building

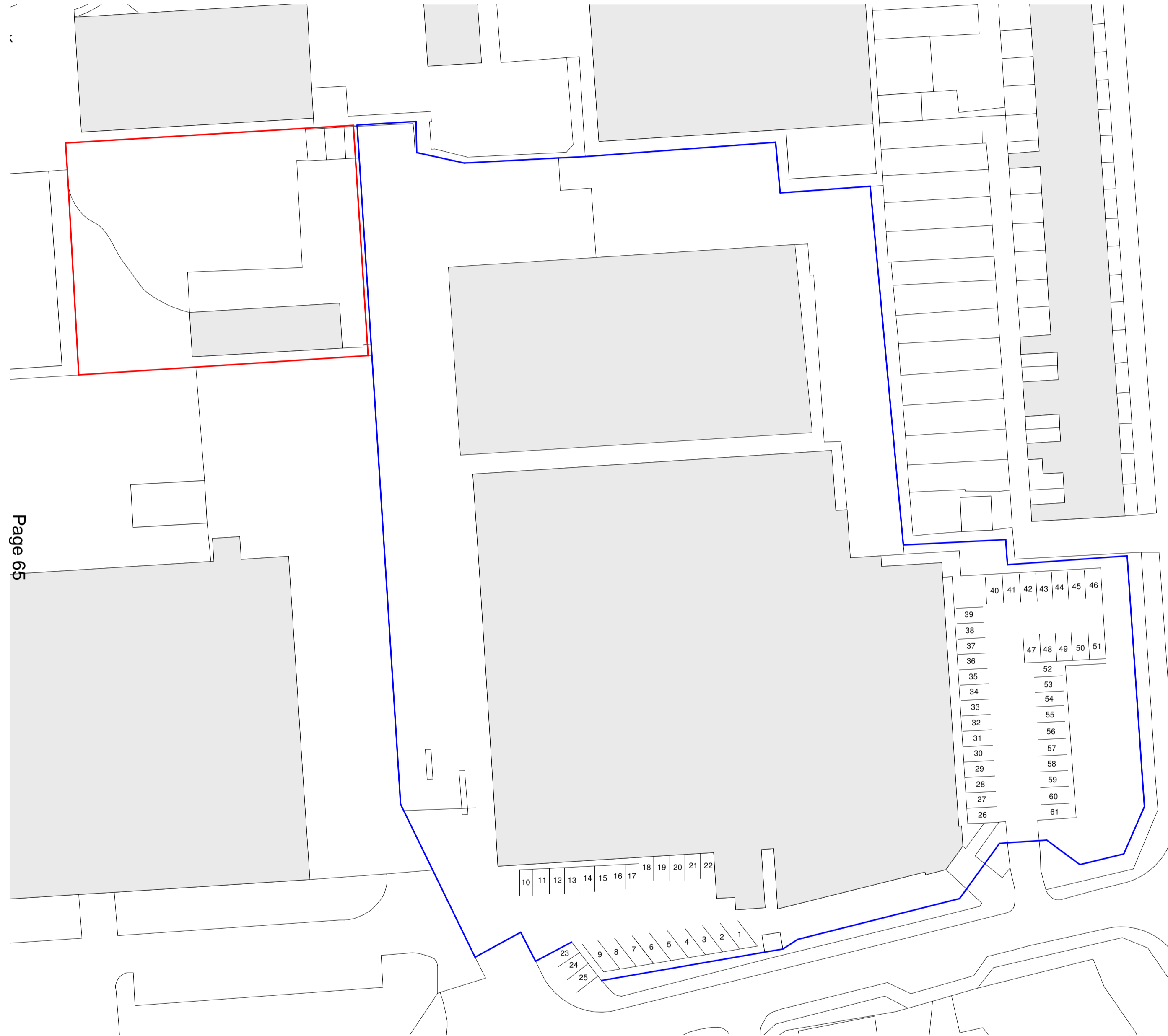
No: 23007-1003-F

Date: 21/04/23 Scale: 1:200 @ A1

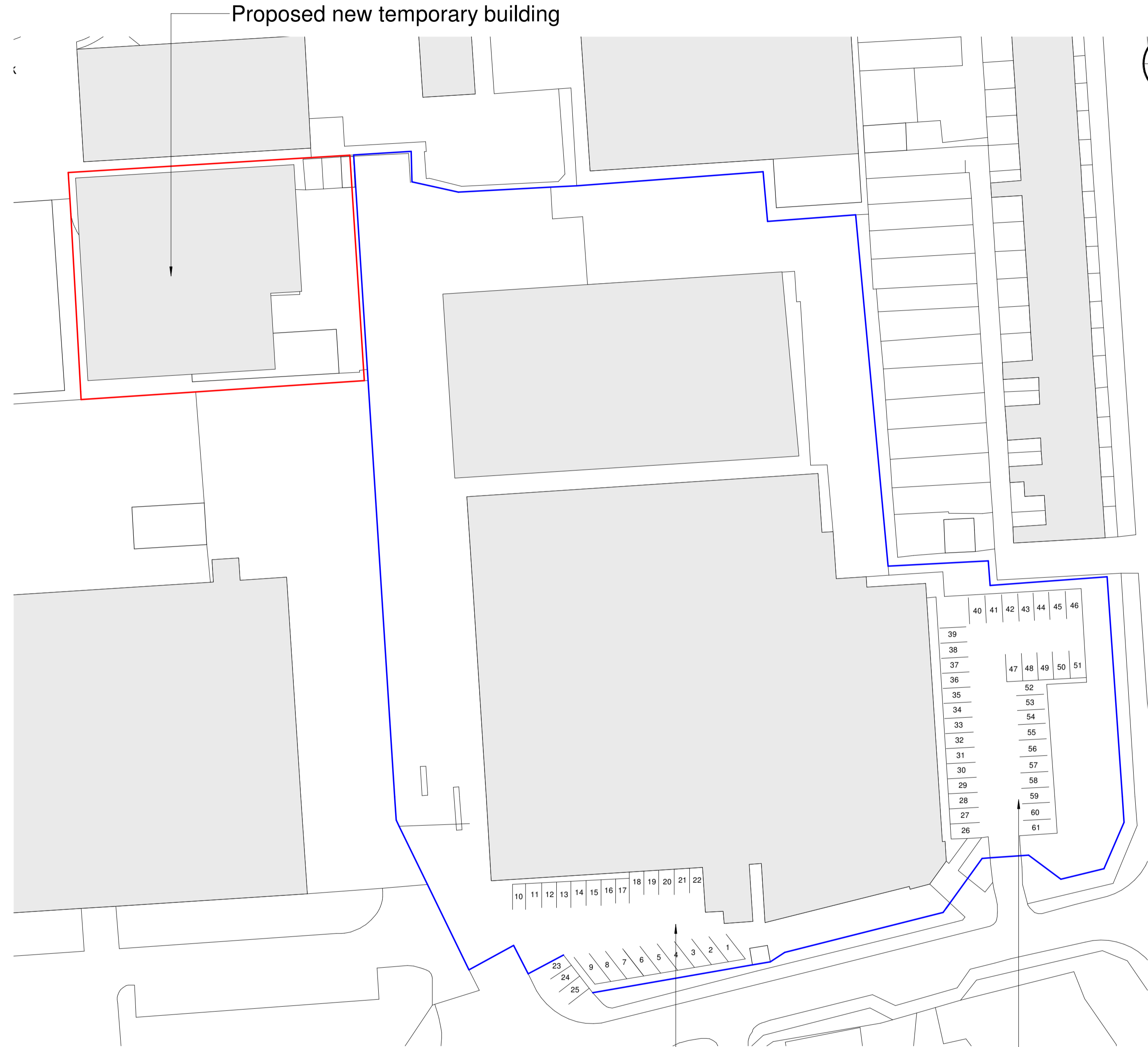
Design	Planning	Tender	Construction	As Built
--------	----------	--------	--------------	----------

Gareth King Architects

This page is intentionally left blank



Site Plan - Existing (Showing Car Parking)
 1 : 500



Site Plan - Proposed (Showing Car Parking)
 1 : 500

No changes to car parking

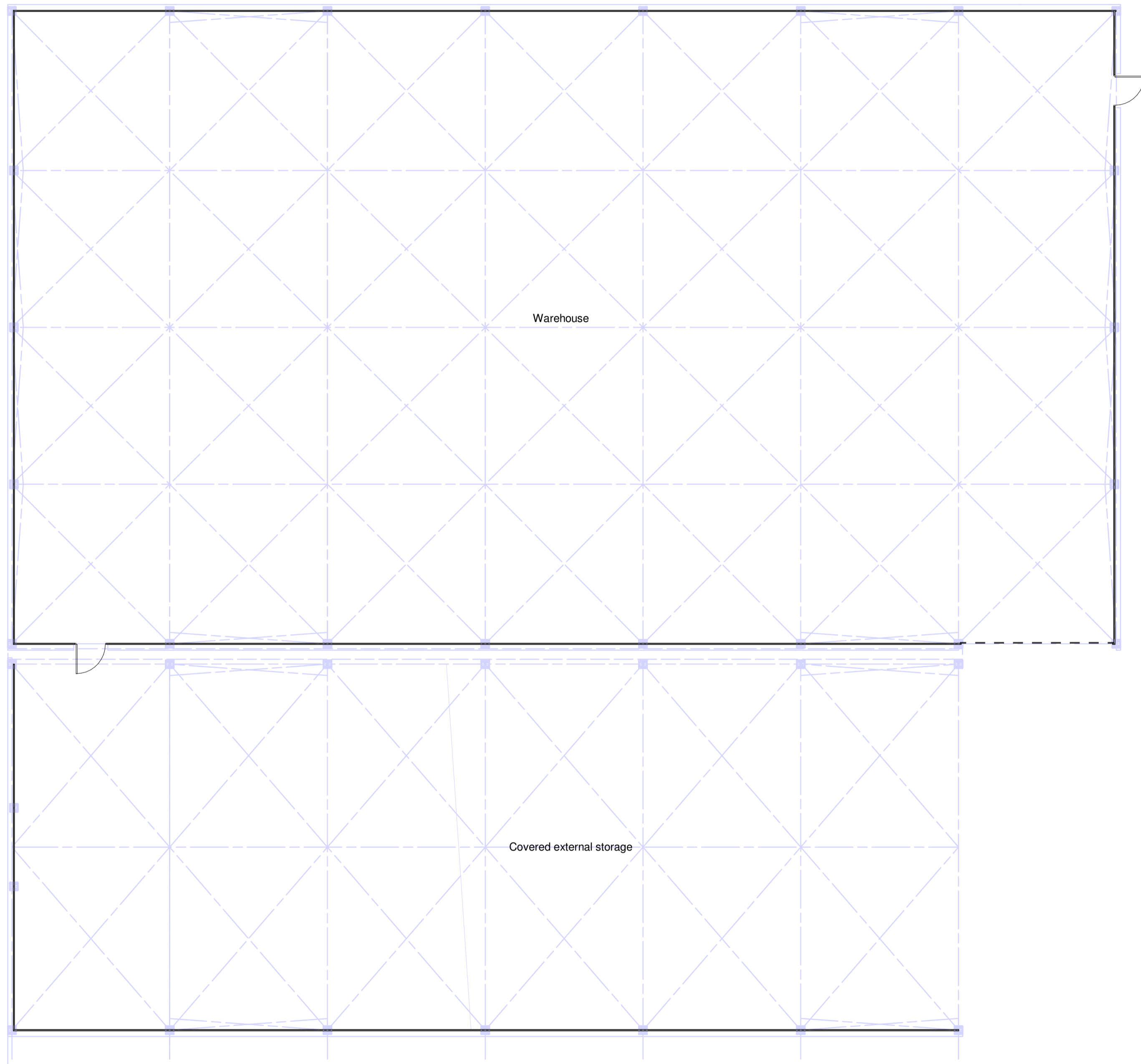
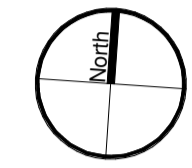
Page 65

Rev	Date	Amendment

Client: ARICS Properties
 Project: Dunkirk Lane, Hyde
 Drawing: Car Parking Site Plans
 File: 23007-1006
 Date: 07/09/23 Scale: 1 : 500 @ A1

Stage	Design	Planning	Tender	Construction	As Built

This page is intentionally left blank



Rev	Date	Amendment
-----	------	-----------

Client: ARICS Properties
Project: Dunkirk Lane, Hyde
Drawing: Proposed Floor Plan

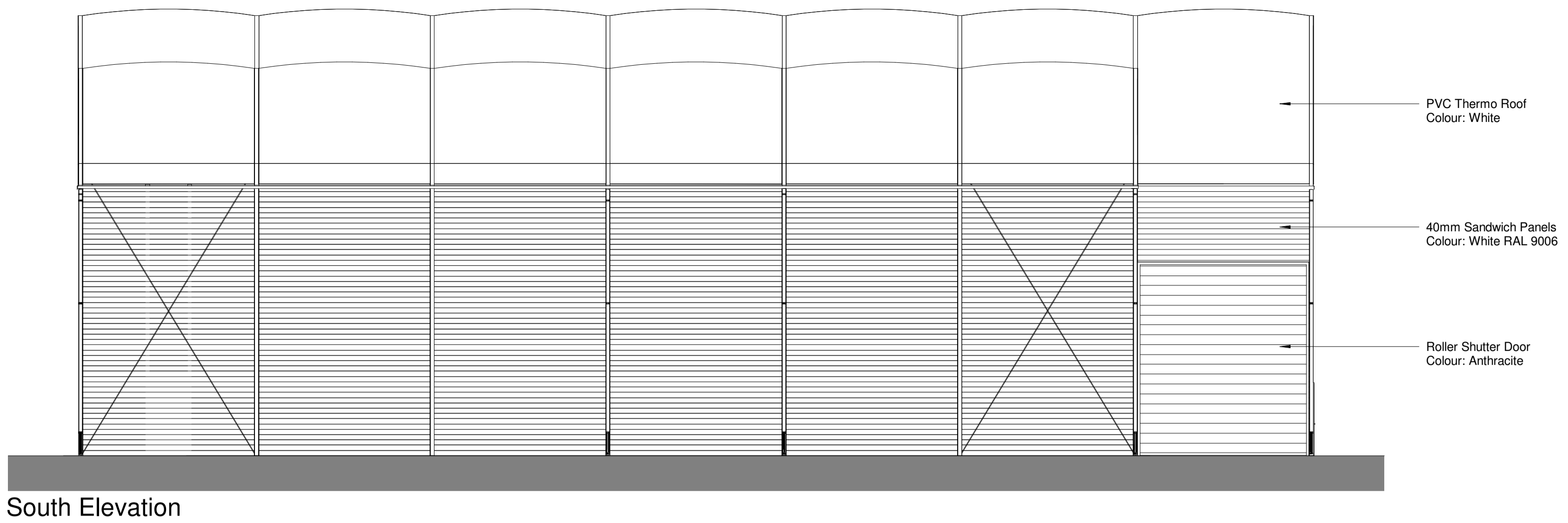
Ref: 23007-1004

Date: 13/07/23 Scale: 1 : 100 @ A1

Stage	Design	Planning	Tender	Construction	As Built

Gareth King Architects

This page is intentionally left blank

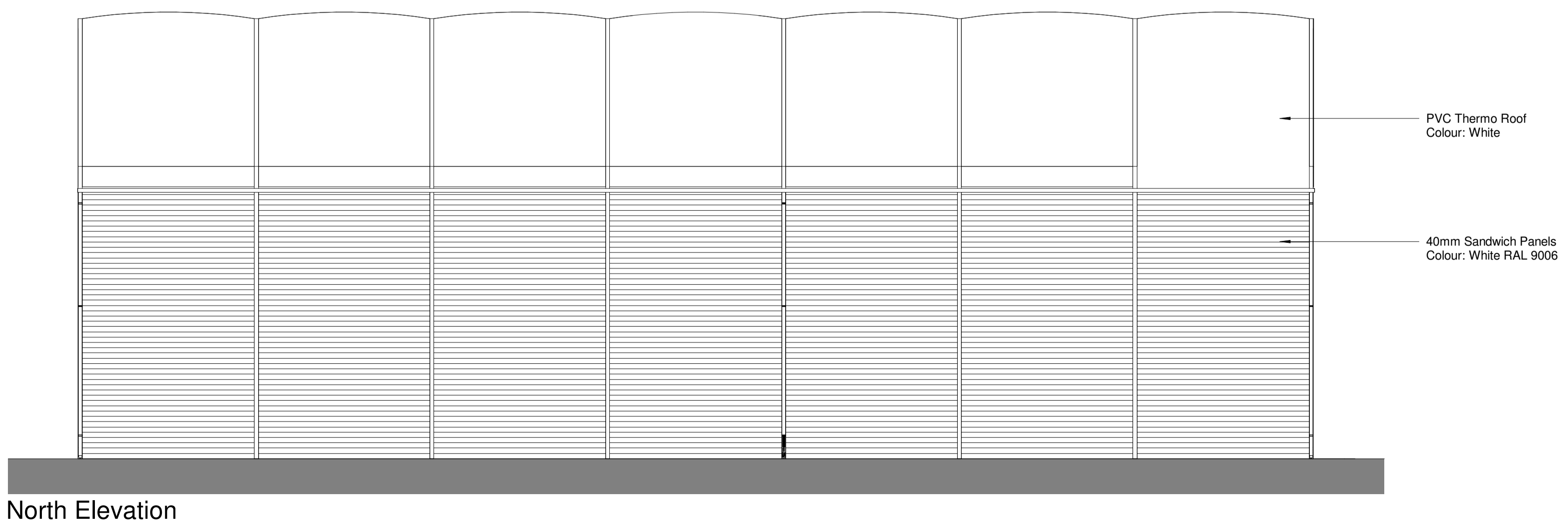


South Elevation



East Elevation

West Elevation



North Elevation

This page is intentionally left blank

Application Number:	23/00774/FUL
Proposal:	Variation of Condition 2 (drawings) to combine the approved two apartments into a single dwelling and make elevational changes to the design of planning permission 17/00784/FUL.
Site:	White Hart Inn, 91 Market Street, Mottram, SK14 6JQ
Applicant:	Mr Bardsley
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the original scheme was considered a departure from the development plan and this application is a variation to that scheme.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to the former public house, White Hart Inn, located on Market Street within Mottram in Longdendale Conservation Area. The site is currently vacant, though some works have been carried to the external walls of the building, following previous grants of permission. The building is two storeys in height and forms the end building of the terraced row fronting Market Street. The building is constructed of stone elevations, with a slate tiled roof, though it would appear the roof slates and some of the roof timbers to the rear of the building have been removed. To the rear of the building is a yard, and beyond the rear boundary is a large, detached dwelling.
- 1.2 There is a gap in the built frontage, between the former public house and no.1 Church Brow, which provides access to the farmland behind and a public right of way (PROW) across that land, identified as LON/86/10. The farmland is located within the Green Belt, part of which would be used as a car park to support the proposed conversion of the former public house to residential accommodation. There are a number of listed buildings/structures within the vicinity of the application site.

2. PROPOSAL

- 2.1 This section 73 (minor material amendment) application seeks planning permission for the variation of condition 2 (approved plans) of planning permission 17/00784/FUL, which was approved at Speakers Panel in April 2018.
- 2.2 In terms of amendments to the approved plans, internal alterations include the following:
 - Combine the approved 2no apartments into a single dwellinghouse (house no.1).
 - The 1no dwelling would serve a bedroom, WC, utility room and kitchen/diner at ground floor level, 2no bedrooms at first floor including an en-suite a master bathroom and a living room at second floor.
- 2.3 In terms of amendments to the approved plans, external alterations include the following:
 - 1no additional first floor window to the side elevation of the building, to serve the bathroom of house no.4. The 1no first floor side elevation window previously approved would serve a laundry room, in association with house no.4.

- Removal of the ground floor window and front entrance door to previously approved apartment 1, to form a new ground floor window opening to serve the new house no.1.
- Removal of 1no first floor rear window serving house no.1, so that bedroom 2 is served by 2no windows (previously bedroom 1 of apartment 2 was served by 3no rear facing windows).
- All ground floor rear facing windows replaced with patio style doors, and the previous rear door serving apartment 1 would be removed.
- Window and door frames to be anthracite in uPVC (previously white uPVC)
- External doors fronting Market Street to be anthracite grey uPVC (previously black uPVC).

2.4 For clarity, no amendments have been made to the separate car parking area, serving the dwellings. The car park would still accommodate 7no spaces.

3. PLANNING HISTORY

3.1 12/00765/CON: Conservation Area Consent for demolition of part of public house and outbuildings. (Demolition area less than 115 cubic metres therefore application not required). Application returned July 2012.

3.2 12/00764/FUL: Demolition of outbuildings and part of main building and conversion of pub into 2no. 3 bed houses. Application approved 3rd October 2012.

3.3 15/00946/FUL: Change of use to C3 residential to form 7 No. apartments including demolition of outbuilding and formation of a new car park. Application approved January 2016.

3.4 17/00784/FUL: Conversion of the vacant public house and associated apartment to 5 dwellings and formation of a new car park. Application approved April 2018.

3.5 18/00027/PLCOND: Approval of details reserved by conditions 6 (soundproofing) and 9 (ground conditions) of planning permission ref. 15/00946/FUL - Change of use to C3 residential to form 7 No. apartments including demolition of outbuilding and formation of a new car park. Application approved April 2018.

3.6 18/00749/PLCOND: Condition 3 (materials), 4 (noise attenuation), 5 (Construction Environment Management Plan), 6 (landscaping), 10 (boundary treatments), 11 (contaminated land) and 13 (bin storage) of planning permission 17/00784/FUL. Application approved October 2018.

3.7 23/00562/FUL: General Purpose Agricultural Shed for Livestock and Fodder Storage and Small Yard Area. Application pending consideration.

4. PLANNING POLICY

National Planning Policy Framework

4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the

NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

- 4.5 The area of land to be converted to a car park is located within the Green Belt. The former White Hart Inn itself is not located within the Green Belt, though is located within Mottram in Longendale Conservation Area.

4.6 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.10: Protecting and Enhancing the Natural Environment;
- 1.11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.7 **Part 2 Policies**

- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- OL1: Protection of the Green Belt
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T10: Parking
- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or Adjoining Conservation Areas
- C6: Setting of Listed Buildings
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species.

Places for Everyone

- 4.8 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.9 Paragraph 48 of the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.10 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.11 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.12 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.13 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.
- 4.14 **Other Relevant Policies/Guidance**
- Technical Housing Standards – Nationally Described Space Standard (2015).
 - Residential Design Supplementary Planning Document (2004).

Other Considerations

- 4.15 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.16 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

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 development affecting the

character or appearance of the Mottram-in-Longdendale conservation area, departure to the Green Belt, development affecting a Public Right Of Way and development affecting the setting of a listed building, by neighbour notification letters, display of site notice, and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the publicity carried out, the Council received four letters of objection and two neutral letters. The concerns raised within the letters are summarised below:
- Conflict with land use policy
 - Out of character
 - Sets a precedent
 - Development too big
 - Parking/traffic matters
 - Will the project interfere with public footpath?
 - The site is located in a conservation area
 - Visual amenity
 - Overlooking/loss of privacy
 - This development has been going on for 5 years, the building has been left in total disrepair, making Mottram Village look a complete mess
 - There should be a time limit to complete the build
 - The development with interfere with the public footpath.

7. RESPONSES FROM CONSULTEES

- 7.1 Peak and Northern Footpaths Society – use of the PROW adjacent to the site (LON/86/10), and the safety of users, must not be affected by the development, nor during the work taking place.
- 7.2 National Highways – Offer no objections.
- 7.3 Local Highways – No objections. Note the PROW LON/86/10 is located within the vicinity of the development, though local highways are satisfied the works will not affect the footpath. However, during the construction phase of the development, the PROW must not be obstructed and access must be maintained at all times.
- 7.4 Greater Manchester Ecology Unit – No objections.

8. ANALYSIS

- 8.1 In terms of the principle of development, converting the former public house into residential accommodation (C3 use) has been well established, following planning approval of the following proposed developments:
- 12/00764/FUL: Demolition of outbuildings and part of main building and conversion of pub into 2no. 3 bed houses. Application approved 3 October 2012.
 - 15/00946/FUL: Change of use to C3 residential to form 7 No. apartments including demolition of outbuilding and formation of a new car park. Application approved January 2016.
 - 17/00784/FUL: Conversion of the vacant public house and associated apartment to 5 dwellings and formation of a new car park. Application approved April 2018.

- 8.2 In addition, the principle of changing the use of a small section of the Green Belt to a parking area, to support the proposed dwellings, has previously been established within planning approvals 15/00946/FUL and 17/00784/FUL.
- 8.3 The most recent permission (17/00784/FUL) remains extant, and has partially been implemented, whereby the conversion/construction works commenced 10 March 2020, as stated within the submitted application form. The development has not been completed.
- 8.4 It is therefore considered that the principle of residential development in this location, partially within the Green Belt, has been previously established on this site and thus remains acceptable in this case.

9. DESIGN & LAYOUT

- 9.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. Paragraph 134 of 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.
- 9.2 External alterations to the front, side and rear of the existing building through this application would be minimal when compared against the previous approved works. The amendments include alterations to the number of openings to the front elevation at ground floor, rear elevation at both ground and first floor and first floor of the side elevation.
- 9.3 Other alterations include the colour of the window and door frames, from previously approved white uPVC to anthracite grey uPVC. The colour of the front entrance doors has also been amended, from black uPVC to anthracite grey uPVC.
- 9.4 The above amendments are considered minimal when compared against the previous approved works and as such would not unduly affect the character of the building or that of the surrounding area/conservation area.
- 9.5 In light of the above, it is considered that the proposed amendments are acceptable visually, and thus would not unduly alter character and appearance of the building and the surrounding conservation area, in accordance with policy C1 and H10 of the UDP.

10. IMPACT UPON HERITAGE ASSETS

- 10.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.2 Policy C2 of the UDP states that the character and appearance of the Borough's Conservation Areas will be preserved or enhanced through the control of development, the promotion of improvement measures, or both. In addition, policy C6 of the UDP states new development which fails to preserve, or detracts from, the setting of a Listed Building or structure will not be permitted.
- 10.3 The site lies within Mottram-in-Longdendale Conservation Area and within the setting of a number of listed buildings/structures:
- Crown Pole, Grade II listed
 - Village Stocks, Grade II listed
 - Crown Pole House, Grade II listed
 - Mottram Court House, Grade II listed

- Manor House, Grade II listed.

10.4 It is not considered that any of the alterations proposed through this application would cause any additional harm to the conservation area or listed buildings/structures, than the less than substantial harm which was identified through the previous application. It is therefore considered that the proposals would not require further assessment in this regard, and are acceptable with regard to heritage assets, in accordance with policies C2, C4 and C6 of the UDP and section 16 of the NPPF.

11. RESIDENTIAL AMENITY

11.1 The alterations proposed would not increase the size of the existing building, but would rather combine the 2no approved apartments into 1 dwellinghouse, split over 3 levels, and introduce and alter window and door openings, to the front, side and rear elevations of the building.

11.2 The amended scheme would not alter the relationship between the proposed dwellings and neighbouring surrounding areas, and therefore no detrimental impact upon the amenity of neighbouring dwellings would result. The 1no additional first floor window to the side elevation of the building, serving the bathroom of house no.4, must be installed with obscured glazing, to protect amenity.

11.3 The reconfigured internal layout of the approved 2no apartments, would form 1no dwellinghouse, with 3 bedrooms, split over 3 levels. The minimum internal floor area required for such accommodation is 90sqm for 4 persons, and 108sqm for 6 persons, according to the Technical Housing Standards (THS). The proposed dwelling would exceed the minimum requirement for a 3 bedroom, 6 person dwelling, and therefore would create an adequate residential environment for the future occupants. All habitable rooms within the proposed dwelling would be well served with glazed openings to ensure adequate ventilation, outlook and exposure to light.

11.4 The garden/outdoor amenity space associated with the new dwelling would be of an adequate size to serve the health and well-being of the future occupants within proposed house no.1.

11.5 Previous approved house nos 2-4 would still be well served with glazed openings to all habitable rooms over the 3 levels, and would still retain an adequate sized garden area to well serve the future occupants.

11.6 In light of the above, the development is acceptable in regard to existing and future residential amenity, ensuring a reasonable level of amenity for future occupiers and retaining a good standard of amenity for existing neighbouring residents, in accordance with UDP policy H10(a) and (d), section 12 of the NPPF and the THS.

12. HIGHWAY SAFETY & ACCESSIBILITY

12.1 The proposal would utilise an existing access to the eastern side of the former public house building to access the proposed car parking area. The car parking arrangement would remain as per the approved scheme, serving 7no spaces, which is deemed acceptable for the proposed 4no dwellings, in light of SPD policy RD8. The Council's Highways engineers confirms that the amendment to the approved plans, to combine the 2no apartments to 1no dwellinghouse, would not have an unacceptable on the safety of the highway network, or that the residual cumulative impact on the road network would be severe. The proposal is therefore compliant with policy T1 and T10 of the UDP.

12.2 The local highways engineer notes the proposed development, including proposed car parking area, is located within the vicinity of the PROW LON/86/10. As per the previous approval, the officer is satisfied that the proposed works would not affect the footpath, though notes during the construction phase of the development, the PROW must not be obstructed, and access must be maintained at all times. This has also been recognised by the Peak and Northern Footpaths Society.

13. OTHER MATTERS

13.1 Recommended conditions are updated in order to reflect the information submitted and accepted as part of condition 2 (approved plans) of 17/00784/FUL. Condition 1 (three year time limit) is no longer relevant as it is understood that conversion works have already commenced. Conditions 2 (materials), 3 (noise attenuation), 4 (Construction Environmental Management Plan), 5 (landscaping), 6 (landscaping), 9 (boundary treatments), 10 (contaminated land), 12 (bin storage) and 14 (obscured glazing) have been updated. All other conditions are to remain, as previously imposed.

14. CONCLUSION

14.1 The application proposes minor external alterations to the building and altering the internal layout of approved apartments 1 and 2, to form 1no dwelling house, split over 3 levels.

14.2 The physical alterations to the building, internally and externally, are considered to be acceptable with regard to visual amenity, not unduly impacting upon the character of the building, nor causing any harm to Mottram in Longdendale Conservation Area, or the setting of nearby Listed Buildings.

14.3 The alterations to the building would not cause any undue impacts upon residential amenity, with the proposed development providing a good standard of amenity for future occupiers.

14.4 The proposed alterations/amendments are acceptable on highways grounds.

14.5 There are no objections from the statutory consultees in relation to the proposals.

14.6 The proposal therefore complies with relevant development plan policies, as well as those contained within the NPPF, and is considered acceptable when taking into account other material planning considerations.

RECOMMENDATION

Grant planning permission, subject to the following conditions:

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

Proposed plans and elevations – RG181/PL02 rev G

Revised site location plan – white 003-

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 2) The development hereby approved, shall be undertaken in accordance with the materials detailed on the approved plans drawing no. RG181/PL02 rev G.

Reason: In the interests of visual amenity and to ensure the development integrates with the character of its surroundings having regard to Policies C1, C2, C4, C6 and H10 in the Tameside Unitary Development Plan.

- 3) The development hereby approved shall be carried out in accordance with the soundproof scheme, as approved under 18/00749/PLCOND. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

Reason: To protect the amenities of the occupants of adjoining property, in accordance with policy H10 of the UDP.

- 4) The development hereby approved shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) (undertaken by Brindle Developments (Hyde) Ltd), as submitted and approved under application 18/00749/PLCOND. The measures detailed within the document shall be implemented on the relevant phase of construction/conversion works and shall be retained as such throughout the duration of that phase of the development.

Reason: To ensure that the impact of the construction phase of the development would be contained within the site and would not have a detrimental impact on highway safety or the residential amenity of neighbouring properties, in accordance with UDP policies H10 and T1.

- 5) The hard and soft landscaping of the site shall be undertaken in accordance with the condition details, drawing no RG181/C01 Rev:B, as submitted and approved under application 18/00749/PLCOND.

Reason: To ensure that the hard and soft landscaping are implemented to ensure that the overall development respects the character of the surrounding area, in accordance with UDP policies C1 and H10.

- 6) The scheme of landscaping set out in the condition details, drawing no RG181/C01 rev B, approved under 18/00749/PLCOND, shall be implemented before the first occupation of any part of the development. 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.

Reason: To ensure that the approved landscaping scheme is adequately maintained, in accordance with policies C1 and H10 of the UDP.

- 7) The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved site plan (number White 003-) prior to the first occupation of any of the dwellings, 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.

Reason: To ensure that the development is served by adequate parking provision, in accordance with policy H10, T1 and T10 of the UDP.

- 8) No works to the roof of the building shall commence between May and September in any calendar year until an emergence survey assessing bat activity at the site has been submitted to and approved in writing by the Local Planning Authority. The survey shall include any mitigation measures considered to be necessary. The development shall be carried out in accordance with the approved mitigation measures.

Reason: To ensure that any potential harm to protected species during the construction phase of the development is adequately mitigated, in accordance with policy N7 of the UDP.

- 9) The boundary treatments shall be installed in accordance with the condition details, drawing no RG181/C02 rev B, as submitted and approved under application 18/00749/PLCOND, prior to the first occupation of any part of the development hereby approved and shall be retained as such thereafter.

Reason: To ensure that the development would preserve the residential amenity of the occupants of neighbouring properties and the character of the surrounding area, in accordance with policy C1 and H10 of the UDP.

- 10) If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

- 11) During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To preserve the residential amenity of neighbouring properties during the construction phase of the development, in accordance with UDP policy H10.

- 12) The bin storage arrangements for each dwelling, as set out in drawing no RG181/C01 Rev:B, and approved under 18/00749/PLCOND, shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

Reason: To provide adequate secure bin storage to serve the development and to safeguard the general amenity of the area in accordance with UDP policy 1.12, 1.13 and H10.

- 13) The rooflights to be installed within the roof plane of the building as part of the development hereby approved shall be 'conservation' style, fitted flush with the external edge of the roof of the building and shall be retained as such thereafter.

Reason: To ensure that the appearance of the development reflects the character of the conservation area, in accordance with policy H10, C1, C2, C4 and C6 of the UDP.

- 14) All ensuite and bathroom windows, and laundry room serving house no.4, identified on the proposed plans and elevation drawing no RG181/PL02 rev G, shall be permanently fitted with obscure glazing to meet the requirements of Pilkington Level 3 as a minimum and shall be retained as such at all times thereafter.

Reason: To ensure that the residential amenity of neighbouring properties and the future occupiers of the development is preserved, in accordance with policy H10 of the Tameside UDP and the NPPF.

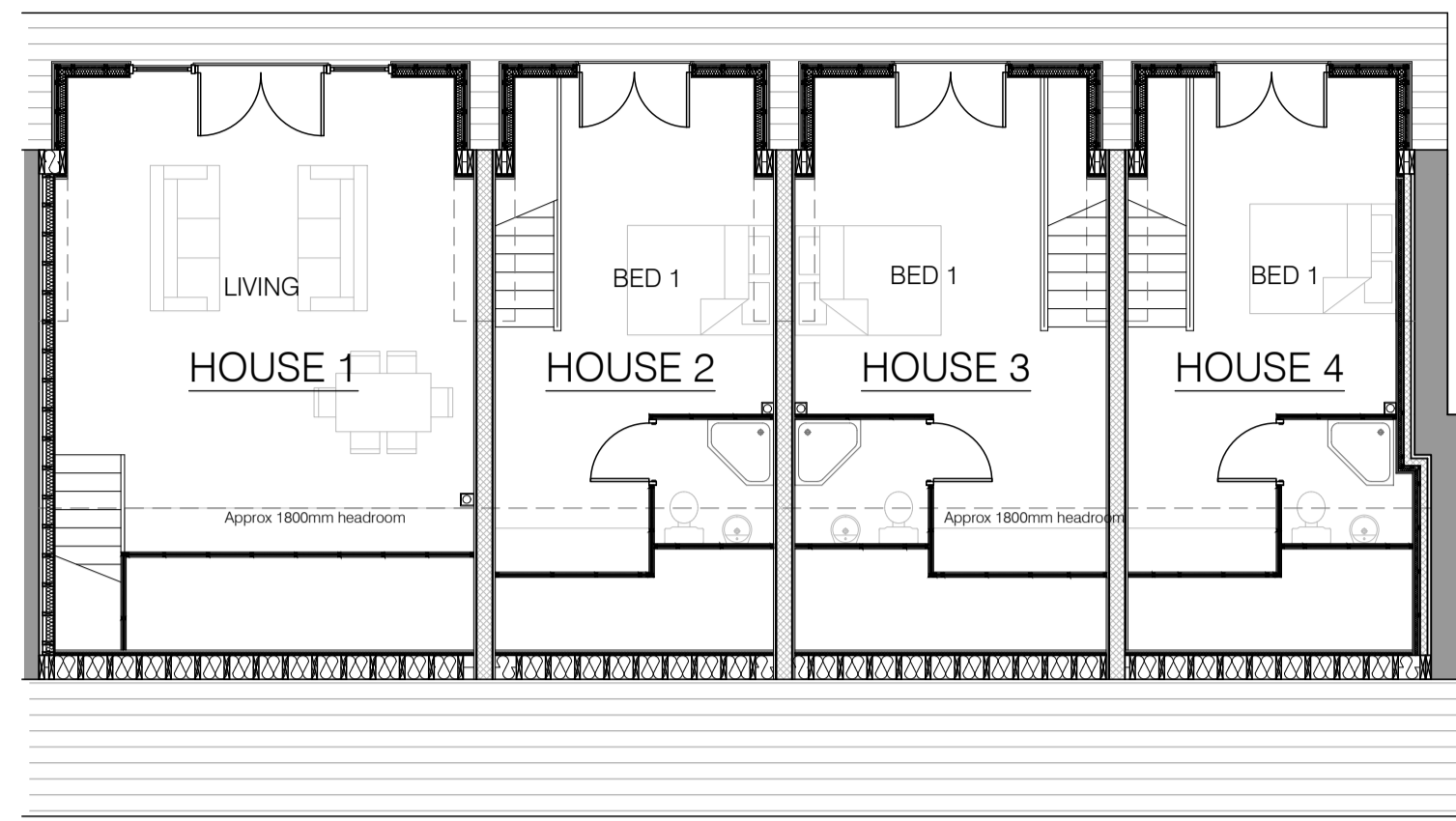
Informative Notes

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

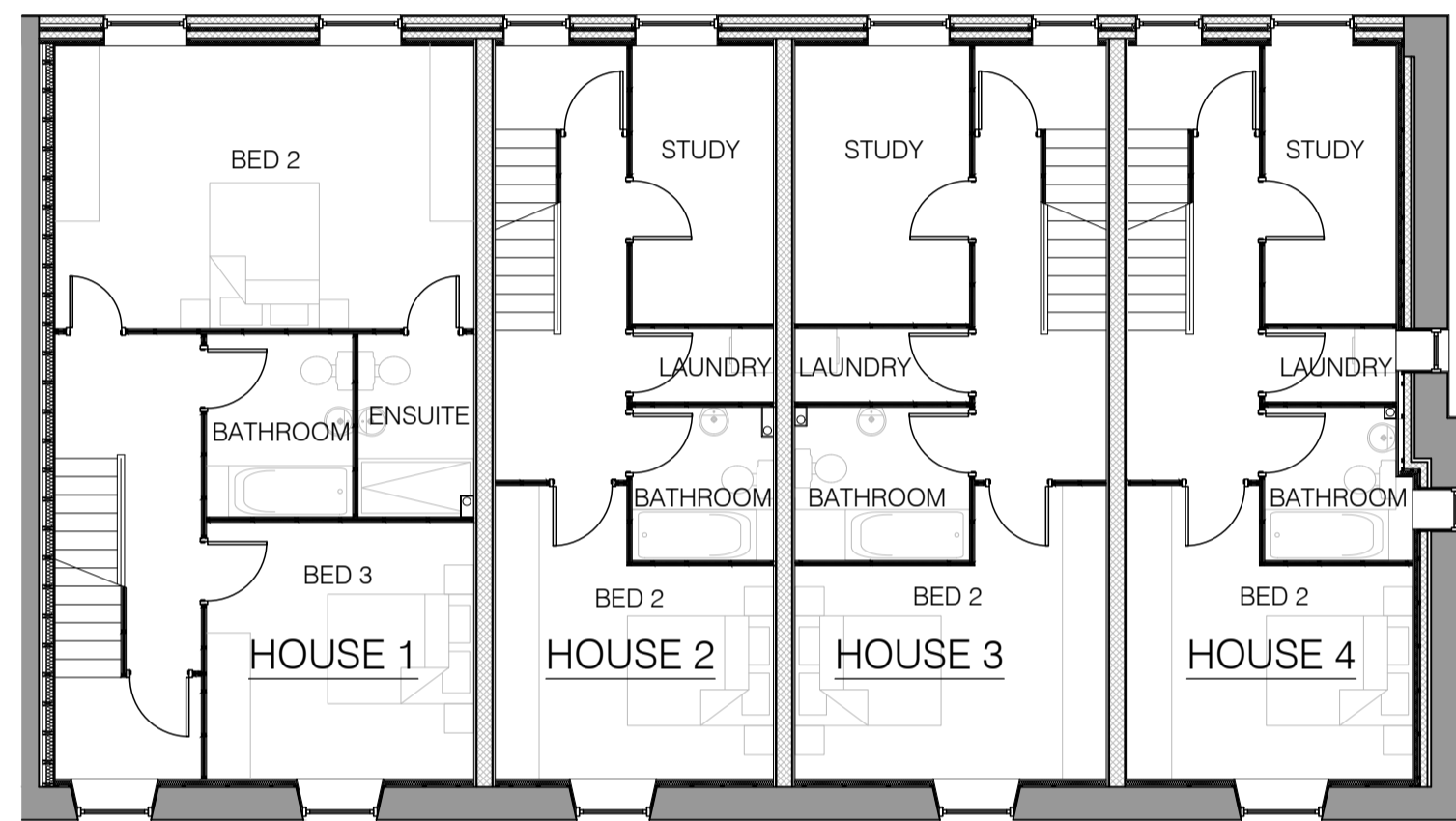
The applicant's attention is drawn to the Wildlife and Countryside Act 1981 which makes provision for the protection of bats and their habitat. As the proposed development might affect such a habitat consideration should be given to establishing whether or not bats are using the premises/site for roosting purposes, prior to any development taking place. More information can be obtained from the Bat Conservation Trust Helpline (Tel: 0845 1300 228) acting on behalf of English Nature.

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

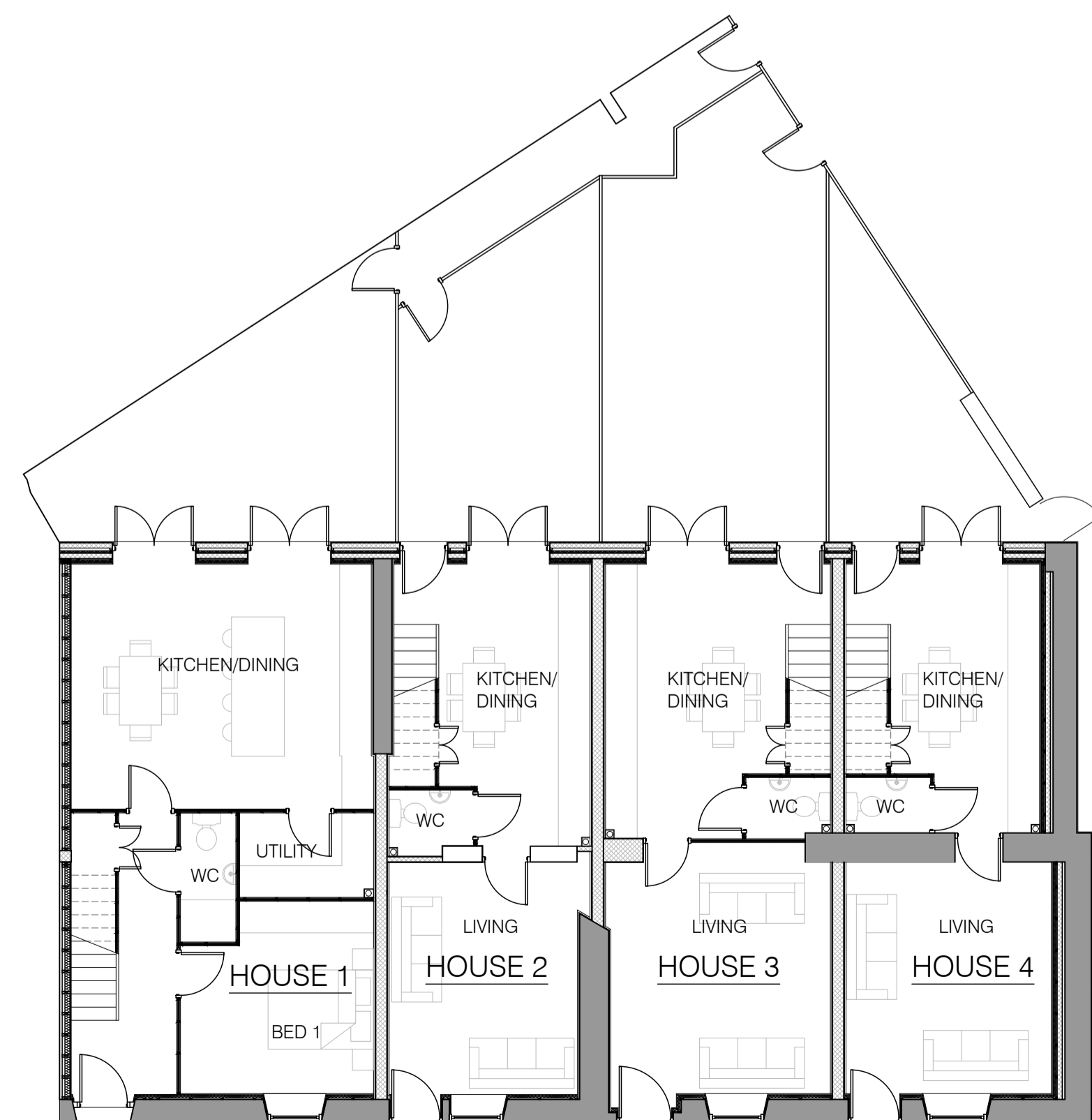
This page is intentionally left blank



PROPOSED SECOND FLOOR - 1:100



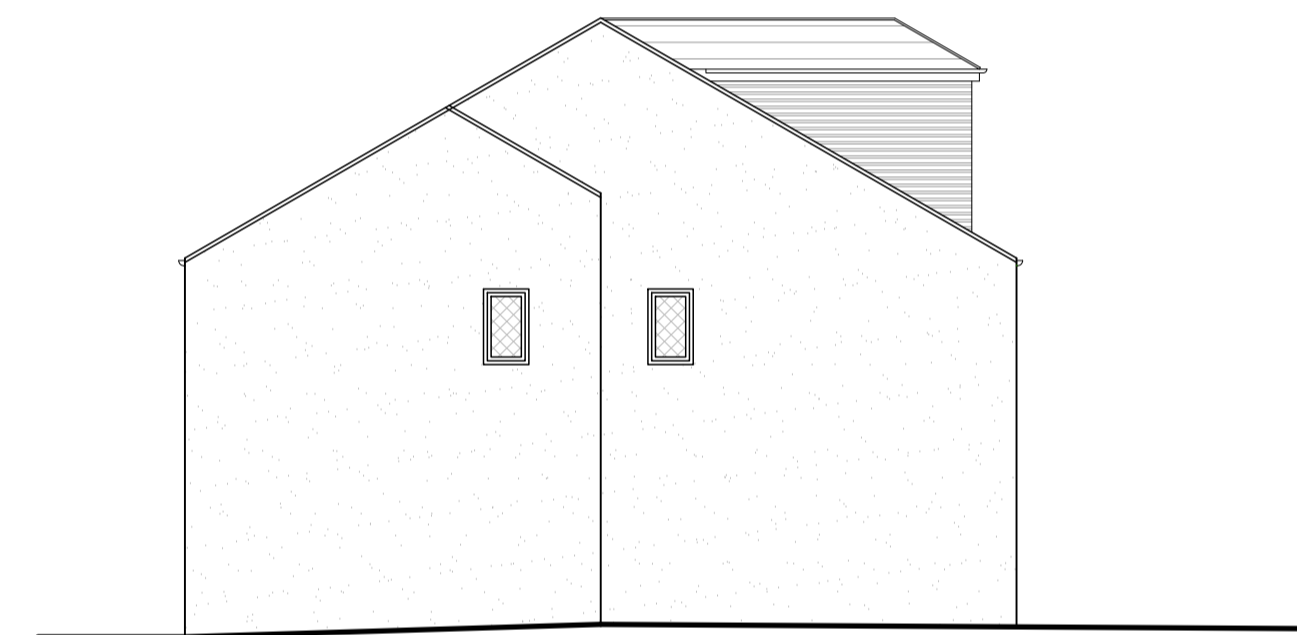
PROPOSED FIRST FLOOR - 1:100



PROPOSED GROUND FLOOR - 1:100



PROPOSED FRONT ELEVATION - 1:100



PROPOSED SIDE ELEVATION - 1:100



PROPOSED REAR ELEVATION - 1:100

- NOTES:**
1. do not scale from this drawing - use figured dimensions only
 2. read in conjunction with all other consultants/specialists drawings and report any discrepancies before work commences
 3. all setting out dimensions to be checked on site by contractor before work commences
 4. these drawings are for General Arrangement purposes only, and under no circumstances will the draughtsman be liable for errors that may occur during and after construction
 5. the copyright of this drawing is vested in Candid Architecture Ltd and must not be copied or reproduced without the consent of the company
 6. Existing survey and proposal based on survey by Whittaker Design (project ref 3165) as instructed by client

MATERIALS

- Walls = Front elevation to be Stone as existing. Side and rear elevation to be rendered, colour white.
- Roof = Slate as existing.
- Window and door frames = Dark grey (anthracite) uPVC
- Doors fronting Market Street = Dark grey (anthracite) uPVC
- Rainwater goods = Black uPVC

- Rev G - Window/door colour revised - 04.10.23
- Rev F - Window/door colour revised - 04.10.23
- Rev E - Window added to side elevation - 18.08.23
- Rev D - Apt 1 & 2 changed to a single dwelling and windows replaced with doors at ground floor to rear - 24.07.22
- Rev C - In accordance with Planning Officer comments - 04.01.18
- Rev B - In accordance with Planning Officer comments - 04.01.18
- Rev A - In accordance with client comments - 07.09.17

CANDID Architecture
 93 Parsonage Road, Stockport, Manchester, SK4 4JL
 ric@candidarchitecture.co.uk
 t: 07966 295 223

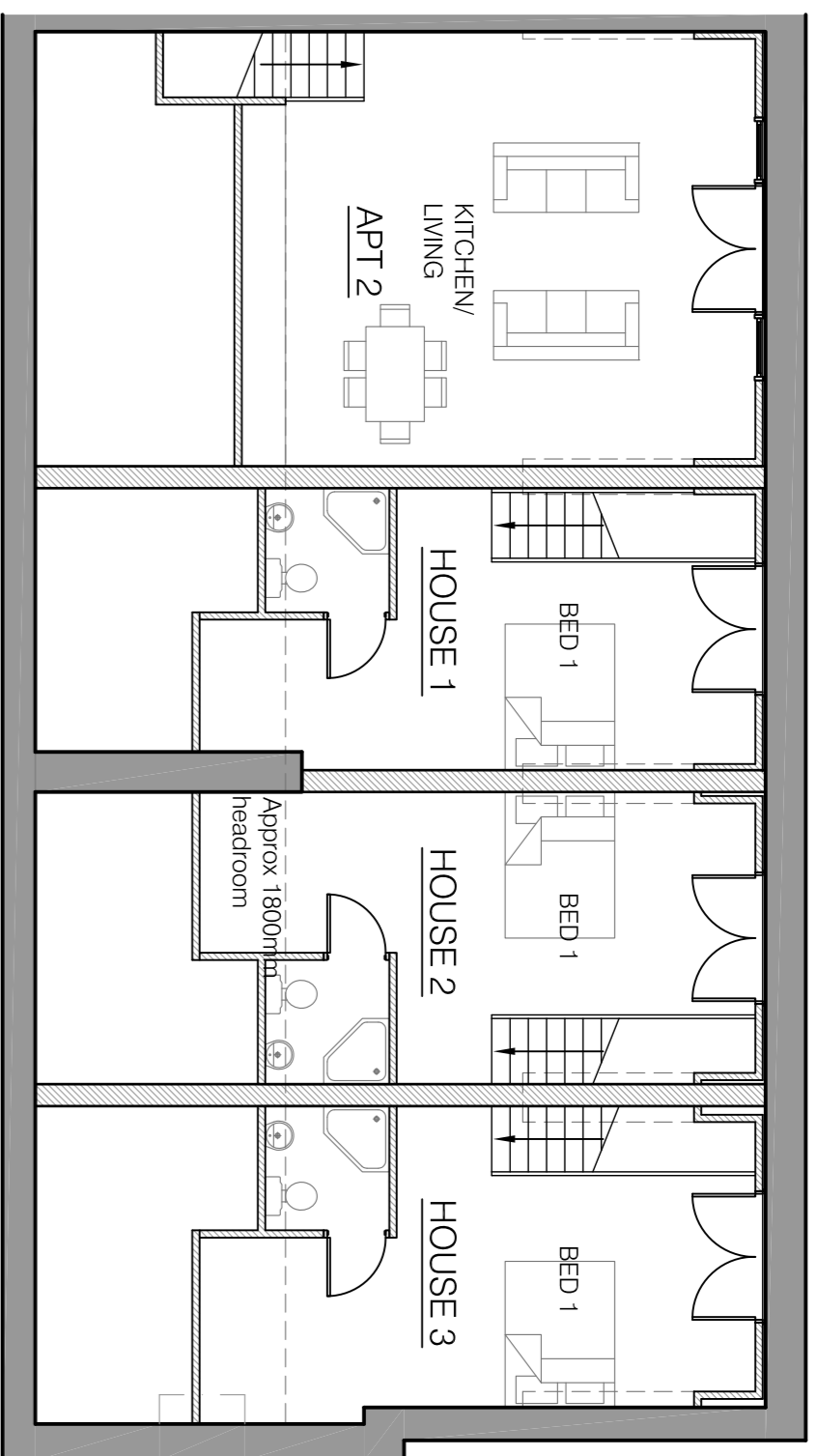
client
 Mr S Bardsley

project
 White Hart Inn, 91 Market Street, Mottram, SK14 6JQ

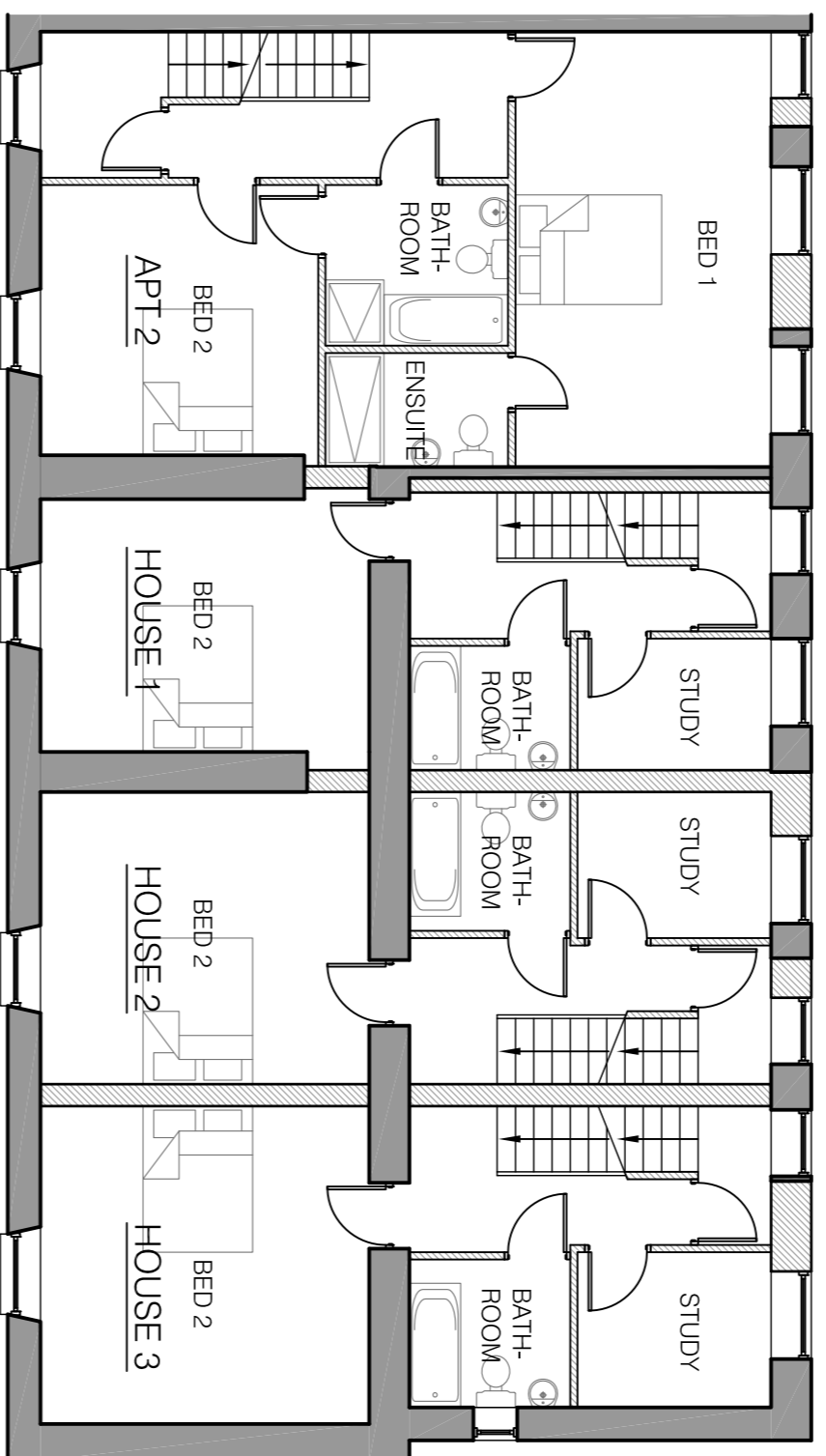
drawing
 Proposed Plans and Elevations

scale 1:100@A1	date 31.08.17	drawn RL
drawing no. RG181 / PL02	revision G	

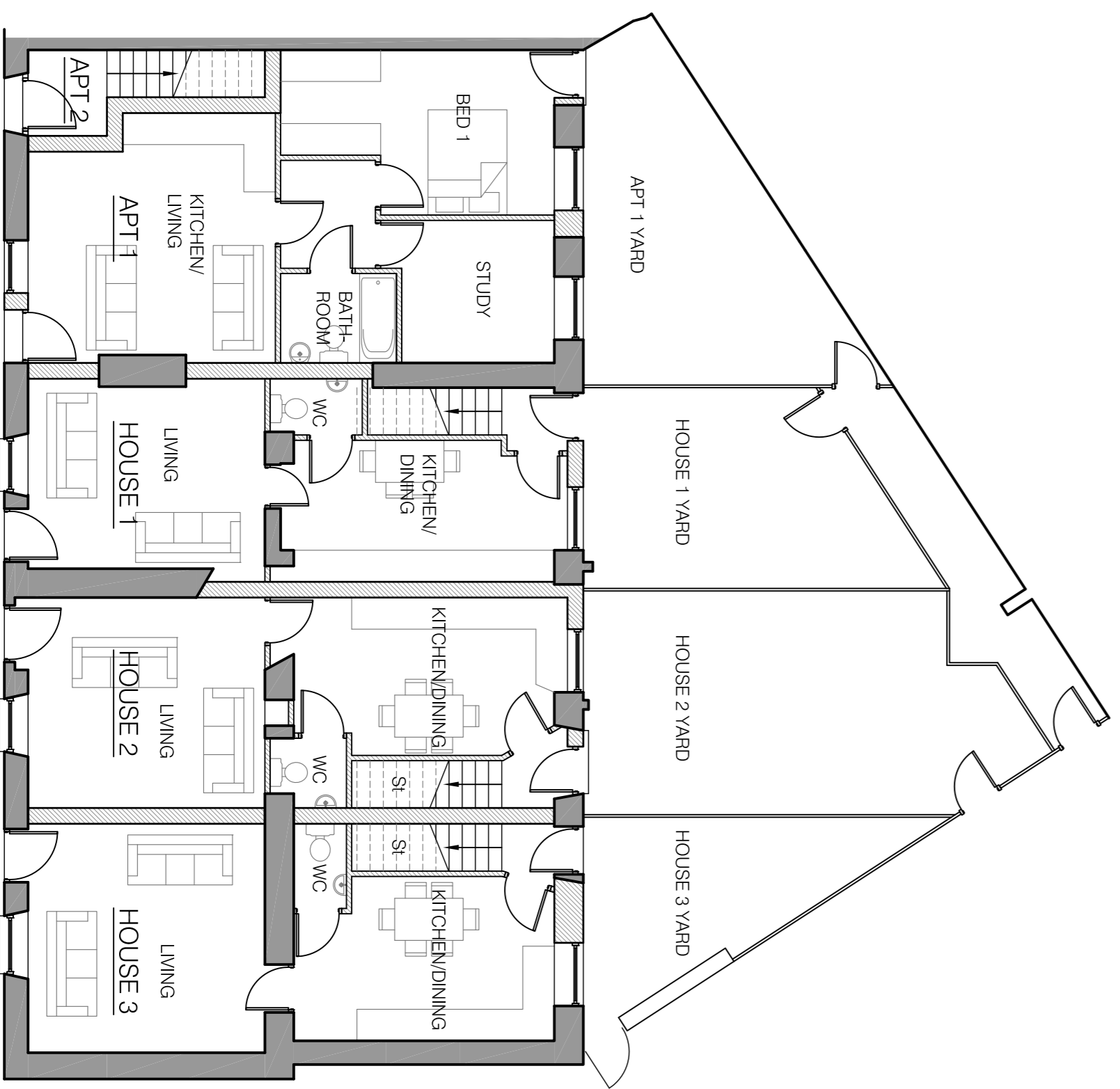
This page is intentionally left blank



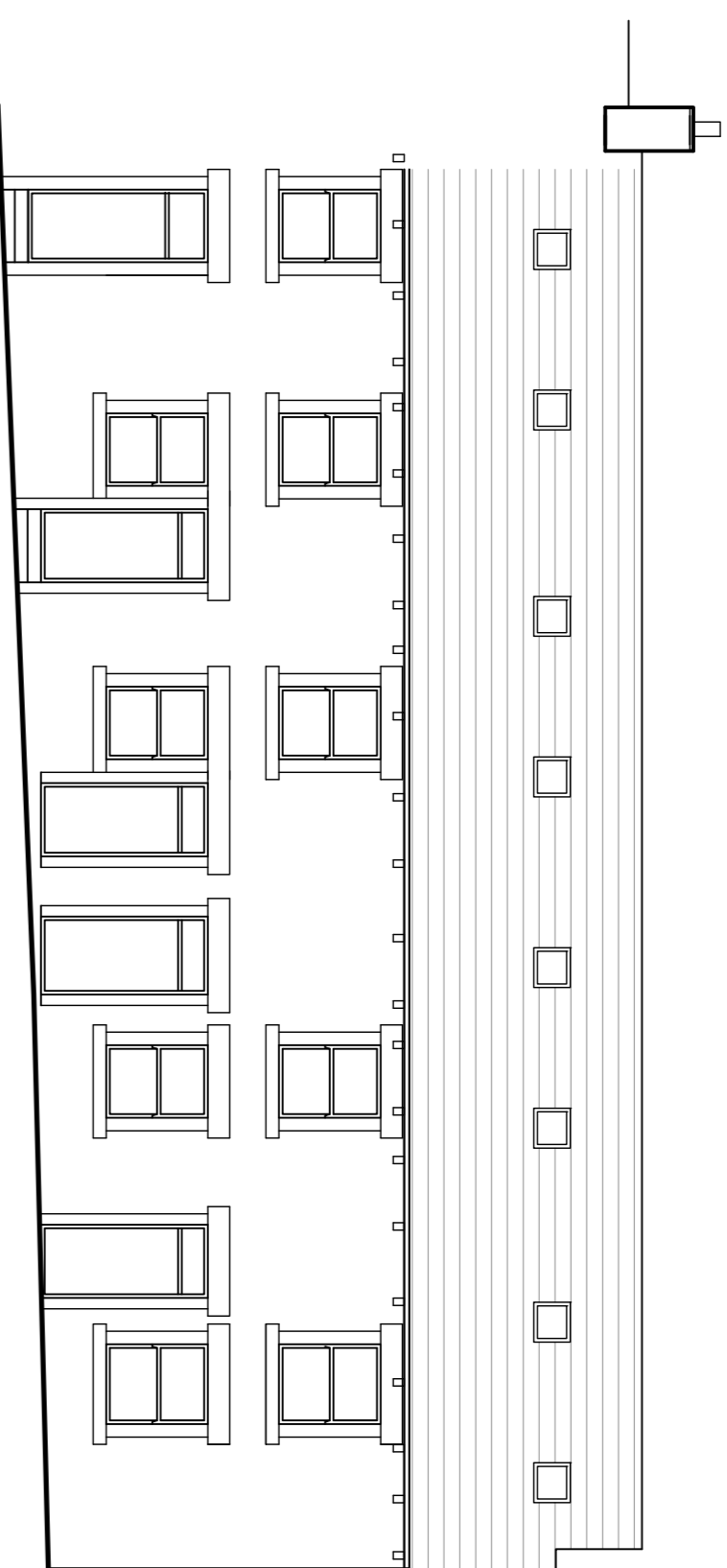
PROPOSED SECOND FLOOR - 1:100



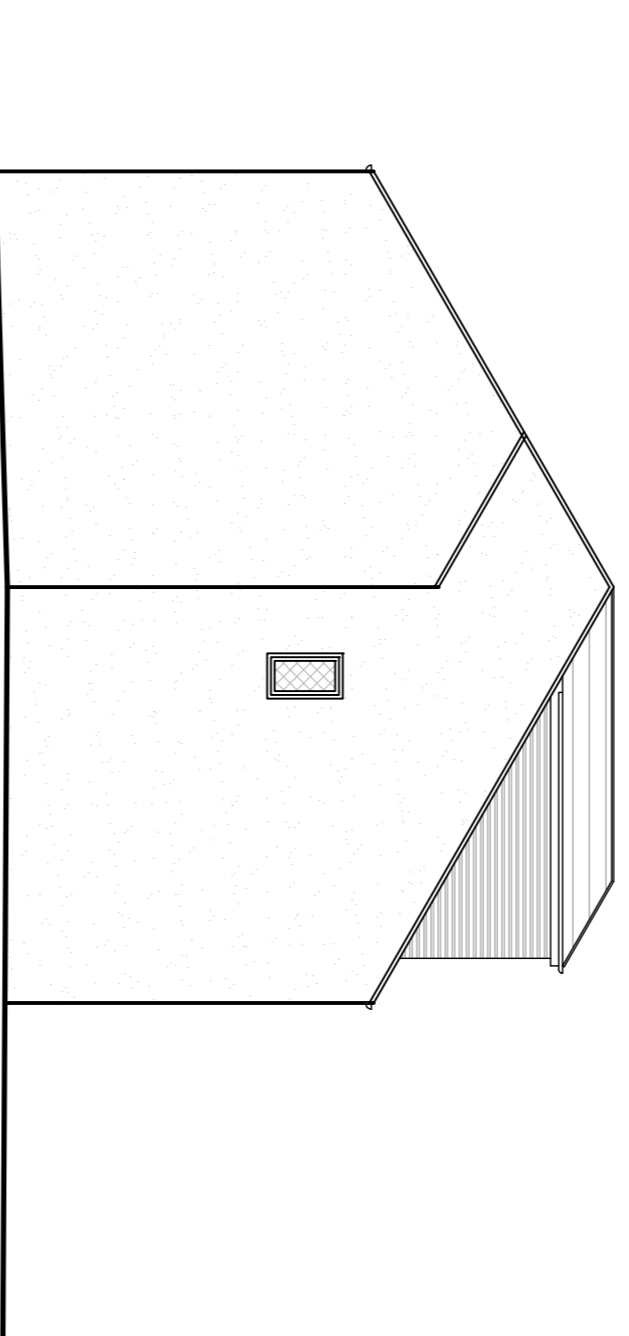
PROPOSED FIRST FLOOR - 1:100



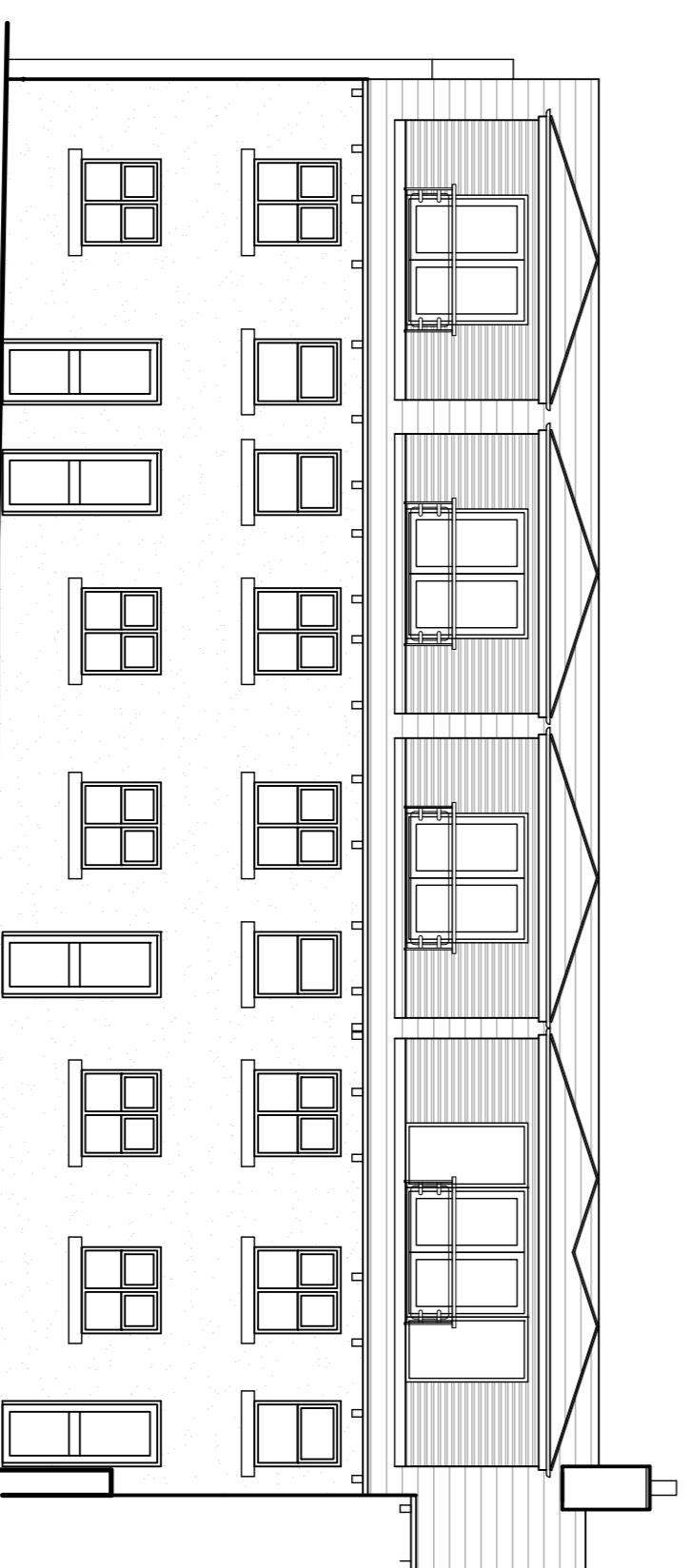
PROPOSED GROUND FLOOR - 1:100



PROPOSED FRONT ELEVATION - 1:100



PROPOSED SIDE ELEVATION - 1:100



PROPOSED REAR ELEVATION - 1:100

MATERIALS
 Walls = Front elevation to be Stone as existing.
 Side and rear elevation to be rendered, colour white.
 Roof = Slate as existing.
 Windows/Doors = Brown with timber effect PVC.
 Rainwater goods = Black PVC.

- NOTES:**
1. do not scale from the drawing - use figured dimensions only
 2. read in conjunction with all other consultants/specialists drawings and report any discrepancies before work commences
 3. all setting out dimensions to be checked on site by contractor before work commences
 4. these drawings are for General Arrangement purposes only, and under no circumstances will the draughtsmen be liable for errors that may occur during and after construction
 5. the copyright of this drawing is vested in Candid Architecture Ltd and must not be copied or reproduced without the consent of the company
 6. Existing survey and proposal based on survey by Whitaker Design [Project ref 3165] as instructed by client

Rev. C - In accordance with Planning Officer comments - 04.01.18
 Rev. B - In accordance with Planning Officer comments - 04.01.18
 Rev. A - In accordance with client comments - 07/09.17

CAN DID Architecture
 44 Nether Road,
 Heddon Moor, Stockport,
 Manchester, SK4 4HG
 t: 07966 292 423
 e: info@can-did.co.uk

client
 M/S Bardsley
 project
 White Hart Inn, 91 Market Street,
 Mottrom, SK14 6JQ
 drawing
 Proposed Plans and Elevations

scale	date	drawn	revision
1:100@A1	31.08.17	RL	C
drawing no	RG181 / PL02		

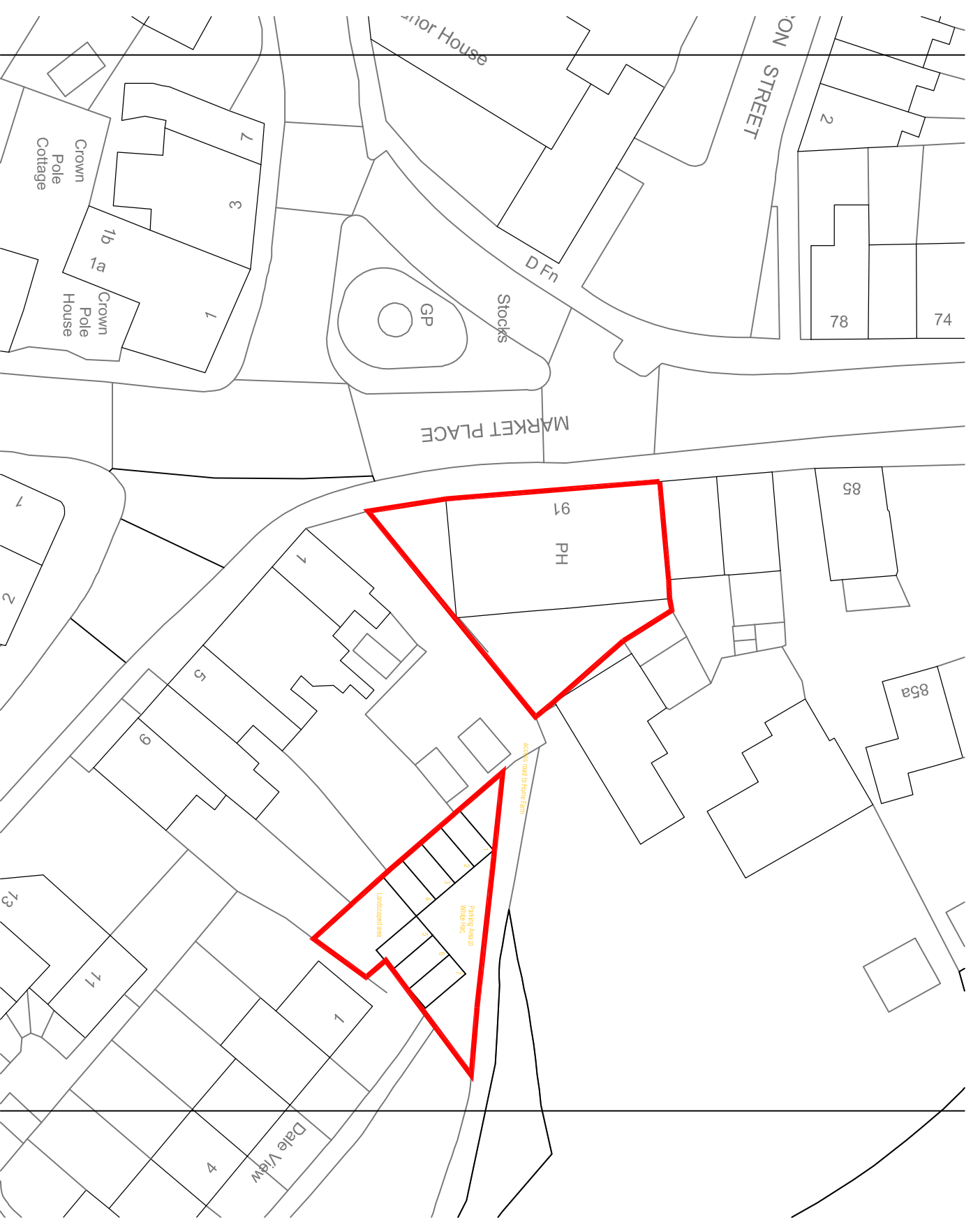
do not scale from this drawing

This page is intentionally left blank

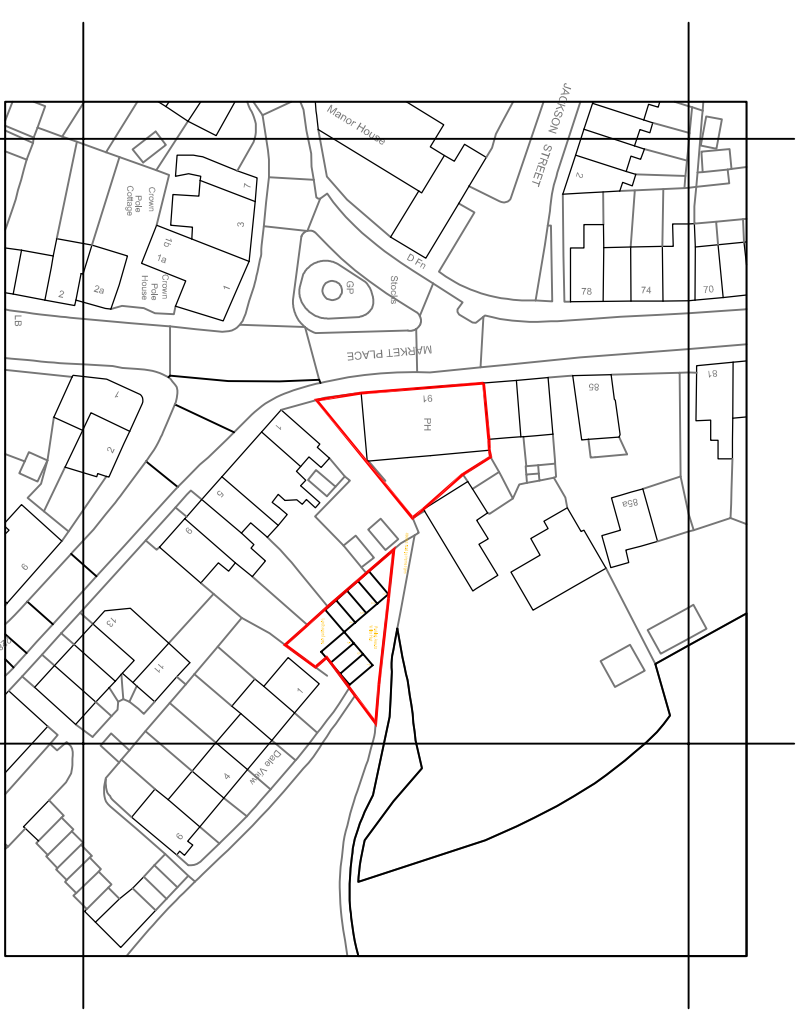


SCALE 1:1000

NORTH



PROPOSED SITE PLAN 1:500



PROPOSED SITE PLAN 1:1250

PROJECT		
Mr Bardsley		
White Hart		
Motttram		
DRAWING TITLE		
Proposed Site Plan		
As Proposed		
SCALE	1:1250/500	DATE
		Aug 2015
DRAWN		CHECKED
NUMBER		REVISION
White 003-		

This page is intentionally left blank



EXISTING SITE PLAN - 1:500



PROPOSED SITE PLAN - 1:500

- NOTES:**
1. do not scale from this drawing - use figured dimensions only
 2. read in conjunction with all other consultants/specialists drawings and report any discrepancies before work commences
 3. all setting out dimensions to be checked on site by contractor before work commences
 4. these drawings are for General Arrangement purposes only, and under no circumstances will the draftsman be liable for errors that may occur during and after construction
 5. the copyright of this drawing is vested in Candid Architecture Ltd and must not be copied or reproduced without the consent of the company
 6. Existing survey and proposal based on survey by Whittaker Design [project ref 3165] as instructed by client

Proposed car parking as approved under application 15/00946/FUL



LOCATION PLAN - 1:1250



Rev A - In accordance with client comments - 07.09.17
Rev.

CAN.DID
Architecture
 ct: 44 Ngajler Road,
 Heddon Moor, Stockport,
 Manchester, SK4 4HG
 t: 07966 295 223
 e: r.c_lowe@outlook.com

client
 Mr S Bardsley
 project
 White Hart Inn, 91 Market Street,
 Mottam, SK14 6JQ
 drawing
 Existing and Proposed Site Plans

scale	date	drawn	revision
SHOWN@A3	31.08.17	RL	A
drawing no.	RG181 / PL01		

do not scale from this drawing

This page is intentionally left blank

Application Number: 23/00774/FUL

Description: Variation of condition 2 (drawings) to combine the approved 2 apartments into a single dwelling and make elevational changes to the design of planning permission 17/00784/FUL

Address: The White Hart Inn, 91 Market Street, Mottram, SK14 6JQ.

Photo 1: Front elevation of application building, from Market Street.



Photo 2: Rear elevation of application building.



Photo 3: Side elevation of application building.



This page is intentionally left blank



Appeal Decision

Site visit made on 15 August 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/G4240/W/23/3318703

50 Droylsden Road, Audenshaw, Tameside M34 5SW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Yogesh Patel against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00935/FUL, dated 12 September 2022, was refused by notice dated 24 February 2023.
 - The development proposed is for a detached house.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached house at 50 Droylsden Road, Tameside M34 5SW in accordance with the terms of the application, Ref 22/00935/FUL, dated 12 September 2022, subject to the conditions set out in the attached schedule.

Procedural matter

2. The planning application form states that the appeal site is within "Audenshaw, Lancashire", whereas the address on the Council's Decision Notice reads as "Audenshaw, Tameside". I have used the address from the Decision Notice in the above banner head and within my formal decision, as I consider this to be more accurate.
3. The planning application form does not specify a number for the site address on Droylsden Road, but it is clear from the location plan, design and access statement, decision notice and appeal form that the appeal relates to No 50 Droylsden Road. I have therefore determined the appeal on that basis, and included '50' in the site address within both the above banner head and formal decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposed development would provide appropriate living conditions for future occupiers, with regard to private outdoor amenity space.

Reasons

Character and appearance

5. The appeal site relates to a garden area located to the rear of the properties at 50, 52 and 54 Droylsden Road. At the time of my site visit it was evident that the area is mown and included domestic paraphernalia, indicating residential use.
6. Droylsden Road (A662) is a wide main road with a Metrolink line running centrally along this section of the highway. This stretch of Droylsden Road is flanked on both side by predominantly red brick terrace housing, although within the wider vicinity there are semi-detached bungalows and detached dwellings. To the south the appeal site shares a boundary with Aldwinians Rugby Union Football Club.
7. The immediate surrounding properties are residential, however within walking distance of the appeal site there are a number of facilities including a petrol filling station, a pharmacist, a medical practice, a convenience store and food outlets.
8. The proposed two-storey dwelling would stand to the rear of the terrace houses, and would be accessed via an existing gap between the end terrace properties at 48 and 50 Droylsden Road. It is through this gap where the proposed dwelling would be viewed from Droylsden Road, but these views would be limited and fleeting. Notwithstanding this, the proposed dwelling is simply designed, drawing on traditional features of the area which include its red brick construction, a slate pitched roof design with chimney stacks, and large windows with surrounding stone heads and cills.
9. The proposed detached property would be a similar height to existing neighbouring houses, and a footprint significantly larger than the adjacent terrace dwellings. However, outline approval has been granted on the adjoining site to the rear of 48 Droylsden Road for a detached dwelling, with access and layout applied for, albeit with a smaller footprint than the appeal proposal. Nevertheless, and as mentioned above, views of the proposed dwelling from Droylsden Road would be restricted by the existing terrace dwellings situated between the appeal site and this highway, limiting its visual prominence.
10. The dwelling would also be visible from the land associated with the adjoining rugby club, as well as the rears of the terrace properties on this stretch of Droylsden Road. However, there are a number of surrounding properties, including recently built detached dwellings, that are visible from the rugby club and the rear of these terrace properties. I am aware that the Council have granted outline planning permission for a detached dwelling adjacent to the appeal site, and that the proposed dwelling would be higher than this neighbouring approval. However, for the reasons detailed above I do not consider that the siting, scale or footprint of the proposed dwelling to be harmful to the character and appearance of this area.
11. In view of the above, the siting, design, scale and layout of the proposed dwelling would not result in a harmful effect on the character and appearance of the area, and contributes to the mix of house types in the locality. Accordingly, I find no conflict with policies 1.3, H9(d), H10(a) and C1 of the

Tameside Unitary Development Plan which require development to be of a high quality which is sensitive to, complements or enhances, the character and appearance of the surrounding area. I also find no conflict with those principle of the National Planning Policy Framework (the Framework) that seek good design which is sympathetic to the local area.

Living conditions of future occupiers

12. Future occupiers would be provided with outdoor amenity space, primarily to the north and either side of the proposed dwelling. The amount of outdoor space would be commensurate to a 3-bedroom house. The proposed garden area would be somewhat overlooked from the first-floor windows in the rear elevations of the terrace houses fronting onto Droylsden Road. However, there is a sufficient separation distance between these windows and the proposed garden area to ensure that future occupiers would be provided with acceptable levels of privacy and enjoyment from this outdoor amenity space.
13. Furthermore, the appeal site is currently used as a garden area, as are the neighbouring garden areas situated either side, and the levels of overlooking into the proposed garden would be no greater than that experienced by existing residents when using these areas.
14. Accordingly, future occupiers of the proposed dwelling would be provided with an acceptable level, and sufficient quality, of outdoor amenity space. This would be in compliance with policies 1.5 and H10(a) of the Tameside Unitary Development Plan, and Policy RD11 of the Residential Design Supplementary Planning Document, which seek to ensure new development meets the needs of potential occupiers and provide quality of life. The proposal would also comply with paragraph 130(f) of the Framework which seeks to ensure developments provide a high standard of amenity for future occupiers.

Conditions

15. The Council has provided a list of suggested planning conditions, which I have assessed in respect of the requirements of the Framework, and advice provided in the Planning Practice Guidance.
16. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2), as well as a condition which requires the submission of details of the external materials to be used in the development, in order to safeguard the character and appearance of the area (3). A condition requiring all external windows and doors to be installed with reveals at a depth of at least 90mm has also been added to safeguard the character and appearance of the area (4). This is considered to be both reasonable and necessary as this is a defining feature of existing dwellings within the immediate surroundings. A pre-commencement condition has been attached which requires the submission of a sustainable surface water drainage strategy, and this is necessary in order to reduce the risk of surface water flooding at the site (5).
17. A condition requiring the submission of details of the windows to be fitted with mechanical / passive acoustic ventilation, and an acoustic fence to be erected along the boundary shared with the neighbouring rugby club, has been added to ensure that the living conditions of future occupiers are not adversely impacted by this neighbouring use (6). Furthermore, a separate condition has

been added requiring the submission of details for all other boundary treatments, in order to safeguard the character and appearance of the area (7). The Council suggested that these aforementioned two conditions should be pre-commencement conditions. However, in order to minimise the amount of pre-commencement conditions I have altered these to require the details to be submitted, and agreed, prior to any above ground construction works taking place on site.

18. A condition requiring the proposal to provide the car parking spaces and vehicle manoeuvring areas, as shown on the approved plans (8), as well as a condition requiring details of the proposed cycle storage facility to be submitted (9), have been included. These conditions are required to minimise the need for off-site parking, and to support the use of sustainable modes of transport.
19. The Council have requested a condition removing permitted development rights under Class A, Class AA, Class B, Class C and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO), or any order revoking and re-enacting that Order, with or without modification. Having carefully considered this condition, it is in the main judged to be both reasonable and necessary, in the interest of protecting the living conditions of neighbouring occupiers, and to safeguard the character and appearance of the area (10). However, I have removed the reference to Class AA from this condition, as it does not apply to a dwelling built after 28th October 2018. Furthermore, I have also not included Class C within this condition as removing this permitted development right is neither reasonable nor necessary to make the development acceptable.
20. Although not suggested at appeal stage by the Council, correspondence from the Council's Environmental Strategy Officer requested a condition limiting construction hours of operation, and the Local Highway Authority recommended a condition relating to visibility where the site access adjoins the footway of Droylsden Road. I consider the condition limiting the hours of construction to be reasonable and necessary to protect the living conditions of neighbouring residents (11). I also consider a condition requiring the provision of a visibility splay, as shown on the submitted plan, to be reasonable and necessary, in the interest of highway safety (12). I have therefore included both these conditions in my decision.
21. Furthermore, the Council also suggested a condition removing permitted development rights to install any additional windows or dormers within the dwelling, other than those shown on the approved plans. The right to insert new windows and dormers under permitted development is controlled by Class A and Class B, respectively, of the GPDO. As mentioned above a condition has already been attached to remove these permitted development rights, and therefore it is unnecessary to repeat and include this suggested condition.

Conclusion

22. For the reasons set out above, the proposal accords with development plan when taken as a whole and I therefore conclude that the appeal should be allowed.

R Major

INSPECTOR

Schedule of 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 permitted shall be carried out in accordance with the following approved plans:
 - Location Plan;
 - Site plan 'As Proposed';
 - Layout plan as proposed – Drawing no. 6 'G' 'S';
 - Proposed floor plans and elevations - Drawing no. 6 'G' 'S' 2;
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place on the development hereby approved until samples, or a full specification, of materials to be used externally on the building hereby approved, and in the finishes to all hard-surfaced external areas, have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall then be carried out in accordance with the approved details.
4. All windows and external doors in the development hereby approved shall be constructed and installed with reveals, or recesses, to a depth of at least 90mm, and shall be retained as such thereafter.
5. No development hereby approved shall commence on site until a sustainable surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include:
 - i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii. A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii. A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby approved shall thereafter be carried out in complete accordance with the details and timetable contained within the duly approved sustainable surface water scheme.

6. No above ground construction works shall take place on the development hereby approved until the following details have been submitted to and approved in writing by the Local Planning Authority:

- scaled plans showing the exact location and elevations of the acoustic fencing to be installed along the southern boundary of the site and the manufacturers specification of the fencing; and,
- scaled plans showing the location of windows to be treated with mechanical / passive acoustic ventilation and the manufacturers specifications of the noise mitigation measures to be installed.

The noise mitigation measures shall be implemented in accordance with the approved details prior to the first occupation of the dwelling, and shall be retained as such thereafter.

7. No above ground construction works shall take place on the development hereby approved until full details of the treatments to the site's boundaries have been submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwelling, and shall be retained as such thereafter.
8. The car parking facilities and vehicle manoeuvring area, as shown on the approved plan (drawing no. 6 'G' 'S'), shall be provided prior to the first occupation of the development hereby approved and shall be retained as such, and kept available for the intended purpose, thereafter.
9. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision, as indicated on the approved plan (drawing no. 6 'G' 'S'), have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of cycle storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to first occupation of the dwelling and shall be retained as such, and for the intended purpose, thereafter.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order, with or without modification, the dwelling hereby approved shall not be enlarged or altered under Class A, Class B and Class E of Part 1 of Schedule 2 of that Order without the express permission of the Local Planning Authority.
11. Construction works (including vehicle and plant movements, deliveries, loading and unloading) shall take place only between 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.
12. No fence, wall, structure or vegetation exceeding 600mm in height shall be erected, or allowed to grow, within the visibility splay as indicated on the approved plan (drawing no. 6 'G' 'S').

*****END OF CONDITIONS*****



Appeal Decision

Site visit made on 5 September 2023

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/G4240/W/23/3318038

Two Trees Lane, Tameside M34 7RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/01002/NCD, dated 6 October 2022, was refused by notice dated 30 November 2022.
 - The development proposed is described as 'Proposed 5G 16m telecoms installation: H3G street pole and additional equipment cabinets.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site comprises an area of pavement on the northern side of Two Trees Lane. Whilst the locality is predominantly residential in character, the appeal site is located adjacent to a landscaped area of open space. Although there are some streetlights and mature trees nearby, this stretch of Two Trees Lane is open in nature.
5. The proposed site plan shows the monopole, which would be approximately 16 metres high, and equipment cabinets to be positioned at the back edge of the footway. Nonetheless, the proposed mast would be appreciably taller, bulkier and more prominent than the nearby street lighting columns. Furthermore, Two Trees Lane is a relatively long and straight road, and the proposed mast would be readily apparent from long distances in the approach from either direction. Whilst the trees would offer some screening and soften the appearance of the monopole, this element of the proposal would project above them and be clearly visible, particularly at times when the trees would not be in leaf.

6. As such, the proposed mast would be prominent in views through the area including from nearby residential streets and properties. Irrespective of its grey colour, the proposed monopole's excessive height and greater bulk would result in a dominant and visually obtrusive feature. Furthermore, although the section of pavement is relatively wide, an element of perceived visual clutter at low level would also be introduced through the siting and amount of the ancillary equipment cabinets.
7. In light of the above, I therefore find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area.

Other Considerations

8. I am mindful of the economic and social benefits of providing and enhancing electronic communication infrastructure. The National Planning Policy Framework (the Framework) advises that advanced, high-quality and reliable communication infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communication networks, including next generation mobile technology (such as 5G), should be supported. I have also had regard to the communication from the Department for Digital, Culture, Media and Sport, and note that there is not any contention between the main parties of the benefits to mobile connectivity and the network (access and speed) to a multitude of users, devices, services and sectors.
9. However, I must balance this against the requirement for equipment to be sympathetically designed and camouflaged where appropriate, as well as the overarching imperative in the Framework for development to achieve well-designed places for the long term.
10. Paragraph 117 of the Framework also advises that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this should include evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts, or other structures.
11. The Council accept that there are no suitable existing telecommunication installations for the operator to share, or buildings that the operator could utilise for their equipment. The appellant has also submitted a list of 6 alternative sites that have been investigated and discounted. However, many of the reasons given for dismissing the alternative sites are vague, referring to 'unsuitable pavements and visibility splay issues', such that they cannot be fully scrutinised. The Council's delegated officer report also suggests alternative sites for the proposal along other parts of Tatton Road which have not been explored. No robust justification has been provided by the appellant to demonstrate why these suggested alternative sites would not be suitable.
12. Furthermore, the cell coverage maps for the proposed installation are not before me. As such, I am not in a position to fully review the appellant's conclusion on this matter or be satisfied that less harmful alternative sites are not available as I am unable to be certain of the limits of the search area. As a result, I afford the lack of identified alternative sites limited weight in favour of the scheme.

Other Matters

13. It has been put to me that the site would not have an adverse effect on residential amenity. I have also been made aware that it would not be located in a conservation area or close to any trees covered by a Tree Preservation Order. However, these matters did not appear to be contentious in the appeal and the absence of harm in these respects, would be neutral factors, that do not weigh in favour of the proposal.
14. It has also been put forward that a pre-application enquiry was submitted for this scheme and that Ward Members were also notified of the proposal. However, this has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

Planning Balance and Conclusion

15. Having regard to all relevant considerations, including national planning policy and the potential availability of alternative sites, I consider that the benefits of the installation in terms of the enhancement of the telecommunications network, including its contribution to economic growth and social wellbeing, and the operational and locational needs of the operators do not outweigh the significant harm arising to the character and appearance of the area. Accordingly, the proposal would not deliver sustainable development.
16. For the reasons given above the appeal is therefore dismissed.

Mark Caine

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 4 September 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/G4240/W/23/3319540

Ashton Road, Hyde, Tameside

Grid Reference Easting 395363, Grid Reference Northing 395775

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Gallivan, CK Hutchison Networks (UK) Ltd, against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 23/00016/NCD, dated 6 January 2023, was refused by notice dated 23 February 2023.
 - The development is proposed 5G telecoms installation: H3G 18m street pole and additional equipment cabinets.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan¹ and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. The appeal site is located on Ashton Road rather than Ashley Street, and this is reflected in the heading above.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

¹ Including Policies U2 and C1 of The Tameside Unitary Development Plan (2004)

Reasons

Character and appearance

6. The appeal site comprises a grass verge adjacent to the footpath on Ashton Road, close to the junction with Ashley Street. The site is not located within a conservation area. The grass verge contains trees and there are street lights nearby. There are also residential buildings, which are two and three storeys, and playing fields within the surrounding area. There is limited street furniture in the vicinity of the site which results in a sense of spaciousness.
7. The equipment would consist of a 18m high monopole with built-in wraparound cabinet which would sit alongside three additional equipment cabinets. The monopole and cabinets would be coloured grey. In making my decision I am mindful that the mast is the lowest required for the improved 5G service need identified in the area. The appellant asserts that the equipment cabinets are deemed permitted development. Nonetheless, the proposal before me relates to the whole installation.
8. The proposed installation would be significantly taller and bulkier than the nearby trees and street lights. The nearby trees and street lights would not notably reduce the visual impact of the proposal due to the height of the monopole. In addition, the monopole would also be noticeably taller than nearby buildings, and the installation would be at some distance from those buildings.
9. As a result of the schemes height, siting and bulk, it would be highly visible and result in a dominant feature in this part of Ashton Road and when viewed from Ashley Street, as well as nearby residential properties. The installation would be at odds with the predominantly residential character and appearance of the surrounding area. It would erode the spaciousness of this part of Ashton Road and would add visual clutter. Thus, the scheme would be an incongruous addition to the streetscene, and it would not blend in with the surroundings. For these reasons, due to its siting and appearance, the proposed installation would harm the character and appearance of the area.

Suitable alternatives

10. Paragraph 117 of the Framework sets out that applications, such as that proposed, should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
11. The appellant outlines the sequential approach. Following a desktop analysis and physical search of the intended target/search area, they considered that the proposed site was the most suitable. The 'Site Specific Supplementary Information and Planning Justification Statement' details the other potential locations which were reviewed and subsequently discounted.
12. However, little detail has been provided regarding how the search for alternative sites was carried out or how sites were selected for further consideration. The Council has highlighted there is no discernible difference between the current proposed location and the discounted sites, noting the close proximity of residential properties within the surrounding area. Nonetheless, I recognise that those sites were discounted due to the high-

density residential nature of the location and the narrow nature of the pavements, rather than just because of the residential nature of the area.

13. The Council has suggested alternative locations (such as the junction of Ashton Road and Clarendon Road, Clark Way, Almond Way, Station Road, and Mill Street) which could be further explored/considered. I understand these locations are situated more remotely from residential properties, and a telecoms pole in these locations could be viewed against the backdrop of buildings and high trees/hedges. The appellant has not robustly detailed why such locations would not be appropriate.
14. Consequently, based on the evidence presented, I am not satisfied that the appellant has conducted a thorough review of possible options within the search area or adequately explored whether there may be less harmful alternative sites. As such, the harm I have identified above is not outweighed by the need for the installation to be sited as proposed.

Other Matters

15. The appellant has raised a range of other matters including economic and social benefits of providing enhanced and improved telecommunications infrastructure, the importance of reliable and efficient digital communications which is essential for sustainable economic growth. In addition, an overview of telecommunications, parts of the Framework, ICNIRP certificate, cell areas are generally very constrained, as well as a letter from the Department for Digital, Culture, Media and Sport. However, these matters do not justify the harm identified above.

Conclusion

16. I have found that, due to its siting and appearance, the proposed installation would have a harmful effect upon the character and appearance of the area. The harm I have identified is not outweighed by the need for the installation to be sited as proposed or the other matters highlighted (including benefits of the scheme).
17. For the reasons given above, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR

This page is intentionally left blank