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## SPEAKERS PANEL (PLANNING)

**Day:** Wednesday  
**Date:** 22 November 2023  
**Time:** 10.00 am  
**Place:** George Hatton Hall - Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive an apologies for absence from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> The minutes of the meeting of the Speakers Panel (Planning) held on 1 November 2023, having been circulated, to be signed by the Chair as a correct record.	1 - 2
4.	<b>PLANNING APPLICATIONS</b> To consider the schedule of applications:	
a)	<b>23/00778/FUL - RAYNER STEPHENS HIGH SCHOOL, YEW TREE LANE, DUKINFIELD</b>	3 - 46
5.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>APP/G4240/D/23/3327544 - 23 KINGSTON GARDENS, HYDE, SK14 2DB</b>	47 - 50
b)	<b>APP/G4240/D/23/3327531 - 15 BANK TOP, ASHTON-UNDER-LYNE, OL6 6TA</b>	51 - 54
c)	<b>APP/G4240/D/23/3329426 - 13 NORMAN ROAD, ASHTON-UNDER-LYNE, OL6 8QG</b>	55 - 56
d)	<b>APP/G4240/D/23/3327817 - 2 BARN GROVE, AUDENSHAW, M34 5LG</b>	57 - 58
e)	<b>APP/G4240/Z/23/3321112 - 128-130 MARKET STREET, HYDE, SK14 1EX</b>	59 - 62
f)	<b>APP/G4240/W/23/3317200 - LAND TO THE SOUTH OF 24 STABLEFOLD, MOSSLEY, OL5 0DJ</b>	63 - 68
6.	<b>URGENT ITEMS</b> To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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

**7. DATE OF NEXT MEETING**

To note the next meeting of the Speakers Panel (Planning) will take place on 13 December 2023.

## SPEAKERS PANEL (PLANNING)

1 November 2023

Commenced: 10:00am

Terminated: 12:20pm

**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 18 October 2023, having been circulated, were approved and signed by the Chair as a correct record.

### 24. PLANNING APPLICATIONS

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

#### RESOLVED

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

<b>Name and Application No:</b>	<b>21/01171/OUT</b> <b>Tameside Metropolitan Borough Council</b>
<b>Proposed Development:</b>	<b>Outline application with all matters reserved other than access for the erection of a new residential-led, mixed-use development comprising residential dwellings (up to 2,150), local centres (including up to 1,300 sqm of retail, 1,600 sqm of commercial uses and 1,000 sqm of community uses), provision for secondary education, sports facilities, new vehicle, cycle and pedestrian connections, new bridge connection to Hattersley, construction of new site accesses from Mottram Old Road, landscaping and associated works and demolition of farm/agricultural building and stables.</b> <b>Land off Mottram Old Road, Hyde, SK14 3BE</b>
<b>Speaker(s)/Late Representations:</b>	<b>Cllr Colbourne, Hyde Godley Ward Member, addressed the Panel objecting to the application.</b> <b>Sarah Burlinson, Claire Elliott, Jayne Lawton and John Riley also addressed the Panel objecting to the application.</b> <b>Cllr Fitzpatrick, Hyde Werneth Ward Member, addressed the Panel in support of the application.</b> <b>Nicola Elsworth, Assistant Director, Investment, Development and Housing, Tameside MBC; Harry Spawton, Planning Advisor, Gerald Eve; and Chris Peacock, Environmental</b>

	<p><b>Consultant, Pea Green, addressed the Panel in relation to the application.</b></p> <p><b>The Principal Planning Officer advised that since publication of the agenda, conditions 9 &amp; 10 needed to be amended to cross-reference condition no.5 and condition no.11 to be amended to reference condition no.10.</b></p> <p><b>It was also recommended that a further condition was added relevant to protection of the easement along the high pressure gas main, this would be worded as follows:</b></p> <p><b>“Prior to the commencement of works within 15 metres of any apparatus relating to the high pressure gas mains within the site a plan must be submitted to the Local Planning Authority for approval in writing. The plan shall include a method statement which addresses the following points:</b></p> <ul style="list-style-type: none"> <li><b>a) The exact position of the works;</b></li> <li><b>b) The level at which these are proposed to be constructed or renewed;</b></li> <li><b>c) The manner of their construction or renewal including details of excavation, positioning of plant etc.;</b></li> <li><b>d) The position of all apparatus;</b></li> <li><b>e) By way of detailed drawings, every alteration proposed to be made to or close to any such apparatus;</b></li> <li><b>f) Any intended maintenance regimes; and</b></li> <li><b>g) Ground monitoring plan if required.</b></li> </ul> <p><b>Development shall be undertaken in accordance with the approved details.”</b></p> <p><b>Members were requested to permit any minor amendments to the wording of conditions or addition of further conditions should these be deemed necessary by officers.</b></p> <p><b>Reference was also made to further SCOOT validation of signals at junctions within Stockport MBC (Travellers Call).</b></p>
<p><b>Decision:</b></p>	<p><b>That planning permission be granted, subject to the conditions as detailed within the submitted report and the updated conditions above, and prior referral of the application to the Secretary of State.</b></p>

**26. URGENT ITEMS**

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

**CHAIR**

<b>Application Number:</b>	23/00778/FUL
<b>Proposal:</b>	Proposed new single storey Creative Arts Wing block to existing school (Resubmission of application 22/00523/FUL).
<b>Site:</b>	Rayner Stephens High School, Yew Tree Lane, Dukinfield
<b>Applicant:</b>	Helen Williamson, Rayner Stephens High School
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	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 Rayner Stephens High School in Dukinfield. The site is accessed via Yew Tree Lane with parking areas integrated around the site to the front and rear of the main school building.
- 1.2 The area around Yew Tree Lane has a mix of domestic properties as well as a number of educational facilities, including the school, along its northern aspect towards its western end. The school itself is attached to and occupies a shared site with Cromwell High School which itself delivers special educational provision.
- 1.3 The school building is of a significant size and comprises a mix of single storey and two storey elements. External elevations are generally of brickwork with significant areas of white uPVC glazing with flat roofing.
- 1.4 To the rear (south) of the existing north wing, adjacent to the central link and south wing, there is an existing temporary classroom block. This temporary two storey building houses a number of classrooms and is situated within the rear car parking area. It is of a dark grey, flat roofed design and is of a modular block form in its appearance.
- 1.5 The school premises benefits from a number of playing fields across the southern part of the site, with the addition of a 3G full size sports pitched and a similarly sized AstroTurf pitch all of which is allocated Protected Green Space, according to the Tameside Unitary Development Plan (UDP) Proposals map. The rest of the site, north of the playing pitches, is unallocated.

## 2. PROPOSAL

- 2.1 This full application seeks planning permission for the removal of the existing two storey temporary modular units (classrooms) to the rear car parking area, and the erection of a new single storey 'creative arts' wing extension. The extension will be detached from the main school building.
- 2.2 The new building will accommodate a new drama studio with WC facilities, as well a new separate classroom.

- 2.3 The supporting Design and Access Statement outlines that the proposals will provide an adequate space for the school's essential educational and curriculum needs. The document outlines that the proposals are essential to assist the significant long-term improvement of facilities and subsequently pupil attainment in a number of study areas. The school currently has a single music classroom, the new facilities will expand on this significantly enhancing the curriculum area.
- 2.4 The extension would be constructed with metal cladding to the external elevations with engineering brickwork up to the damp proof course level. Window frames will be in dark grey aluminium.
- 2.5 The proposed building is remote from the overall site boundaries and subsequently all existing boundary fencing, trees and playing field will be retained.

### **3. PLANNING HISTORY**

- 3.1 01/00012/R3D – New special school plus new main entrance and dining room – Approved 21.03.2022
- 3.2 01/01043/OUT – New sports hall and low level lighting to refurbished tennis courts – outline – Approved 18.10.2001
- 3.3 04/01417/FUL – Erection of new sports hall, (including changing facilities and reception) and refurbishment of existing sports hall – withdrawn 10.02.2005
- 3.4 05/00214/FUL – Erection of new sports hall, (including changing facilities and reception) and refurbishment of existing sports hall – Approved 13.04.2005
- 3.5 06/01317/R3D – New build part refurbishment 750 place 11-16 school with 70 place special needs school – OUTLINE – approved 09.11.2006
- 3.6 10/00882/FUL – Erection of new 2.4m palisade fence and replacement of existing 1.8m high gate and fencing with new 2.4m high palisade fence – Approved 06.12.2010
- 3.7 12/01100/FUL – Provision of all weather sports pitch including associated fencing, flood lighting and access paths – Approved 08.03.2013
- 3.8 13/00454/ADV – New school signage – Approved 26.07.2013
- 3.9 14/01201/FUL – Variation of condition no. 6 of planning application no. 12/01100/FUL proposing the sports pitch and floodlights to be used between 09:00-22:00 Monday to Friday and 09:00 - 20:00 Saturday and Sunday – Approved 01.04.2015
- 3.10 16/00141/FUL – Creation of a new external sports pitch (3G Artificial Grass Pitch) with perimeter ball-stop fencing, floodlights (artificial lighting), access and outdoor storage for maintenance equipment. – Approved 28.04.2016
- 3.11 16/00879/FUL – Variation of condition No. 6 (hours of use) relating to planning permission 16/00141/FUL (creation of new sports pitch with associated works) to allow the sports pitch and floodlights to be used between 09.00 to 22.00 hours Monday to Friday and 09.00 to 20.00 hours on Saturdays and 09.30 to 18.00 hours on Sundays – Approved 22.11.2016
- 3.12 17/00074/PLCOND – Request to discharge conditions 3 (Surface Water Drainage Scheme) 4 (Drainage Management and Maintenance Plan), 5 (Community Use Scheme) and 8 (Materials) from planning permission 16/00879/FUL (Creation of a new external sports pitch

(3G artificial grass pitch) with perimeter ball-stop fencing, floodlights (artificial lighting), access and outdoor storage for maintenance equipment) – Approved 02.10.2017

3.13 17/00748/FUL – Re profiling works to create level playing area. – Approved 13.11.2017

3.14 22/00523/FUL – Proposed new two storey Creative Arts Wing extension to existing school – Approved 21.10.2022

#### **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.

4.4 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; and
- Section 15: Conserving and Enhancing the Natural Environment.

##### **Development Plan**

4.5 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)

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

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

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

- T1: Highway Improvement and Traffic Management;
- T7: Cycling;
- T8: Walking;
- T10: Parking;
- C1: Townscape and Urban Form;
- MW11: Contaminated Land;
- MW12: Control of Pollution; and
- U4: Flood Prevention

#### **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 are 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 in the NPPF 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 person's 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 letter, display of a site notice; and advertisement in the local press.

## **6. SUMMARY OF THIRD PARTY RESPONSES**

- 6.1 None received.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority / Lead Local Flood Authority – No objections, subject to conditions requiring a surface water drainage scheme be submitted and approved in writing; the submission of a construction environment management plan; and a scheme for secured cycle storage also be submitted and approved.
- 7.2 United Utilities – No comments received.
- 7.3 Environmental Health – No objections, subject to conditions recommending restrictions on construction working hours.
- 7.4 Contaminated Land – No objections, subject to a condition requiring the submission of a remediation strategy, if, during development, contamination not previously identified is encountered.
- 7.5 Tameside Council Education Services – No objections, Education Services are supportive of the application.
- 7.6 Coal Authority – No objections, the content and conclusions of the Intrusive Investigation Report are sufficient and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development.

## **8. ANALYSIS**

- 8.1 The site is unallocated according to the Tameside Unitary Development Plan (UDP) Proposals Map. The application relates to an extension to an existing building within the urban boundary and would maintain the same use as existing. There is no conflict with the land use allocation, and so subject to the full consideration of any other material planning considerations including design, residential amenity and highway safety, the proposal is considered to be acceptable in principle.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP and the NPPF are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134). 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);
  - 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; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.2 Policy C1 within the UDP 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 The existing school building is predominately two storey in height with a large flat roof. It is constructed from brick with white uPVC windows. It has a number of different 'wings' resulting in an irregular appearance.
- 9.4 To accommodate the proposed building it would be necessary to demolish the existing temporary modular buildings to the rear car parking area. By reason of its position to the rear of the main school building and within the central car park to the site, the development would not be a prominent addition and would be largely screened from the public realm by the existing school buildings. The scale is such that it would not appear overly dominant and being single storey the development would not be disproportionate (when viewed in conjunction with the surrounding built form).
- 9.5 The proposed building is of a contemporary design and overall it would successfully assimilate into its surroundings. The proposed modern external facing materials, which include metal and timber cladding with large areas of glazing, enhance the appearance of the building.
- 9.6 The building is remote from the overall site boundaries and would be situated within the existing car parking area. It would not result in the loss of any green space, vegetation or trees or result in harm to the visual amenity of the surrounding residential properties.
- 9.7 Overall, the extension would be perceived as a contemporary addition to the school grounds. It is of an appropriate scale and is well-proportioned. The materials proposed are considered appropriate to the locality in principle, however it is recommended that full details and product

specification are submitted for approval to ensure the materials are appropriate to the locality. A condition will be recommended on this basis.

- 9.8 In light of the above, the proposed new building is considered appropriate in this location and acceptable in respect of visual amenity.

## **10. RESIDENTIAL AMENITY**

- 10.1 No neighbouring residential properties would be directly affected by the proposed development. The extension would replace an existing modular building which is in the same use.
- 10.2 The Council's Environmental Health officers have also reviewed the application, and raise no objections but recommend a condition restricting the hours of construction to daytime hours only. Given that the school premises is located within a predominately residential area, a condition is necessary to protect the amenities of residential properties.
- 10.3 In light of the above, the development is acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, and not causing undue noise and disturbance to residential uses.

## **11. HIGHWAY SAFETY & ACCESSIBILITY**

- 11.1 The application has been reviewed by the Local Highway Authority (LHA) who have confirmed that there is no objection to the proposal. In accordance with paragraph 111 of the NPPF, the scheme would not have an unacceptable impact on highway safety, nor have a residual cumulative impact on the road network which would be severe.
- 11.2 It is recommended that a Construction Environment Management Plan be submitted to and approved in writing by the Local Planning Authority, of which the applicant has agreed to.
- 11.3 The LHA note that there are existing cycle storage units accessible within the redline boundary, which current numbers are acceptable to the LHA. No additional cycle storage is therefore recommended.
- 11.4 Overall, subject to the recommended conditions, the proposals would not result in a detrimental impact on highway safety and is in accordance with policies T1 and T7 of the UDP and the NPPF, in particular paragraph 111.

## **12. DRAINAGE AND FLOOD RISK**

- 12.1 The site lies within Flood Zone 1, at the least risk of flooding. The site is a previously developed site.
- 12.2 United Utilities have not provided comments on the application. Previous recommendations associated with application 22/00523/FUL were such that the applicant considers their drainage plans in accordance with the drainage hierarchy outlined within the NPPF and the National Planning Practice Guidance (NPPG).
- 12.3 Further to this, it is recommended by the Local Highway Authority and the Lead Local Flood Authority that, prior to the commencement of development, a surface water drainage scheme, based on the hierarchy as described above, shall be submitted to and approved in writing by the Local Planning Authority. Therefore, a condition requiring a drainage scheme to be submitted is recommended.

- 12.4 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

### **13. GROUND CONDITIONS**

- 13.1 The site falls within the Coal Authority's defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The application is accompanied by an Intrusive Investigation Report (July 2022, prepared by Geoinvestigate Ltd). The Coal Authority's Planning & Development Team considers that the content and conclusions of the Intrusive Investigation Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore raise no objection to the proposed development. However, it is noted that further more detailed considerations of ground condition and foundation design may be required as part of any subsequent building regulations application.
- 13.2 The Environmental Protection Unit (EPU) have identified that historical mapping confirms that the site was undeveloped pastureland until the construction of the current school in the mid twentieth century. The EPU have reviewed the submitted information which comprises the Geoinvestigate Ltd report, which was produced primarily for geotechnical reasons, and note that the Coal Authority has reviewed this report and has no objections to the proposed development. The EPU have advised that when considering the history of the site, the intrusive investigations undertaken to date and that no new soft landscaping is to be included with the development, significant contamination issues appear unlikely. However, it is possible that unknown/unforeseen contamination could be encountered during the development. For instance, some old school sites may have been heated by an oil fired boiler and this can lead in some cases to localised contamination of soils and groundwater. On this basis a condition is recommended requiring the submission of a remediation strategy be submitted to and approved in writing by the LPA, should contamination, which has not been previously identified on site, be encountered.
- 13.3 The condition recommended by the EPU is 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.

### **14. CONCLUSION**

- 14.1 The application proposes a new 'Creative Arts Wing' building within the existing school grounds. It would replace an existing temporary classroom building on site. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 14.2 The design and scale of the development is appropriate for this location and would not harm the residential amenities of neighbouring occupiers given the nature of the proposed use and distance from the site boundaries.
- 14.3 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 14.4 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 existing site.

- 14.5 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 following plans and specifications as approved unless required by any other conditions in this permission:
  - a. 022009 -AAD -01 -ZZ -DR - A -0001 - P01 - WIP – Site Location Plan
  - b. 022009 -AAD -01 -ZZ -DR - A -0002 -PO 2 - Block Plan
  - c. 022009 -AAD -01 -ZZ -DR - A -0005 -PO 2 – Proposed Ground Floor Plan
  - d. 022009 -AAD -01 -ZZ -DR - A -0006 -PO 2 – Proposed 1<sup>st</sup>/Roof Floor Plan
  - e. 022009 -AAD -01 -ZZ -DR - A -0007 -PO 2 – Proposed Elevations

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

3. Notwithstanding any description of materials in the application form and shown within the Design & Access Statement/elevation drawings no development shall take place until samples and/or full specification of materials to be used externally on the extension hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with polices OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

4. If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the Local Planning Authority (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 178 of the National Planning Policy Framework.

5. 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 protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water 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. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development, elsewhere and to future users.

7. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
  - i. Wheel wash facilities for construction vehicles;
  - ii. Arrangements for temporary construction access;
  - iii. Contractor and construction worker car parking;
  - iv. Turning facilities during the remediation and construction phases; and
  - v. Details of on-site storage facilities.

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and the interests of highway safety.

8. The car parking spaces to serve the development hereby approved (Drawing Number 022009 - AAD -01 -ZZ -DR - A -0002 -PO 2) 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 ensure adequate car parking arrangements in accordance with UDP policy T1 and the National Planning Policy Framework, in particular paragraph 111.

### **Informative Notes**

1. REASON FOR GRANTING PLANNING PERMISSION  
Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
2. UNITED UTILITIES DRAINAGE  
It is advised that the applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed

drainage design, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change. It is further advised that the applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity.

### 3. DEVELOPMENT IN HIGH RISK COAL AREAS

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

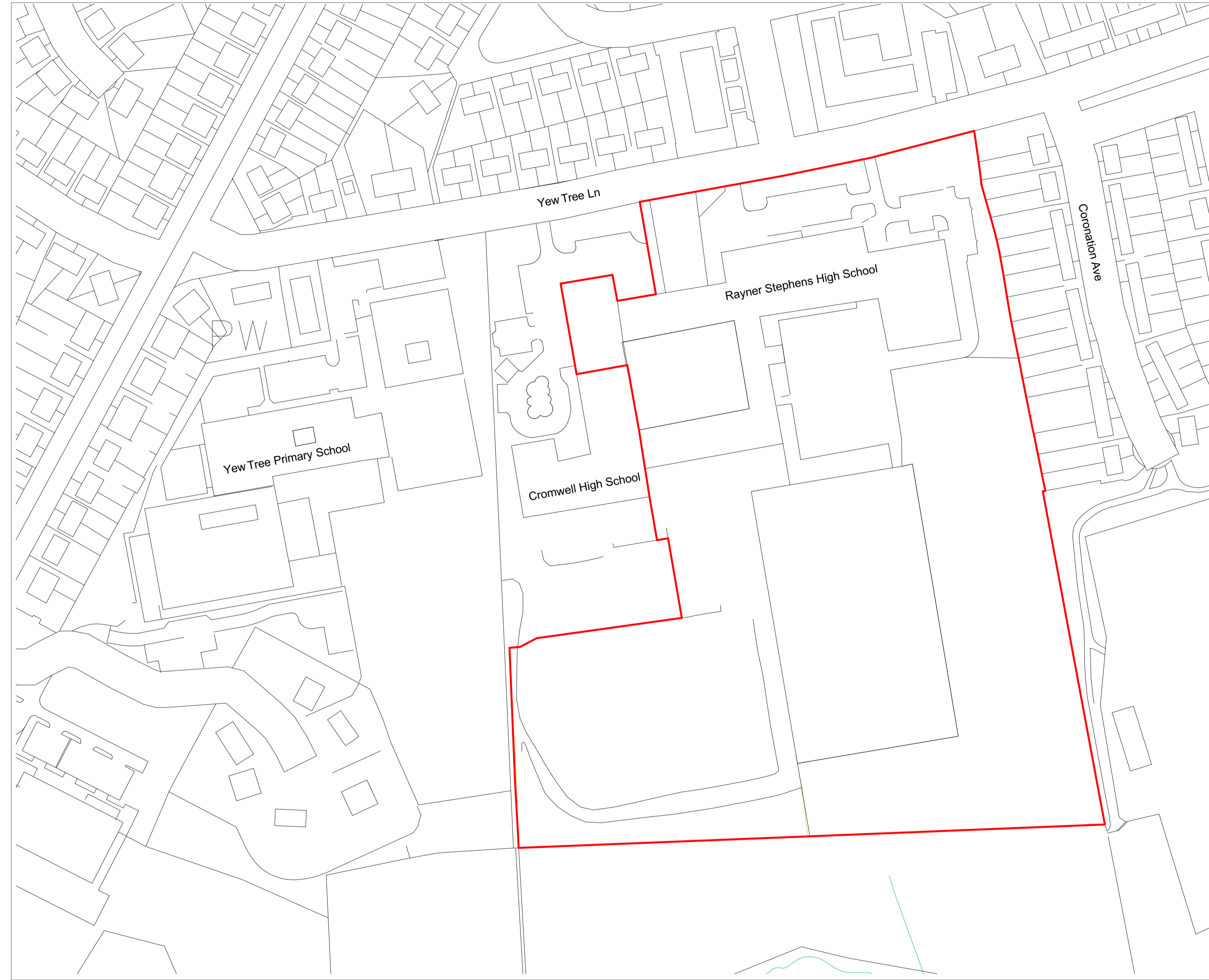
Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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Revision No.	Revised By	Date
P01	Initial Issue	Work in Progress



1 Site Location Plan 1:1250

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Client Details  
Rayner Stephens School

Rayner Stephens High School,  
Dukinfield, SK16 5BL

High School Works

Site Location Plan

Scale(s)	Date	Drawn by	Checked by
1:1250 @A1	13/05/2022	AR	TJ

Job Number: 022-009  
Document Number:

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Transmittal Set ID	Transmittal Set Name	Date
PO2	Planning	23/08/2023
P 08	Client comments.	14/08/2023
P 07	Client comments.	11/08/2023
P 05	Client and Engineers comments.	11/08/2023
P 03	Client and Engineers comments.	10/08/2023
P01	Initial Issue	13/06/2022

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Client Details

Ryner Stephens School

**Rayner Stephens High School,  
 Dukinfield, SK16 5BL**

High School Works

**Proposed Block Plan**

scale(s) 1:500, 1:2500 @A2

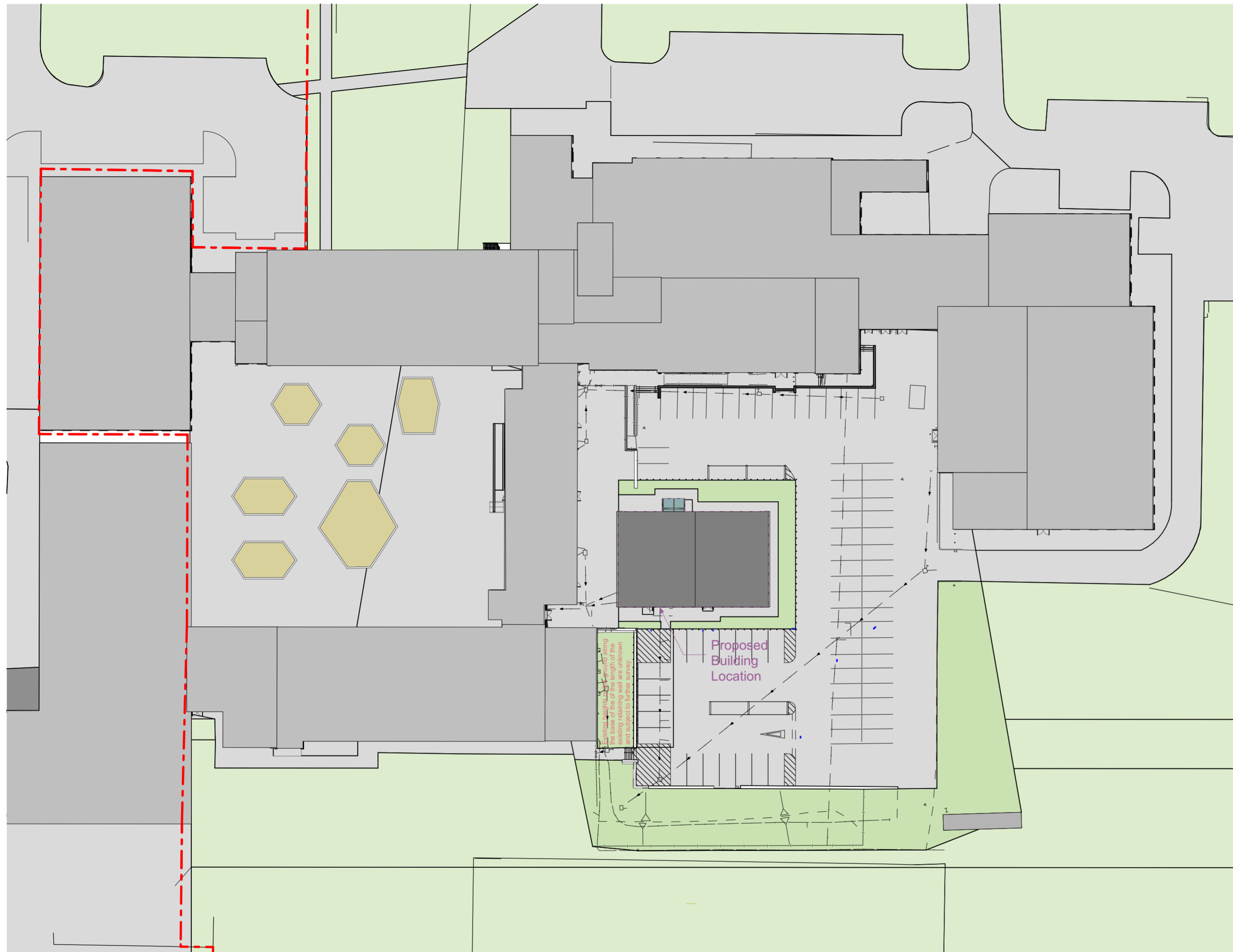
date	drawn by	checked by
23/08/2023	AR	TJ

Job Number: 022-009

**Document Number:**

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0. Block Plan 1:500



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Client Details  
Roger-Hannah Century Buildings

Rayner Stephens High School,  
SK16 5BL

High School Works

Existing Ground Floor Plan

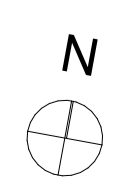
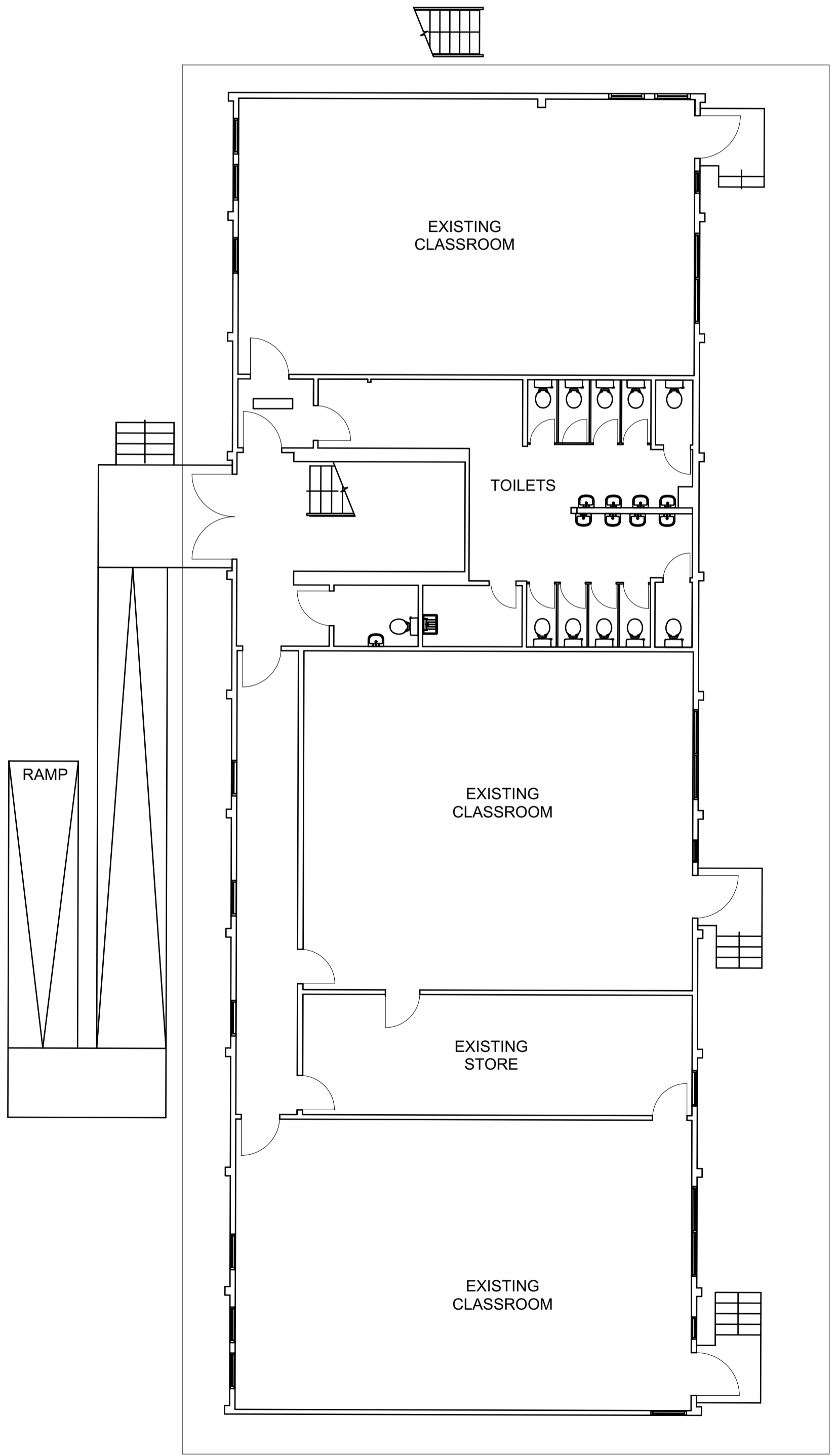
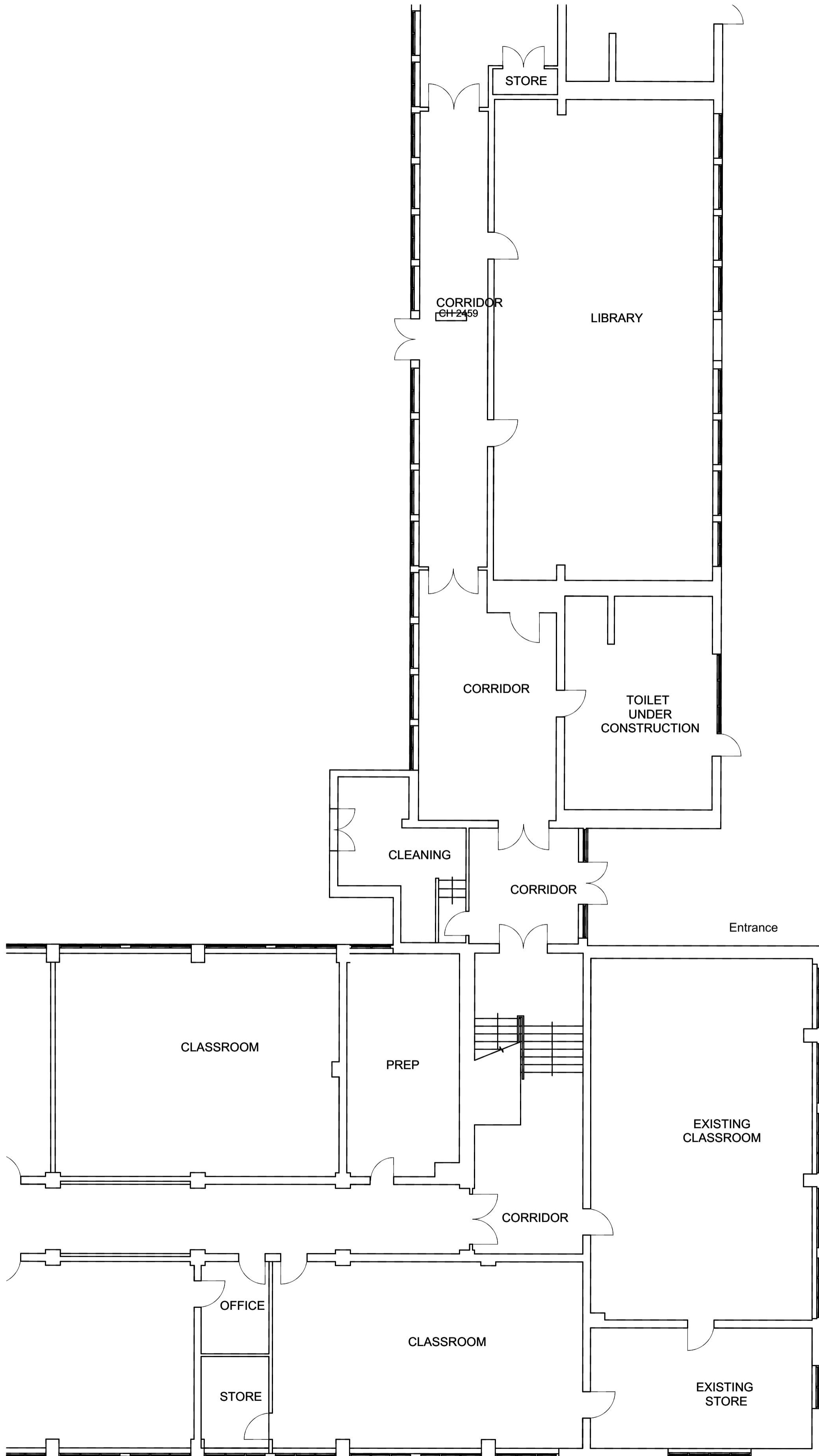
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date 12/05/2022 drawn by AR checked by TJ

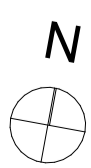
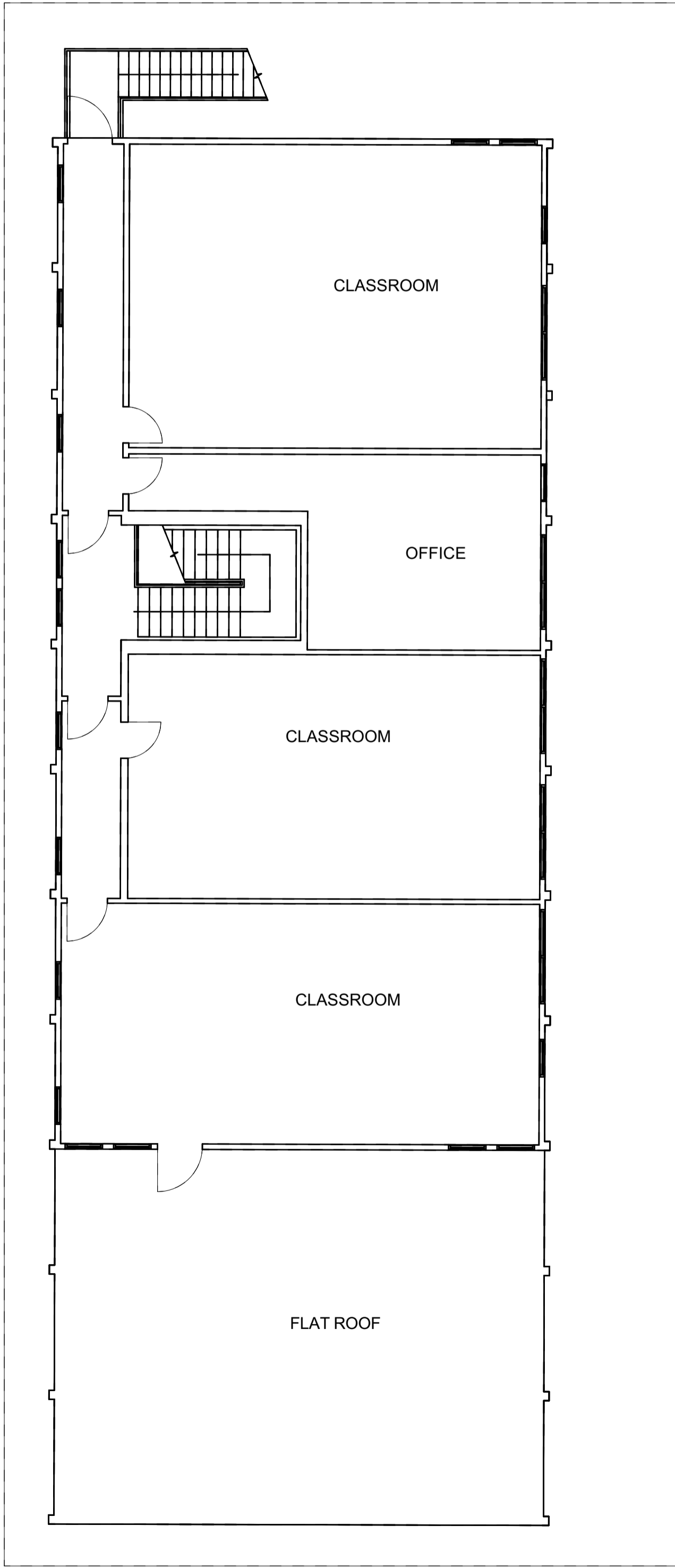
Job Number: 022-009

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Client Details  
Roger-Hannah Century Buildings

Rayner Stephens High School,  
SK16 5BL

High School Works

Existing First Floor Plan

scale(s)	1:100 @A1
date	12/05/2022
drawn by	AR
checked by	TJ

Job Number: 022-009

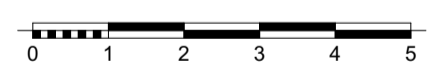
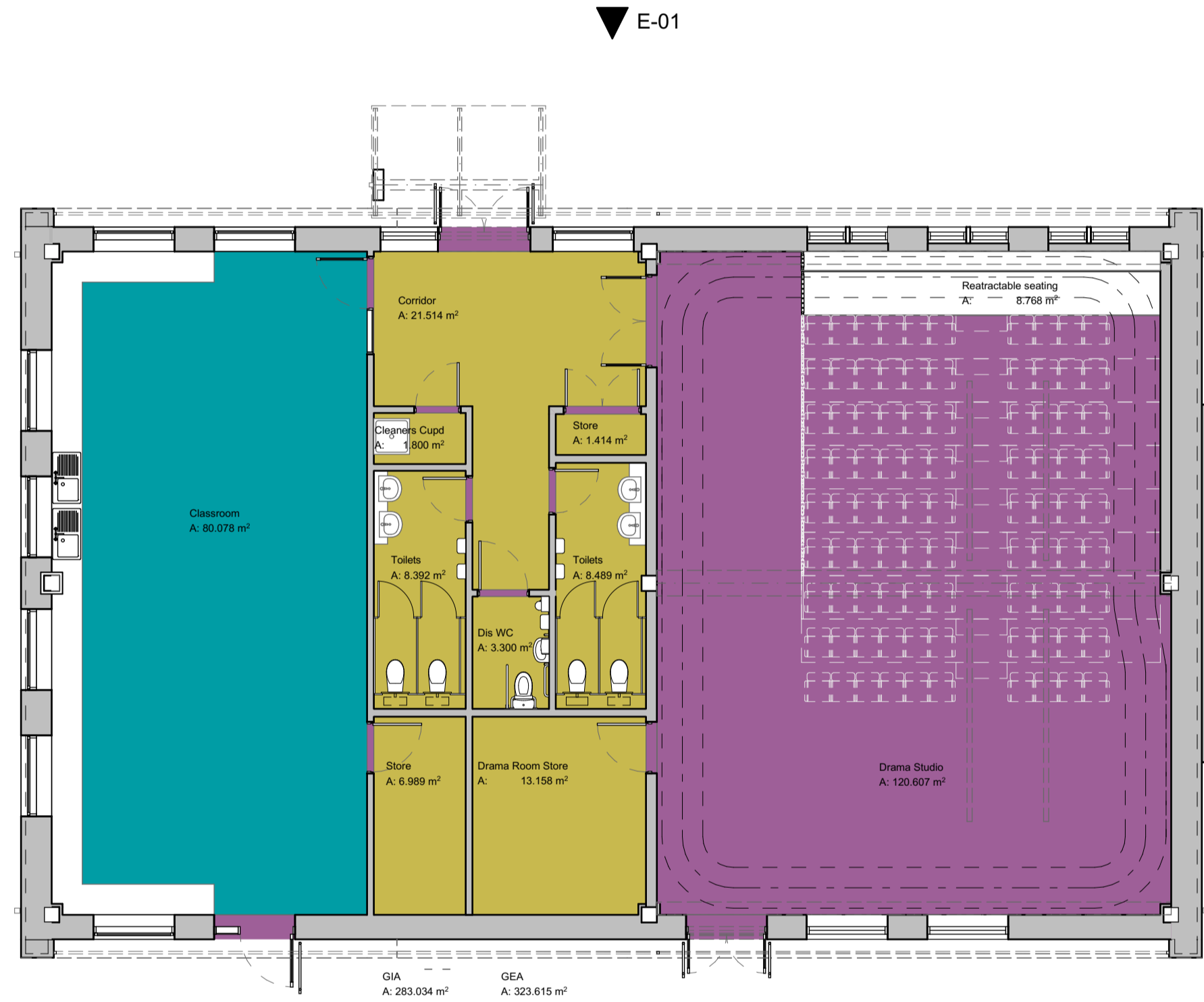
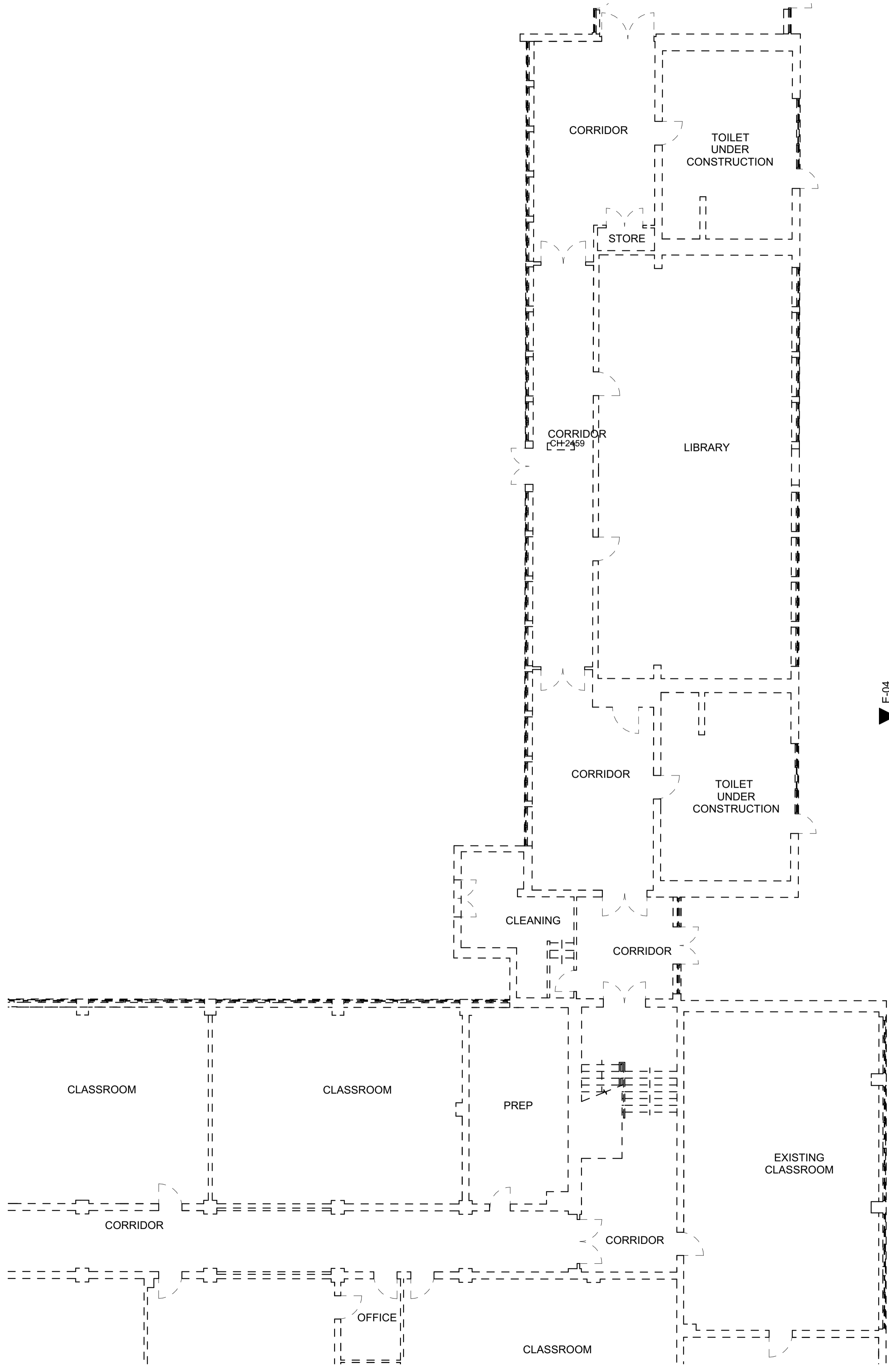
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PO2	Planning	23/08/2023



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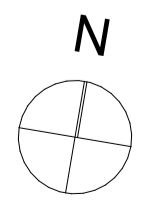
High School Works

**Proposed Ground Floor Plan**

scale(s) 1:100 @A1  
date 23/08/2023 drawn by AR checked by TJ

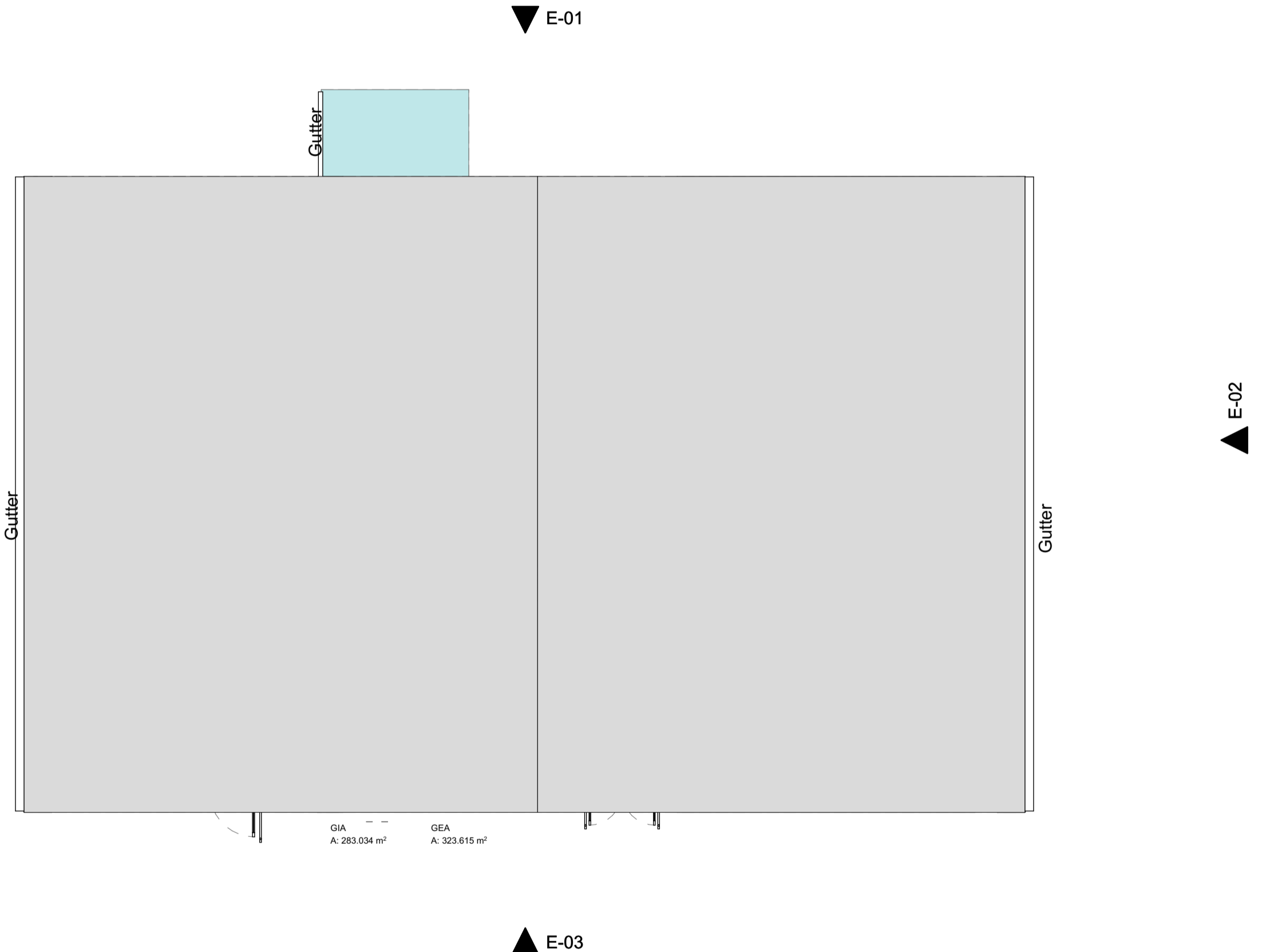
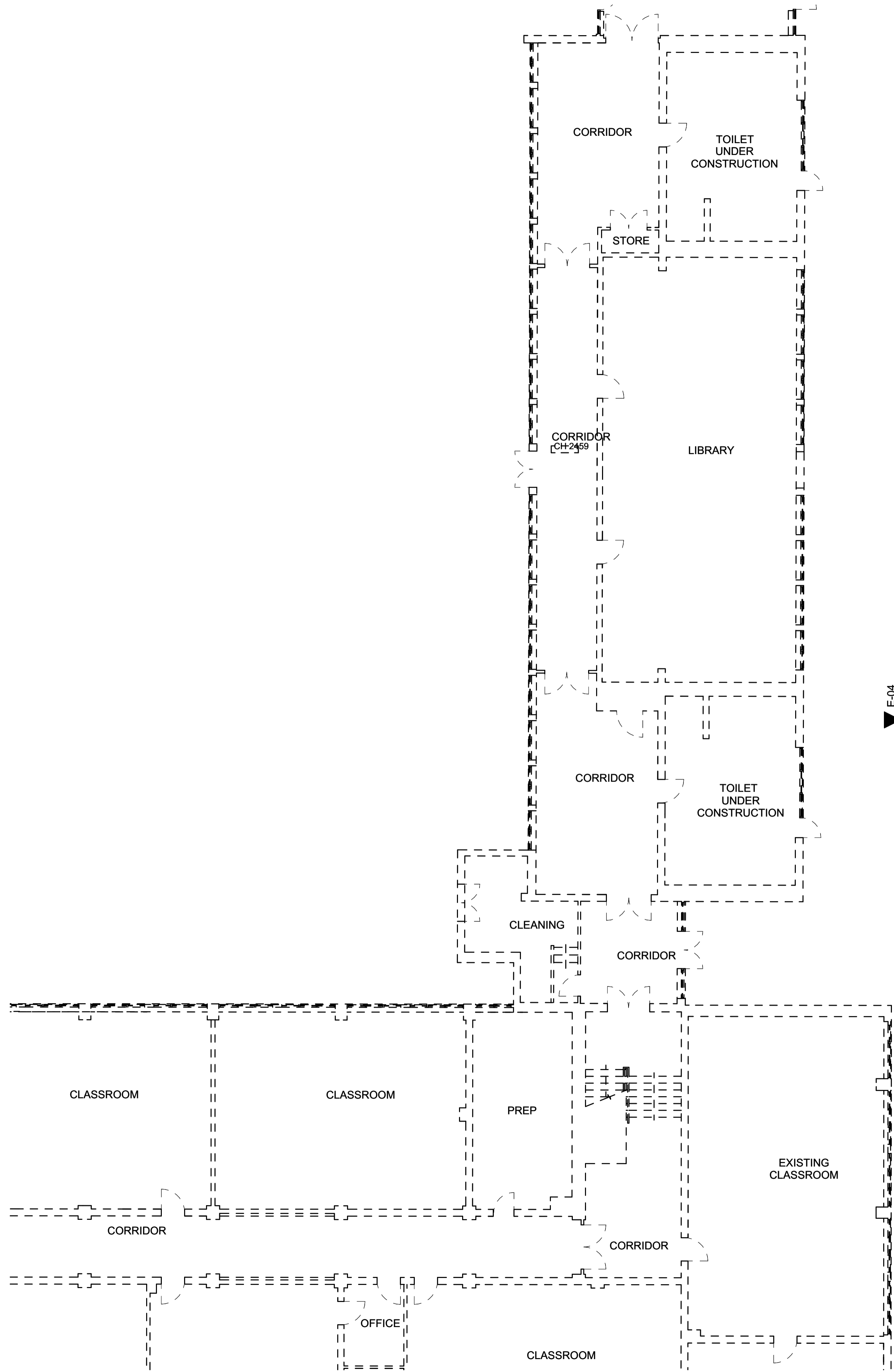
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Revisions		
Rev	Transmittal Set Name	Date
PO2	Planning	23/08/2023



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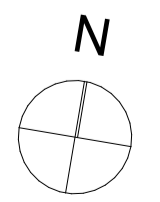
**Client Details**  
Rayner Stephens School  
  
**Rayner Stephens High School,  
Dukinfield, SK16 5BL**  
  
**High School Works**

**Proposed 1st/Roof Floor Plan**

scale(s) 1:100 @A1  
date 23/08/2023 drawn by AR checked by TJ

Job Number: 022-009  
**Document Number:**  
022009-AAD-01-ZZ-DR-A-0006-PO2

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Revision	Revised Set Name	Date
PO2	Planning	23/08/2023
P-06	Sealing laid out subject to design by specialist. General update.	23/08/2023
P-08	Client comments.	16/08/2023
P-07	Client comments.	15/08/2023
P-06	Client comments.	11/08/2023

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Client Details  
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**Rayner Stephens High School,**  
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High School Works

**Proposed Elevations**

scale(s) 1:100 @A1  
date 23/08/2023 drawn by AR checked by TJ

Job Number: 022-009  
**Document Number:**  
022009-AAD-01-ZZ-DR-A-0007-PO2

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**Materials**  
(All external materials are subject to Local Planning Authority Approval)

**Walls**  
01-Cladding  
02-Brickwork  
03-Appearance of timber cladding to inside face of frame  
04-Cladding, Burgundy colour finish

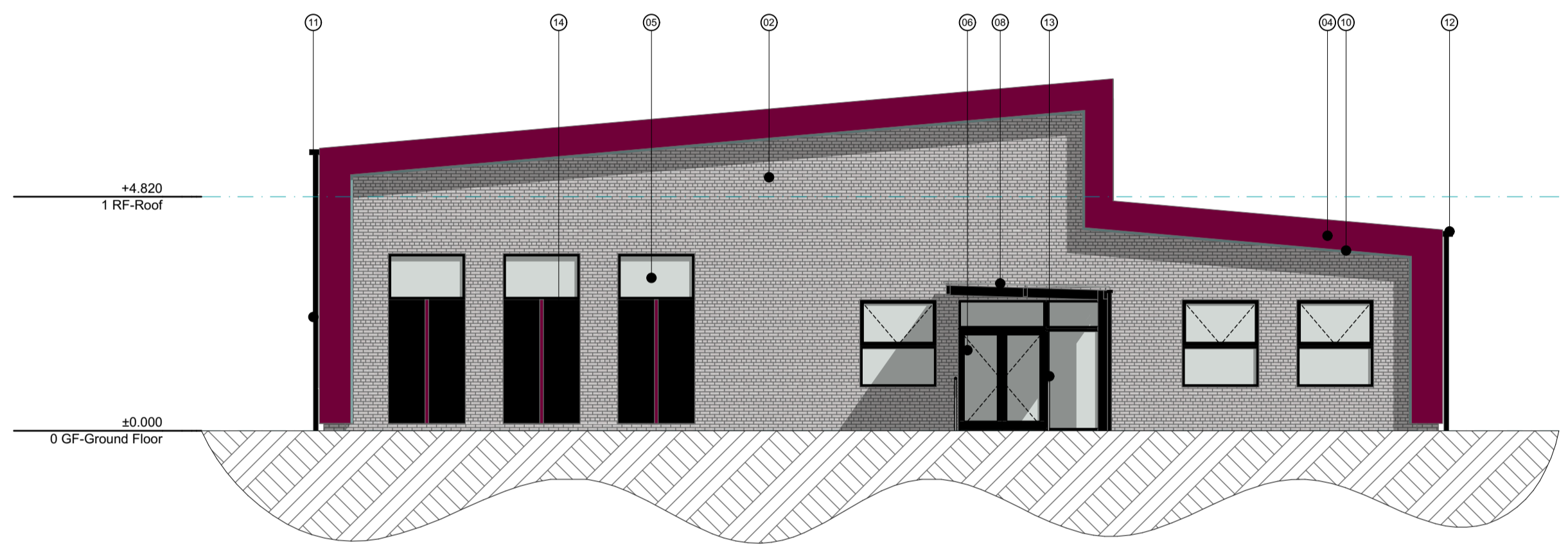
**Windows**  
05-Aluminium PPC-Frame Colour Black  
06-Aluminium PPC-Frame Colour Black Frames  
07-Glazed panels with PPC Aluminium Frames- Colour Black Frames

**Roof**  
08-Glazed canopy  
09-Framed to glazed canopy to match door and window frames

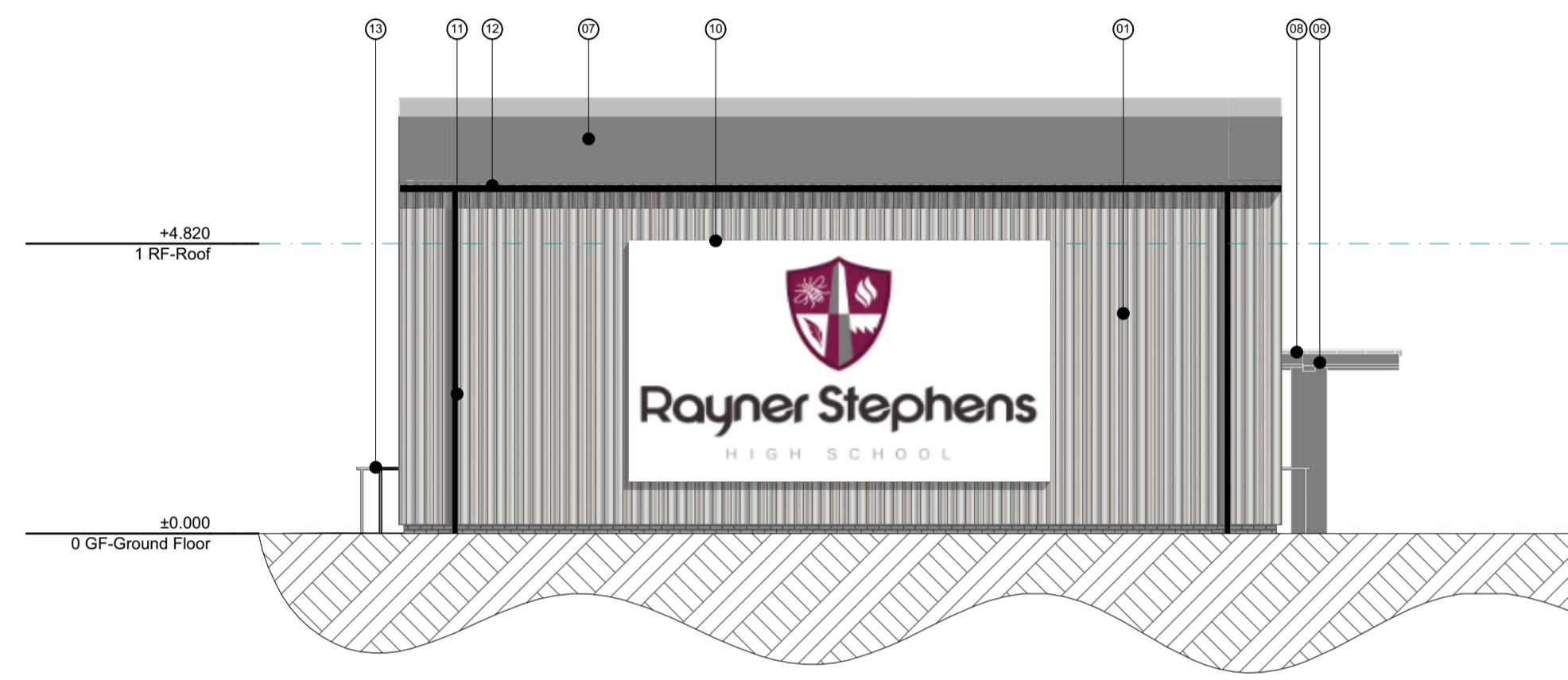
**Lighting**  
10-LED Light to building frame and lighting to signage

**Gutters RVP**  
11-Black square RVP  
12-Black square Gutter

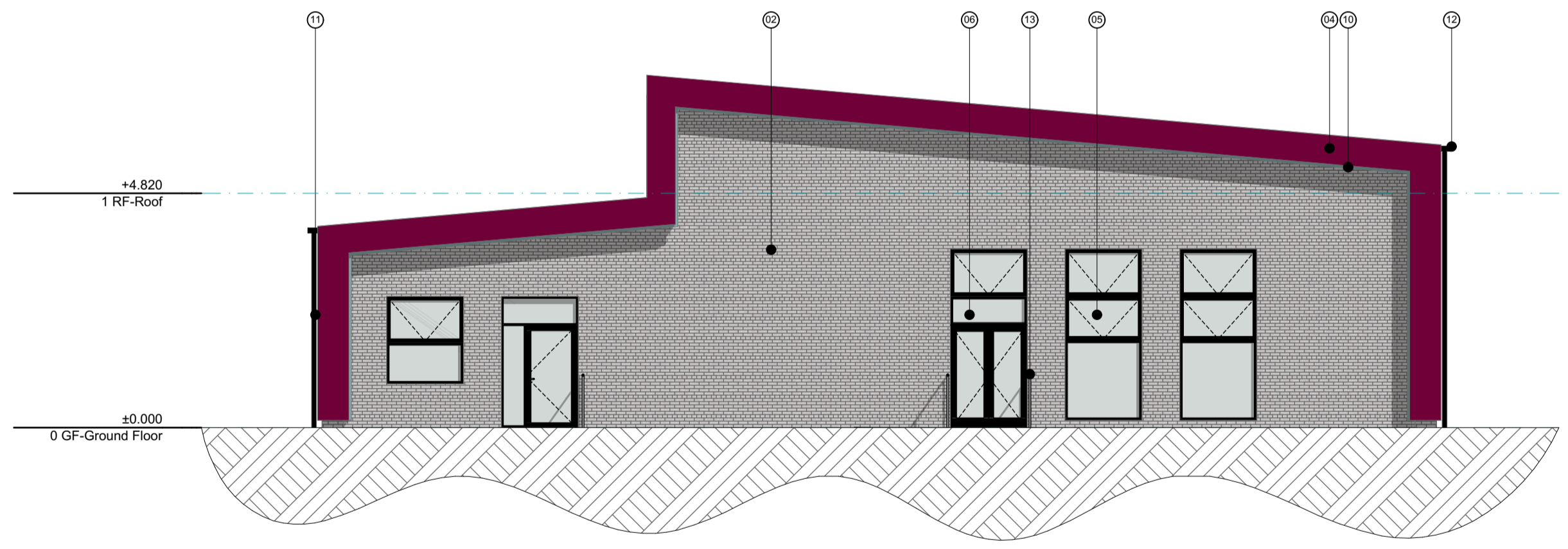
13-PPC Handrail/door barrier  
14-Vertical frame between window frames to match Burgundy colour finish (material key cladding 04)



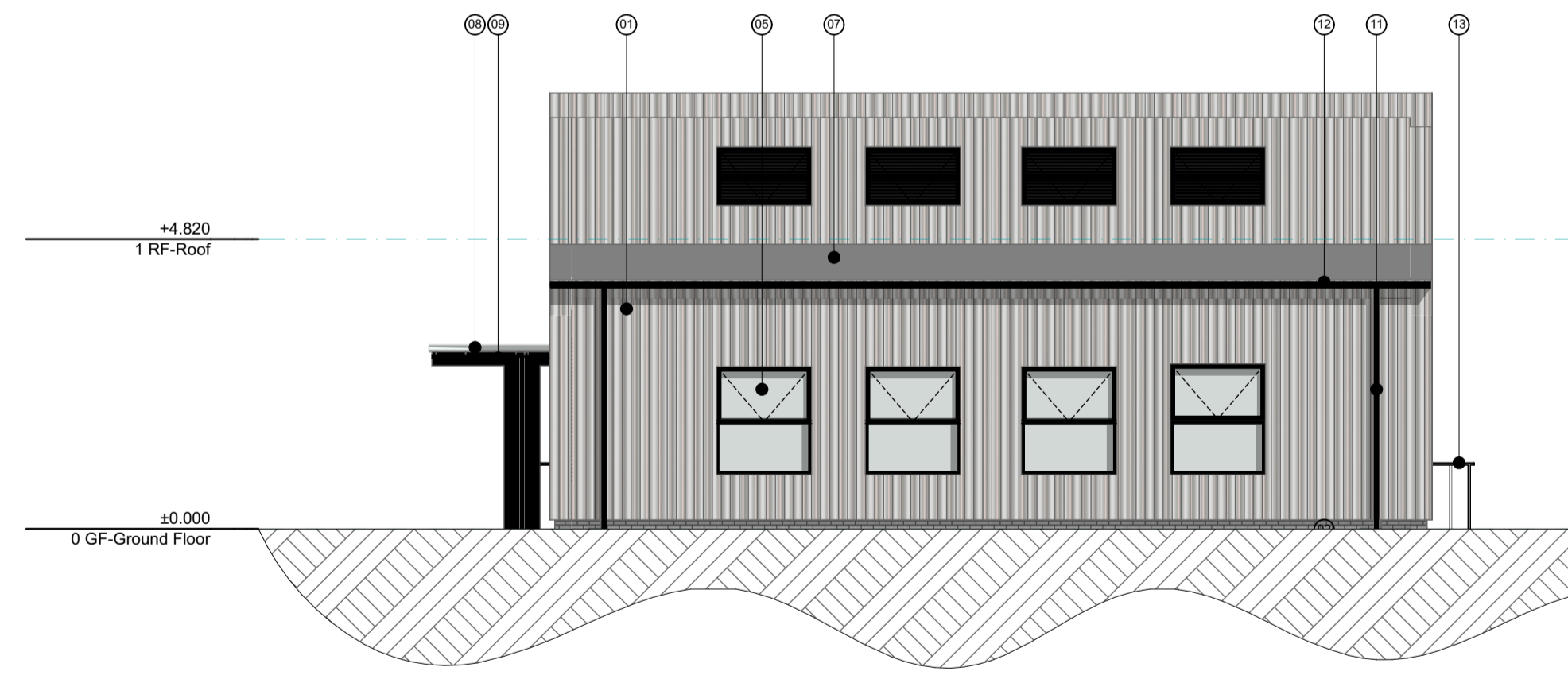
E-01 E-01 North Elevation 1:100



E-02 E-02 East Elevation 1:100



E-03 E-03 South Elevation 1:100



E-04 E-04 West elevation 1:100

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Revision	Transmittal Set Name	Date
PO2	Planning	23/08/2023
P 07	Client comments	11/09/2023
P 08	Client comments	11/09/2023
P 01	Client and Engineers comments	10/09/2023
P01	Initial Issue	13/09/2022



01. Rendered Image: View From South-West

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Client Details  
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Rayner Stephens High School,  
Dukinfield, SK16 5BL

High School Works

Render

scale(s) @A1

date	drawn by	checked by
23/08/2023	AR	TJ

Job Number: 022-009  
Document Number:

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PO2	Planning	23/08/2023
P 07	Client comments	11/09/2023
P 08	Client comments	11/09/2023
P 01	Client and Engineers comments	10/09/2023
P01	Initial Issue	13/09/2022



02. Rendered Image: View From South-East

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Revision	Transmittal Set Name	Date
PO2	Planning	23/08/2023
P-09	General update	16/09/2023
P-08	Client comments	11/09/2023
P-01	Client and Engineers comments	10/09/2023
P01	Initial Issue	13/09/2022



03. Rendered Image: View From North-East

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P-01	Client and Engineers comments	10/09/2023
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Planning

**Client Details**  
Rayner Stephens School

**Rayner Stephens High School,**  
Dukinfield, SK16 5BL

**High School Works**

**Render**

scale(s)	@A1
date	drawn by
23/08/2023	AR
	checked by
	TJ

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Revision	Transmittal Set Name	Date
P02	Planning	23/08/2023
P 07	Client comments	11/09/2023
P 08	Client comments	11/09/2023
P 01	Client and Engineers comments	10/09/2023
P01	Initial Issue	13/09/2022



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scale(s) @A1  
date 23/08/2023 drawn by AR checked by TJ

Job Number: 022-009

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06. Rendered Image: Aerial View From South-East

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Revision	Transmittal Set Name	Date
PO2	Planning	23/08/2023
P 07	Client comments	11/09/2023
P 08	Client comments	11/09/2023
P 01	Client and Engineers comments	10/09/2023
P01	Initial Issue	13/09/2022



07. Rendered Image: Aerial View From South-West

**Supplementary Notes**

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- These notes are to be read in conjunction with all relevant Architectural Consultants drawings, and details, Structural Engineers details and calculations and all other specialist consultants' details and specifications.
- Drawing measurements shall not be obtained from scaling from the drawings.
- All dimensions are to be verified on site prior to construction.
- Any discrepancies are to be reported to aad Architects Ltd immediately.
- All work to be carried out at the discretion of the Building Control Officer and is to comply with all relevant regulations.
- All services installed to comply with all relevant regulations and to the satisfaction of the Boards concerned.
- Any required calculations are to be provided by a certified Structural Engineer or Builder at least 28 days before commencement of said works. (Client responsibility)
- Client is responsible to ensure that builder is a competent tradesman, experienced in construction work of this nature and that all aspects of their work is carried out to the highest quality with appropriate insurances in place.
- Appointment of the Principal Designer under CDM regulations 2015 and completion of HSE F10 (where applicable) is the responsibility of the Client.
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**Note:**  
Surrounding contextual buildings and information are based on received ordinance survey drawings and are shown for illustrative purposes only. Indicative site boundary is subject to legal confirmation.

**Note:**  
Information is based on OS map and received information and is subject to full topographical survey. Indicative site boundary and site constraints subject to legal confirmation. All Legal easements and extent of existing underground services locations are subject to confirmation.

All works must be in compliance with Structural Engineers details and calculations which must be approved by Building Control PRIOR to commencement of said works on site. Trial holes must be dug to assess existing ground conditions and information must be passed to a Structural Engineer for review to enable a suitable design of the proposed Foundations.

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Our development proposals will always demonstrate how they will incorporate sustainable construction standards and techniques.  
We encourage the use of sustainable construction techniques that promote the reuse and recycling of building materials, maximise opportunities for the recycling and composting of waste on the development proposals and to reduce CO2 emissions.  
We encourage all contractors and sub-contractors and other relevant parties to explore the potential to implement water recycling measures on a building or site-wide scale to significantly reduce mains water demand as part of all new developments.  
We also encourage everyone to consider using virtual meetings if that helps reduce the carbon associated with travel on a project.

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Client Details  
Rayner Stephens School

Rayner Stephens High School,  
Dukinfield, SK16 5BL

High School Works

Render

scale(s) @A1  
date 23/08/2023 drawn by AR checked by TJ

Job Number: 022-009

Document Number:  
022009-AAD-01-ZZ-DR-A-0014-PO2

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**Application Number 22/00563/FUL**

**Proposed new two storey Creative Arts Wing extension to existing school.**

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Photo 1: Existing south wing and central link (to the left) and existing modular building to be demolished (right)



Photo 2: Existing school elevations



Photo 3: Proposed location of extension to south wing



Photo 4: Existing temporary modular buildings (to be removed/demolished)



Photo 5: Surrounding car parking area and playing pitches



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## Appeal Decision

Site visit made on 3 October 2023

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> October**

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**Appeal Ref: APP/G4240/D/23/3327544**  
**23 Kingston Gardens, Hyde SK14 2DB**

- 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 Joshua Paterson against the decision of Tameside Metropolitan Borough Council.
  - The application Ref: 23/00379/FUL dated 1 May 2023 was refused by notice dated 18 July 2023.
  - The application is for single storey extension to rear, first floor extension to front, porch structure, and reconfiguration of roof to existing side extension.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.

### Main Issues

3. The main issues is the effect of the proposal upon the character and appearance of the area.

### Reasons

4. The appeal property is a fairly typical red brick semi detached suburban style house that is located within a cul de sac of very similar properties. Although there is some older development, most properties here typically exhibit simple red brick and pantile materials and have a double height box bay window to the front elevation which allows a rhythm to the streetscene to be reflected and forms a defining characteristic.
5. The principal difference between this site and its neighbours is due to both the corner plot that the appeal site occupies and the presence of an existing two storey flat roof side extension and single storey garage extension that sits fairly prominently within the streetscene here, visible as it is on approach up hill towards the cul de sac proper.

6. As mentioned above, although there are some older properties nearby, the majority of the street is, perhaps unusually, very uniform in both the age, typology and design of houses. As a result, several views around the cul de sac are defined by these uniform, double bay, semi detached, houses.
7. The proposal before me seeks to remedy the past extensions through replacing the flat roof two storey side extension with a double height extension that culminates in a partially rendered and timber clad gable feature being located to the left hand side of the property. This gable has seemingly evolved so as to encompass the single storey garage extension that currently protrudes noticeably at the front of the house. An existing rear conservatory extension would also be removed and replaced with a flat roof single storey rear extension with bi folding doors onto the rear garden.
8. In assessing this appeal, I am aware of the Council's residential design guidance<sup>1</sup> that seeks to enhance the design quality of proposals and enable contextual extensions to be constructed that acknowledge both the character of an area and the impact of front extensions. This aspiration is reflected in The Framework in respect of the emphasis upon good contextual design and its impact upon sustainable development.
9. In this case, I consider that it is not so much a case of poor design, as the proposal is seemingly of a very high quality and the rear extension would certainly be of an appropriate scale, form and massing as agreed by the Council.
10. However, the main issue is the introduction of this prominent, rendered gable feature within this very uniform streetscene and upon a very prominent plot. Whether to all tastes or not, the dominance and uniformity of the double bay houses along here are a key characteristic. However, through using the proposed gable in this way, it inevitably usurps the double bay features and considerably unbalance's the pair of properties here. In this way it would also inevitably affect the streetscene.
11. In considering this impact therefore, despite the tasteful design, ultimately the dramatic change here would result in a harmful intervention into the streetscene that would usurp an important characteristic of the area and would undermine the overriding design and character of the streetscene.
12. Even with giving great weight to the improvement upon the streetscene through the removal of the flat roof extension and protrusion at ground floor, the proposed solution would be too great in its unbalancing of the pair of houses here.
13. As a result, and on balance, I consider that the proposal would cause sufficient harm to the character and appearance of the street scene so as to lead it into conflict with Policies H10 and C1 of the Tameside Unitary Development Plan (2004) and policies RED1 and RED9 of the Tameside Residential Design Guide (2010).

## **Conclusion**

14. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal

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<sup>1</sup> Tameside Residential Design Guide SPD (2010)

*A Graham*

INSPECTOR

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## Appeal Decision

Site visit made on 3 October 2023

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 26.10.2023**

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**Appeal Ref: APP/G4240/D/23/3327531**  
**15 Bank Top, Ashton Under Lyme OL6 6TA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Hilary Morrison against the decision of Tameside Metropolitan Borough Council.
  - The application Ref: 23/00446/FUL dated 16 May 2023 was refused by notice dated 11 July 2023.
  - The application is for proposed front double storey extension. Replace and extend single storey side garage. Loft conversion with side dormers. Other external alterations including render to all elevations.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in early September 2023 whose main focus was not directly relevant to this appeal. Nevertheless, I have determined this appeal in accordance with the revised provisions within the Framework.
3. The description in the Council's decision notice differs from that used in the Appellant's original application form. In Part E of the Appeal form it is stated that the description of development has not changed and as such I use the description from the decision notice that I consider better reflects the nature of the development proposed.

### Main Issues

4. The main issues is the effect of the proposal upon the character and appearance of the area.

### Reasons

5. The appeal property is currently a partially deconstructed bungalow within a cul de sac of houses where bungalows and dormer bungalows predominate, all with their gable elevations fronting onto the street. Many houses appear to have been similar housetypes previously prior to being modified, often with front extensions and side dormers. For the vast majority of these houses with dormers the roof extensions are modest in scale and sat well within the roof

- slope, often offering a slope to the dormer in order to echo the slope of the existing property.
6. The proposal before me seeks permission to extend the front of the property in line with others along the street so as to enable more internal floorspace to be created whilst retaining the little remaining useable amenity space to the rear. Secondly, the proposals seeks to create two large dormer window extensions to each side elevation of the bungalow in order to create extra bedroom space aswell as a single storey replacement garage extension.
  7. In contrast to many such dormer extensions on the street, the proposed dormers would extend close to the edges of the roof as well as the ridge and eaves. The result of this would be that the proposed dormers would not only be located very close to the proposed front elevation of the property but would also appear almost as flat roof flanking elements. As mentioned above, although some dormers on the street do have shallow pitches, all of the ones I saw on my site visit were either pitched to some extent or set well within the roof slope so as not to dominate the front elevation.
  8. In this case however the proposed dormers would not take inspiration from the better examples locally and would contribute to an erosion of the character and appearance of the streetscene here through the appearance of the pitched gable being diluted in its dominance by these flanking, near flat roof and extensive dormers. In its place the result would be a building that almost appeared as a flat roof house. This would result in a very harmful cumulation of poor design that would fail to preserve the integrity of the streetscene here.
  9. With regards the proposed frontage extension, I saw on my site visit that some dwellings along Bank Top are somewhat staggered in their positioning. However, I do not consider that this is a particularly intentional architectural design aesthetic and as a result I consider this currently staggered building line as being largely insignificant to the overriding designed character of the streetscene here.
  10. What is more significant are the continued dominance of a line of distinct gables along this street, which the appeal proposal would retain and enhance through the front extension. As such, although I find significant potential harm in the creation of the proposed dormers I do not consider that the frontage extension as of itself would result in such harm so as to lead me conclude to dismiss on this ground.
  11. Ultimately however, the dormers are of such a poor design that they would clearly be a poor intervention that would be in conflict with Policies C1 and H10 of the Tameside Unitary Development Plan aswell as guidance contained within the Tameside Residential Design Guide (2010) that seeks to ensure extensions to existing properties are sensitive and contextual in their design and execution. I consider it impossible to effectively split these two elements into distinct parts and as such the appeal in its entirety must fail in this instance.

## **Conclusion**

12. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal

*A Graham*

INSPECTOR

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## Appeal Decision

Site visit made on 24 October 2023

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> October 2023**

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**Appeal Ref: APP/G4240/D/23/3329426**

**13 Norman Road, Ashton-Under-Lyne, Tameside OL6 8QG**

- 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 Fiazana Farzand against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 23/00375/FUL, dated 12 April 2023, was refused by notice dated 14 August 2023.
  - The development proposed is two dormers to the rear.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of neighbouring residents with regard to privacy.

### Reasons

3. The proposal would result in an additional dormer window to each side of the existing rear dormer. Reference has been made to permitted development rights but as there has been no formal determination with regard to proposed lawfulness, I have considered the proposal on its merits.
  4. The additional dormers would result in the three dormers in the rear roof slope dominating the appearance of that elevation. Although there is a box style dormer to both the front and rear, these sit centrally within the large expanse of roof and whilst not positive features, they are relatively subservient in scale overall. The addition of these new structures would entirely change the form and character of the side and rear of this property. They would substantially increase the prominence of these roof features which in themselves are at odds with the original character of the house. Given the alignment of the property, they would only be fully visible from private views but the side facing cheeks and the form of the flat roofs would be evident from both Norman Road and Poplar Grove. Whilst the existing rear dormer cheeks are visible in these views, the new dormers would be much more prominent given their position so close to the edges of the roof. They would detract from the character and appearance of this property and the wider area.
-

5. The current rear dormer serves a small second floor room. The two larger rooms to each side are currently served by rooflights. The new dormers would undoubtedly allow for a greater range of views compared to the roof lights. Whilst the views would be similar to the views already available from the small central room, through the existing dormer window, the new dormers would offer multiple opportunities, from much larger rooms, for overlooking of the neighbouring gardens, particularly 24 Poplar Grove and 114 and 116 Broadoak Road.
6. Although there would be a significant distance between the new dormers and the rear boundaries of the Broadoak properties, the height and position of the northern most dormer in particular, despite the presence of the existing dormer and the windows at first floor, would significantly increase the perception of being overlooked for those residents. They would have a clear view back towards this array of large windows from their rear gardens and the backs or their houses. Although 24 Poplar Grove currently has a high hedge which helps to screen views of its rear garden, this array of windows, at such a short distance and at second storey height, would represent an unneighbourly and intrusive development that would further reduce their privacy and increase the perceived level of overlooking.
7. Despite the outlook from the existing dormer and the first floor windows, these additional dormers, particularly the northern of the two, would represent unneighbourly development that would result in greater harm to the living conditions of the neighbouring residents with regard to privacy.
8. Although the proposal would help to meet the accommodation needs of the occupiers, it would harm the amenities of neighbouring residents and harm the character and appearance of the area rather than complement or enhance the surroundings. It would on balance, fail to satisfy the design requirements of policy H10(a) of the Tameside Unitary Development Plan (2004); and it would conflict with the amenity requirements of H10(d). It would also be at odds with the more general design requirements of policy C1.
9. The Tameside Residential Design Supplementary Planning Document (2010) provides guidance with regard to dormer windows. The rear array of dormers would not be subordinate to the original building; their design and size would not reflect the architectural style of the house or the surrounding neighbourhood; they would exceed the suggested proportion of roof area taken up; and they would not be set back a metre from the eaves or line up with the fenestration below. They would therefore be at odds with policies RED1 and RED6 of the guidance. They would also conflict with the design and amenity requirements of the *National Planning Policy Framework*.
10. The proposal would create more versatile, long-term living accommodation, which would significantly improve the quality of accommodation the property provides. It would also bring economic investment to the area. Whilst these are considerations that weigh in favour of allowing alterations to the property, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*  
INSPECTOR



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## Appeal Decision

Site visit made on 24 October 2023

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 November 2023**

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**Appeal Ref: APP/G4240/D/23/3327817**

**2 Barn Grove, Audenshaw, Tameside M34 5LG**

- 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 M Ross against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 23/00343/FUL, dated 18 April 2023, was refused by notice dated 9 June 2023.
  - The development proposed is a single storey side extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 2 Barn Grove, Audenshaw, Tameside in accordance with the terms of the application, Ref 23/00343/FUL, dated 18 April 2023, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM23108113223618, TQRQM23108122603023, E002, P001, P002, P003 and the un-numbered side and rear elevation plans.

### Main Issue

2. The main issue is the effect on the character and appearance of the area.

### Reasons

3. The proposal would result in a modest, single storey, side extension between the existing side boundary fence and the dwelling. The dwelling has previously been extended and the two storey gable of that extension faces the side boundary with Woodbridge Avenue. The property occupies a corner plot with its main elevation facing Barn Grove. The side and rear garden are screened from view by the high boundary which is made up of a low brick wall with timber fence panels between high brick piers. The eaves of the proposed lean-to extension would be less than a metre above the height of the boundary.
  4. Although the proposed extension would be visible above the boundary wall, it would be of a relatively modest height. In some respects, it would break up the
-

appearance of the two storey side facing gable. It would be more imposing than the boundary fence and wall but I am not satisfied that it would be overbearing when using the pavement. The two storey extension is already closer to the road than the houses behind. This further addition would not materially alter the relationship between this property and its rear neighbours. Overall, the proposal would not be overly prominent or result in harm to the street scene. The design proposed would not be out of keeping with the appearance of the dwelling.

5. As the proposal would meet the needs of the occupiers without harm to the character of the area, I consider that on balance, it satisfies the detailed design requirements of policy H10(a) of the Tameside Unitary Development Plan (2004); and the more general requirements of policy C1. I also find no conflict with the design requirements of the *National Planning Policy Framework*.
6. The proposal would not be at odds with the Tameside Residential Design Supplementary Planning Document (2010) as it would be of appropriate materials and subordinate in scale in accordance with policy RED1; and it would respect the architectural style and scale of the existing building and those surrounding it in accordance with policy RED5. It would not be set back one metre from the boundary but this would not result in terracing and alternative rear access could be achieved if required. Given the existing approved depth of the two storey extension, it would not break a well defined building line.
7. In conclusion, the proposal would not result in harm to the appearance of the dwelling or the street scene. As there are no other matters that weigh significantly against the proposal, I allow the appeal.
8. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. As the plans specify matching materials no further conditions are necessary.

*Peter Eggleton*

**INSPECTOR**



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## Appeal Decision

Site visit made on 24 October 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> November 2023**

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**Appeal Ref: APP/G4240/Z/23/3321112**

**128-130 Market Street, Hyde, Tameside SK14 1EX**

- 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 Patrick Kenny against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 22/00564/FUL, dated 25 May 2022, was refused by notice dated 2 March 2023.
  - The development proposed is a new shop front and construction of windows in side elevation.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a new shop front and construction of windows in side elevation at 128-130 Market Street, Hyde, Tameside SK14 1EX in accordance with the terms of the application, Ref 22/00564/FUL, dated 25 May 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MS-001 001 Rev C, MS-001 003 Rev C, MS-001 004 Rev A and MS-001 005 Rev C.

### Preliminary Matters

2. The proposed development, with regard to the new shop front, has commenced, however, the cladding below fascia level is not black as shown on the appeal plans. In addition, the installation of the windows in the side elevation has not been carried out and two windows are in place on the rear elevation at first floor whereas the appeal plans show only one. I have therefore assessed the scheme as 'proposed' development as shown on the plans.
3. The description of development given above is taken from the Decision Notice. This reflects amendments that were made to the scheme at application stage and the application was determined on this basis. The word, 'retrospective', has been omitted as it does not describe an act of development.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and the area.

## Reasons

5. The appeal site is located on Market Street, a main road within Hyde town centre. Market Street contains a large number of retail and commercial uses at ground floor and some residential uses above. The shop frontage designs along Market Street greatly vary, some retaining traditional shop fronts, but many others have been the subject of alterations.
6. Prior to the commencement of the alterations to the building, the shop front did not have a traditional appearance. It had a central recessed door and signage above giving a horizontal emphasis to the display windows either side of the door. It did not include stallrisers and if there were transom windows they were hidden by an advertisement. As such, and in the absence of any substantive evidence to the contrary, I find that it did not have any noteworthy historic value or significant architectural quality.
7. The proposal would involve a single display window, of a very similar depth to the previous shop windows, between two doorways. As a single window it would have a marginally greater horizontal emphasis than the display windows to the units either side of the appeal site. However, the horizontal emphasis is no greater than many other shop fronts in the street scene.
8. The proposed black plastic cladding would be comparable in appearance to the dark stained wood cladding on the shop front of the Babuchi restaurant in the same terrace of properties. Furthermore, cladding is found on other frontages, including the upper floor of the property adjoining the appeal site. Whilst the cladding would separate the fascia from the display window it would not appear discordant in a street scene containing a very wide variety of form and design and colour of shop fronts, and depth of fascia signs.
9. At first floor the large horizontally emphasised single window would be replaced by two windows of differing widths. The windows would not have a vertical emphasis, however, that can be said for many upper floor windows along Market Street, including above Babuchi and the adjoining shop unit.
10. Whilst the windows would not be regularly spaced within the elevation, they would vertically align with the shop window and glazed shop entrance door. Furthermore, there would be no regularity of spacing between the appeal property and other first floor windows within the wider terrace of properties. Nonetheless, due to the single large window that was in the host building and the upper floor window arrangements in other properties on Market Street, there is, and was, no such regularity in the street scene. In addition, in the absence of consistency in the depth of reveal and inclusion of sills and headers to upper floor windows, the limited depth of reveal and absence of a sill and header on the proposed windows would not appear incongruous in its surroundings.
11. The Council has raised no concerns about the proposed new windows in the side elevation of the host building and based on the evidence before me I have no reason to reach a different conclusion in that regard.
12. For the reasons outlined above, I conclude that the proposal would not have a harmful effect on the character and appearance of the host building or the area. Consequently, and in this regard, it would accord with Policies 1.3, 1.5, H10, and S9 of Tameside Unitary Development Plan (2004) (UDP) which seek

to ensure development protects, is sensitive to, and complements the character of the area and that the environment is protected. It would also accord with the design aims of the National Planning Policy Framework.

**Conditions**

13. The Council has not suggested any conditions. Even so, in addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached a condition specifying the approved plans.

**Conclusion**

14. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

*Elaine Moulton*

INSPECTOR

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## Appeal Decision

Site visit made on 24 October 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> November 2023**

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**Appeal Ref: APP/G4240/W/23/3317200**

**Land to the South of 24 Stablefold, Mossley, Ashton OL5 0DJ**

- 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 Patrick Hand of P H Architecture against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00268/FUL, dated 27 March 2020, was refused by notice dated 16 November 2022.
  - The development proposed is residential development- 2 bungalows.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed development would result in the loss of protected green space and its effect on the character and appearance of the surrounding area;
  - The effect of the proposal on the living conditions of the occupiers of 73-85 (odd numbers) Andrew Street, with particular regard to outlook, privacy and light;
  - Whether the appeal site is suitable for a dwelling with specific regard to land stability; and
  - Whether the proposed development makes adequate arrangements for the disposal of surface water from the site.

### Reasons

#### *Protected open space*

3. The appeal site is an undeveloped parcel of land that adjoins the designated Green Belt. It is situated at the end of a residential street, Stablefold, within Mossley. The site contains several trees, which, as a group, have considerable amenity value. Its natural and open appearance provides visual relief from the built-up frontage of Stablefold that significantly enhances the street scene and the character of the wider area. Whilst I observed on my visit that the site was overgrown directly to the rear of the garden areas of properties on Andrew Street, I found that such overgrowth was not unacceptable in appearance and was not readily apparent in views along Stablefold.

4. Policy OL4 of the Tameside Unitary Development Plan 2004 (UDP) indicates that the Council will not permit built development on any land shown as Protected Green Space (PGS) on the proposals map. The policy also applies to areas of land in similar use, but which are too small to be shown on the proposals map. UDP Policy OL4 is generally consistent with paragraphs 99, 102 and 130 of the National Planning Policy Framework (the Framework) as it seeks to protect open space from development and ensure that development adds to the overall quality of the area.
5. The supporting text to Policy UDP OL4 indicates that it only applies to land that is not within the Green Belt. Accordingly, whilst the site adjoins, and is a continuation of, a much larger area of open Green Belt land, it can still be PGS for the purposes of UDP Policy OL4. Furthermore, the protection afforded under Policy OL4 is not dependent on the space being publicly accessible and having a recreational use. It is, however, reasonable to consider that any unidentified site that has some value as green space falls to be considered against this policy.
6. The appeal site has no identified ecological value and the Council's Principal Ecologist and the Arboricultural and Countryside Estates Officer have not objected to the proposal. Nonetheless, the appeal site provides a sense of openness in the street scene and links to the wider countryside beyond and, thereby, has value, visually, as a green space. Considering this, and in the absence of any compelling evidence that suggests otherwise, I find that even though the site is not designated, it is PGS for the purposes of UDP Policy OL4. As the proposal does not fall within any of the identified exceptions, the loss of open space associated with the proposed development conflicts with this policy. Furthermore, the proposal does not gain support from UDP Policy H2, as the explanatory text indicates that even in circumstances where the Council does not have a five-year supply of deliverable housing sites, proposals would still need to conform with other relevant policies in the plan, particularly UDP Policy OL4.
7. The proposal would not be prominent in views along Stablefold as the dwellings would be sited broadly in line with existing bungalows. However, to address the steeply sloping nature of the site, substantial engineering works are proposed which would necessitate the loss of trees with group amenity value. The proposed driveway and associated retaining wall would intrude into the views along the street towards the open countryside beyond. The natural green character of the space and its openness would be significantly eroded to the detriment of the street scene.
8. I acknowledge that the appellant could remove trees from the site and erect a fence across it, nonetheless, its green and natural appearance would not be diminished to the point where its value as open space would be lost. Furthermore, additional tree planting could be carried out as part of the development, however, I am not satisfied that this would sufficiently soften its appearance to the extent that the harm that I have identified would be suitably addressed.
9. Accordingly, I conclude that the proposal would result in the loss of PGS and would thereby harm the character and appearance of the surrounding area. It would therefore conflict with UDP Policies OL4, N4 and N5, which seek to protect green space and trees with amenity value. I apply substantial weight to

this conflict. It is also contrary to the guidance set out in paragraph 174 of the Framework.

#### *Living conditions*

10. The proposal would be viewed at a slightly oblique angle from the rear facing windows of 73-85 Andrew Street. Nonetheless, the elevated position of the proposed bungalows and the retaining structure close to the rear site boundary, would have a substantial enclosing and dominating effect when viewed from such windows. The visual intrusion would be significantly more imposing than the treed sloping nature of the existing site. Consequently, the enjoyment of the rear gardens of these properties and the outlook from the rear windows of the Andrew Street properties would be unacceptably affected by the proposal.
11. The minimum privacy distances as set out in the Residential Design Supplementary Planning Guidance are exceeded by the proposed layout. Nevertheless, due to the elevated position and the large expanse of glazing at the first floor of the proposed dwellings, there would be a perception of overlooking for the occupiers of the Andrew Street properties. As a result, and notwithstanding that the interface between the windows would be at a slight oblique angle, I consider that the level of overlooking and loss of privacy that would arise would be unacceptable. Furthermore, the height of any boundary treatment that would address the issue of overlooking from the proposed first floor windows would exacerbate the unacceptable enclosing and dominating effect I have identified.
12. The level of daylight and sunlight reaching the rooms served by rear windows of 73-85 Andrew Street, and their gardens, is already affected by the ground levels and trees within the appeal site. Nonetheless, the introduction of two bungalows sited very close together above a tall green retaining wall as proposed would have a greater limiting effect on daylight and sunlight. The appellant refers to the proposal according with the Building Research Establishment guide 'Site layout Planning for Daylight and Sunlight - a guide to good practice' (2022). However, no assessment against such guidance has been provided with the appeal documents. In the absence of any substantive evidence that demonstrates otherwise, I find that the levels of daylight received to the rear windows and gardens of Andrew Street properties would be adversely affected by the proposed development.
13. Accordingly, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of 73-85 (odd numbers) Andrew Street regarding outlook, privacy and light. As such, it would conflict with UDP Policies 1.3 and H10 which seek to protect residential amenity. I apply substantial weight to the conflict with such policies, which are consistent with the residential amenity aims of paragraph 130 of the Framework.

#### *Land stability*

14. The appeal site forms part of a hillside and slopes steeply down to the rear of properties on Andrew Street. The sectional plans show that significant earthworks are proposed that would include excavation of part of the site and the building up of levels at the rear of the proposed properties. Given the proximity of such works to existing properties on Andrew Street and Stablefold it is important to ensure that the risk and effects of any potential land

instability and property are minimised. However, there is little before me regarding the local ground conditions and the effects of the proposed development on such conditions.

15. I am, therefore, unable to conclude on the available evidence that the site is and will remain stable or could be made so as part of the development. Furthermore, it would be inappropriate to impose a condition to secure a land stability risk assessment and agree any retaining structures, or other mitigation measures, since the acceptability of the development is partly dependent on the outcome. The failure of the Council to request a land stability report does not override my concern in this regard.
16. Accordingly, I find that the site is not suitable for the proposed development regarding land stability. It would therefore be contrary to paragraphs 174 and 183 of the Framework which seek to ensure that new and existing development are not put at unacceptable risk from, or, adversely affected by, land instability and that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability.

#### *Surface water run-off*

17. The appeal site is undeveloped and has a permeable surface. The proposal would involve significant engineering works to form a development plateau and would introduce retaining structures and hard surfaces where there currently are none. Consequently, the proposed development poses a flood risk to the properties on Andrew Street which, according to interested parties, already experience surface water flooding.
18. In the absence of a drainage scheme or surface water management strategy there is nothing before me that demonstrates that the surface water arising from the proposed development could be controlled without an increase in the risk of flooding on neighbouring land. Furthermore, without this information, it is unclear whether an appropriate drainage system could be accommodated within the site without affecting the proposed layout. Accordingly, it would be inappropriate to impose a condition to secure the required drainage details. Again, the failure of the Council to request such details does not override my concern in this regard.
19. As such, the proposal does not make adequate arrangements for the disposal of surface water from the site and, therefore, it would not accord with the requirements of Framework, at paragraph 167, to ensure that flood risk is not increased elsewhere.

#### **Planning Balance**

20. The Council confirms that it cannot demonstrate a five-year supply of deliverable housing sites, although no details of the extent of the shortfall have been provided. Therefore, in accordance with footnote 8, paragraph 11d) of the Framework should be applied as the policies which are most important for determining the appeal are to be considered out of date.
21. The proposal would provide two dwellings in an accessible location which would make a very modest contribution to addressing the shortfall and the Government's broad objective of significantly boosting the supply of homes. Accordingly, I attribute modest weight to this benefit.

22. The appellant refers to biodiversity net gains, arising from the proposed green wall. However, there is nothing before me that demonstrates the extent of such net gains. Therefore, such a benefit carries limited weight in favour of the proposal.
23. As set out above, I have found that the proposal would result in the unacceptable loss of PGS which would harm the character and appearance of the area, and that the living conditions of neighbours would also be unacceptably harmed. I have attributed considerable weight to the consequent conflict with UDP Policies OL4, N4, N5, 1.3 and H10.
24. Furthermore, I have found harm that the site is not suitable for the proposed development with regard to land stability and that the development does not make adequate arrangements for the disposal of surface water from the site. This weighs against the proposed development.
25. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits. Therefore, the Framework is not a material consideration that indicates a decision other than one that is in accordance with the development plan.

### **Other Matters**

26. I have noted the concerns raised by interested parties about the effect of the proposal on ecology, the adequacy of local infrastructure, the lack of need or demand for further housing, the effect of the proposal on highway safety and that affordable housing is not proposed. However, as I have found the proposal to be unacceptable for other reasons, set out above and below, it is unnecessary for me to explore this matter further.
27. The appellant has raised concerns with the Council's handling of the planning application, however that is not relevant to my findings on the planning merits of the scheme.

### **Conclusion**

28. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. I therefore conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR

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