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ASHTON-UNDER-LYNE · AUDENSHAW · DENTON · DROYLSDEN

SPEAKERS PANEL (PLANNING)

LONGDENDALE · MOSSLEY · STALYBRIDGE

Day: Wednesday

Date: 23 September 2020

Time: 10.00 am

Place: Zoom

ltem No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
	To receive any apologies from Members of the Panel.	
2.	DECLARATIONS OF INTEREST	
	To receive any declarations of interest from Members of the Council.	
3.	MINUTES	1 - 2
	The Minutes of the meeting of the Speakers Panel (Planning) held on 19 August 2020, having been circulated, to be agreed by the Chair as a correct record.	
4.	OBJECTION REPORT TO PROPOSED PUBLIC SPACES PROTECTION ORDERS	3 - 38
	To consider a report of the Assistant Director of Operations and Neighbourhoods.	
5.	OBJECTION TO THE TAMESIDE METROPOLITAN BOROUGH COUNCIL (MOSSLEY ROAD, ASHTON UNDER LYNE) (PROHIBITION OF WAITING) ORDER 2020	39 - 54
	To consider a report of the Assistant Director of Operations and Neighbourhoods.	
6.	PLANNING APPLICATIONS	
	To consider the schedule of applications.	
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b)	20/00559/FUL - 218 AUDENSHAW ROAD, AUDENSHAW, M34 5QR	147 - 178
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7.	APPEAL DECISION NOTICES	
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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, 0161 342 2798 or benjamin.hopkins@tameside.gov.uk, to whom any apologies for absence should be notified.

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f)	APP/G4240/D/20/3244243 - 94 GRANADA ROAD, DENTON, M34 2LA	225 - 228
g)	APP/G4240/W/20/3251879 - 12 HALL AVENUE, HEYROD, STALYBRIDGE SK15 3DF	229 - 232

h) APP/G4240/W/20/3253590 - LAND DIRECTLY ADJACENT TO 6 GREEN 233 - 234 HOLLOW FOLD, STALYBRIDGE, SK15 3RP

8. URGENT ITEMS

To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Benjamin Hopkins, Senior Democratic Services Officer, 0161 342 2798 or benjamin.hopkins@tameside.gov.uk, to whom any apologies for absence should be notified.

Agenda Item 3.

SPEAKERS PANEL (PLANNING)

19 August 2020

Present:

Councillor McNally (Chair) Councillors: Choksi, Dickinson, Glover, Gosling, Jones, Lewis, Naylor, Owen, Ricci, Ward and Wild

16. MINUTES

The Minutes of the proceedings of the meeting held on 22 July 2020, having been circulated, were approved and signed by the Chair as a correct record.

17. DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

18. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	20/00545/R3D Mr David Rhodes, Tameside MBC	
Proposed Development:	Construction of a two storey modular unit to the existing car park at Hyde Community College. Hyde Community College, Old Road, Hyde	
Speaker(s)/Late Representations	Andrew White addressed the Panel objecting to the application. Paul Smith, on behalf of the applicant, addressed the Panel in relation to the application.	
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report.	

CHAIR

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Agenda Item 4.

Report To:	SPEAKERS PANEL (PLANNING)	
Date:	23 September 2020	
Reporting Officer:	Emma Varnam – Assistant Director of Operations and Neighbourhoods	
Subject:	OBJECTION REPORT TO PROPOSED PUBLIC SPACES PROTECTION ORDERS	
Report Summary:	To consider the objections received by Engineering Services to the advertised Public Spaces Protection Orders (previously known as Gating Orders) within the borough.	
Recommendations:	It is recommended that the Panel reviews the objections and comments received and that authority is given for the necessary action to be taken for the following Orders to be made or extended (as necessary) as Public Spaces Protection Orders in their current format for a further three year period and that the restrictions continue to operate at all times during this period:-	
	 Churchbank to Brushes Avenue, Stalybridge Dales Brow Avenue to Langham Street, Ashton-under-Lyne Greenside Crescent, Droylsden Haddon Hall Road to Sunnybank Park, Droylsden Kenyon Avenue to Cheetham Hill Road, Dukinfield Laburnum Road to Ash Road, Denton Maddison Road to Lyme Grove, Droylsden Pear Tree Drive to Honeysuckle Drive, Stalybridge Sunnyside Road to Lumb Clough, Droylsden Waterloo Gardens, Ashton-under-Lyne 	
Corporate Plan:	The proposals underpin a number of targets within the Corporate Plan for Tameside and Glossop and more especially in the promotion of Living and Ageing Well through the promotion of Nurturing Communities.	
Policy Implications:	The proposals underpin a number of targets within the Corporate Plan for Tameside and Glossop and more especially in the promotion of Living and Ageing Well through the promotion of Nurturing Communities.	
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There is currently no cost to the Council of the existing gates being in place and there are no expected maintenance costs during the next three years. As a result, there are no financial implications to extending the Public Spaces Protection Orders on the same basis.	
Legal Implications: (Authorised by the Borough Solicitor)	Members should have regard to the conditions which must be satisfied in Section 59(4) and Section 60(2) of the Anti-social Behaviour, Crime and Policing Act 2014 set out in paragraphs 1.3 and 1.5 of the report. The additional considerations applicable to restricting public rights of way in Section 64(1) of the Act (set out in paragraph 1.6 of the report) are also relevant to all the proposed Public Spaces Protection Orders.	

When deciding whether to make or extend a Public Spaces Protection Order, a Local Authority must have particular regard to the freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

Risk Management:

Objectors would have a limited right to challenge the validity of the Order in the High Court.

Access to Information:

The background papers relating to this report can be inspected by contacting Michael Hughes, Operations and Neighbourhoods

Telephone: 0161 342 3704

e-mail: michael.hughes@tameside.gov.uk

1. BACKGROUND

- 1.1 The Anti-social Behaviour, Crime and Policing Act (the Act) was enacted in 2014. Section 59 of the Act introduced Public Spaces Protection Orders (PSPO's) which gives the Council powers to restrict the way in which the public can access or use public places if by taking these measures it will cause a reduction in activities that will have a detrimental effect on the quality of life of those in the locality.
- 1.2 The Council receives numerous reports of public places that suffer from anti-social and criminal acts. A report was presented to the Executive Board detailing the powers provided by the legislation and how it could be used. The decision of Board was to support the use of Public Spaces Protection Orders, where justified, across the Borough.
- 1.3 A local authority may make a PSPO under Section 59(4) of the Act if satisfied on reasonable grounds that two conditions are satisfied:-
 - 1) The first condition is that:-
 - a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
 - b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 - 2) The second condition is that the effect, or likely effect, of the activities:-
 - a) is, or is likely to be of a persistent or continuing nature,
 - b) is, or is likely to be, such as to make the activities unreasonable, and
 - c) justifies the restrictions imposed by the notice.
- 1.4 Transitional provisions under the PSPO legislation meant that Gating Orders (made under the Highways Act 1980) were treated as PSPOs and remained in force for a maximum of three years from the transition date (that is, to 20 October 2020). If the intention is to continue the restriction after this time then a subsequent order is needed to extend the duration. The orders can be subsequently extended for periods of up to three years.
- 1.5 A PSPO can be only be extended under Section 60 of the Act if the Council is satisfied on reasonable grounds that extending an order is necessary to prevent an occurrence or recurrence of the activities identified in the PSPO; or an increase in the frequency or seriousness of the activities identified in the PSPO after the original PSPO would have expired.
- 1.6 Where a local authority is considering making a PSPO restricting a public right of way over a highway, there are some additional considerations in Section 64(1):
 - a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
 - b) the likely effect of making the order on other persons in the locality;
 - c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route
- 1.7 Delegated approval was given on 21 August 2020 to advertise 10 PSPOs across the borough for consultation.
- 1.8 This report gives details of the objections received to the 10 advertised Orders and the officer response to these objections.

2. CONSULTATION ON PUBLIC SPACES PROTECTION ORDERS

- 2.1 Consultation notices and draft versions of the proposed PSPO's were advertised and distributed in line with the Act on 21 August 2020.
- 2.2 The ten proposed Orders that have been advertised [and are annexed to the report] are as follows:-
 - 1. Churchbank to Brushes Avenue, Stalybridge
 - 2. Dales Brow Avenue to Langham Street, Ashton-under-Lyne
 - 3. Greenside Crescent, Droylsden
 - 4. Haddon Hall Road to Sunnybank Park, Droylsden
 - 5. Kenyon Avenue to Cheetham Hill Road, Dukinfield
 - 6. Laburnum Road to Ash Road, Denton
 - 7. Maddison Road to Lyme Grove, Droylsden
 - 8. Pear Tree Drive to Honeysuckle Drive, Stalybridge
 - 9. Sunnyside Road to Lumb Clough, Droylsden
 - 10. Waterloo Gardens, Ashton-under-Lyne

3. OBJECTIONS TO THE PUBLIC SPACES PROTECTION ORDERS

- 3.1 One objection was received during the consultation period. The objection has been received from the Ramblers' Association (Greater Manchester & High Peak Area) and relates to all ten of the advertised PSPO's.
- 3.2 The objection is made based on the preference from the organisation that all ten of the routes be accessible at all times.
- 3.3 In addition to the general objection to having any PSPO restrictions, the objection then identifies three of the locations where the alternative route that is available for public use is considered by the organisation to be quite onerous. Details of the advertised draft orders and plans showing the suggested alternative routes are included within the appendices to this report.
- 3.4 The three locations that have been specifically highlighted are:-
 - 1. Churchbank to Brushes Avenue, Stalybridge
 - 2. Kenyon Avenue to Cheetham Hill Road, Dukinfield
 - 3. Maddison Road to Lyme Grove, Droylsden
- 3.5 The Ramblers' Association (Greater Manchester & High Peak Area) have proposed that if the Council determines that there is justification for the PSPO restrictions to remain at these three locations then consideration should be given to amending the Orders so they only operate at certain times of day.
- 3.6 For the proposed extension to the Kenyon Avenue to Cheetham Hill Road PSPO, it has been suggested that the gates should be unlocked an hour before the local schools open and locked an hour after the schools close.
- 3.7 For the other two locations, it is suggested that the gates should be open during daylight hours.

(Appendix B) (Appendix C) (Appendix D) (Appendix E) (Appendix F) (Appendix G) (Appendix H)

(Appendix A)

- (Appendix I)
- (Appendix J)

4. ENGINEERING RESPONSE TO OBJECTIONS

- 4.1 Prior to advertising the ten proposed PSPO's, an early engagement exercise was conducted where views were sought from Greater Manchester Police and the relevant ward Councillors. These responses were used to inform the Delegated Decision Report to gain authorisation to proceed with the formal consultation exercise. Messages of support were received from the Police and Ward Councillors for all ten of the locations (details of these responses are available within **Appendix K**) with concern expressed that if the gates were to be removed then the problems with crime and anti-social behaviour would return.
- 4.2 The opinion of the Police and the community knowledge gained from the Ward Councillors suggested that the retention of gates at all ten of the locations as part of a PSPO was justified.
- 4.3 During the formal consultation exercise, only one objection was received whereas there were multiple statements of support provided by local residents (with none in opposition) in addition to those from the Police and the Ward Councillors. It appears therefore that local opinion is firmly in support of the ten restricted locations remaining gated as part of a PSPO.
- 4.4 In the opinion of officers, the justification for the ten proposed PSPO's remain valid and no new information has come to light during the consultation period to alter this opinion. Officers would therefore argue that the security gates are serving their intended purpose and if removed would likely create a situation where the problems with crime and anti-social behaviour return to these locations.
- 4.5 The availability of a reasonably convenient alternative route is a relevant consideration. The use of timed closures as suggested within the objection could potentially help to lessen the inconvenience of the restriction at the three identified locations. Only restricting access to these public footpaths during the hours of darkness would allow the majority of legitimate users to access the paths with little hindrance whilst still providing the residents with overnight protection from crime and anti-social behaviour.
- 4.6 Whilst this situation does appear to be a possible compromise, officers have considered how timed closures of this sort could operate and no clear solution has been identified.
- 4.7 The opening could operate either by the use of Council staff resources or the contracting of external resources to open the gates in accordance with the details of the Orders. This would have implications in terms of staff resources for other projects or a significant financial impact on existing Council budgets.
- 4.8 Another option would be for residents to be given responsibility for the opening and closing of the gates. Whilst this would remove the onus of this duty from the Council, it does raise other concerns. Issues such as residents not being available to open the gates due to illness or holiday as well as other potential problems such as forgetting to lock the gates in the evening or the presence of individuals that refuse to leave the restricted area creates a liability, which could potentially fall back on the Council and lead to officers having to take over the responsibility.
- 4.9 For the above reason, officers believe that there is no practical means by which a timed closure of these passageways could operate without significant impact on the Council in terms of staff and financial resources as well as potential increased liability.
- 4.10 As well as for operational purposes, doubt has been raised about the effectiveness of a PSPO if the gates are unlocked during the day. Comments received from the Police for the Churchbank to Brushes Avenue location suggests that much of the anti-social behaviour stems from school children using the passageway during the daytime. If this is the situation

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for one passageway close to a school then it is reasonable to assume that similar issues may exist on the other two pathways which are close to schools as well.

4.11 The relevant section of the comments received from the Police is as follows:-

"Churchbank / Brushes Avenue – This location has historically been a problem due to the layout of the estates, the size and layout of this path. Local Policing teams spent time here daily. The issues started from school children and similar aged kids causing issues during the daytime, spitting, kicking cars and houses, littering, throwing stones and objects over the high wall to residents being abused during the day/night by large groups who also used to congrate in the alleyway which amplified down the streets ."

- 4.12 In light of the Police comments above as well as the operational difficulties with effecting a timed closure, officers are of the opinion that all ten of the advertised PSOPs should operate at all times.
- 4.13 A requirement of the Act is that the Council has particular regard to the rights of freedom of expression and freedom of peaceful assembly and association with others as set out in Articles 10 and 11 of the Human Rights Act 1998.
- 4.14 In so far as the PSPO's restrict rights in articles 10 and 11, the recommended PSPO's are considered to be proportionate for the prevention of crime and anti-social behaviour and because they are intended to be used only where there are genuine problems with people causing a nuisance in a public place.
- 4.15 As part of the consideration of the suitability of the ten locations to be made or extended as a PSPO, an Equalities Impact Assessment has been completed. The assessment identified direct impacts on several of the protected groups (Age, Disability and Pregnancy & Maternity) all of which relate to the additional journey length when the alternative route is compared to being able to use the restricted passageway. In all cases, it was considered that the additional length when balanced against the protection afforded to the residents (and given the fact that the alternative routes have already been in use for several years with little complaint from these groups) was deemed to be acceptable.

5. **RECOMMENDATION**

- 5.1 A PSPO can be only be extended under Section 60 of the Anti-social Behaviour, Crime and Policing Act 2014 if the Council is satisfied on reasonable grounds that making or extending an order is necessary to prevent an occurrence or recurrence of the activities identified in the PSPO; or an increase in the frequency or seriousness of the activities identified in the PSPO after the original PSPO would have expired.
- 5.2 It is recommended that the expert opinion of the Greater Manchester Police is accepted as a measure of whether the problems will return if the restrictions are removed. If the opinion of the Police is that the problems will return then the PSPOs should proceed as advertised in the draft order.
- 5.3 Comments from Councillors for each area and supporting statements (with no objections) from residents during the consultation period can be used to show local support for the schemes.
- 5.4 One objection has been received to the proposed PSPOs. As detailed in Section 4 to this report and by using the Police and ward Councillor comments, it is expected that the problems with crime and anti-social behaviour will return if the security gates are removed and so the continuation of restrictions at the ten locations does appear to be justified.

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Timed closure of three of the PSPOs would present operational difficulties to the Council and would potentially limit their effectiveness as well.

- 5.5 Based on this information, it is recommended that authority is given for the necessary action to be taken for the the following Orders to be made or extended (as necessary) as Public Spaces Protection Orders in their current format for a further three year period and that the restrictions continue to operate at all times during this period:-
 - 1. Churchbank to Brushes Avenue, Stalybridge
 - 2. Dales Brow Avenue to Langham Street, Ashton-under-Lyne
 - 3. Greenside Crescent, Droylsden
 - 4. Haddon Hall Road to Sunnybank Park, Droylsden
 - 5. Kenyon Avenue to Cheetham Hill Road, Dukinfield
 - 6. Laburnum Road to Ash Road, Denton
 - 7. Maddison Road to Lyme Grove, Droylsden
 - 8. Pear Tree Drive to Honeysuckle Drive, Stalybridge
 - 9. Sunnyside Road to Lumb Clough, Droylsden
 - 10. Waterloo Gardens, Ashton-under-Lyne

APPENDIX A

Churchbank to Brushes Avenue PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

CHURCHBANK TO BRUSHES AVENUE, STALYBRIDGE PUBLIC SPACES PROTECTION ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpath Stalybridge 82 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- 5. The alternative route for pedestrians is along the pavement of Churchbank, continuing along the pavement of Walkerwood Drive continuing along the pavement of Huddersfield Road, continuing along the pavement of Brushes Road, continuing along the pavement of Brushes Avenue as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY:	 Director of Operations and Neighbourhoods
DATE:	

Public Spaces Protection Order Ian Saxon Director Operations & Neighbourhoods Tameside One STA/82 PO BOX 304 Ashton-under-Lyne OL6 0GA Scale 1:2000 Compiled by MH on 10 August 2020 Reproduced from an Ordnance Survey map with the permission of the Controller of HMSQ @ Crown Copyright. License number LA100022697



Additional information: Engineering Service Tel: 0161 342 3704 ITY Public footpath to be gated 1 Suggested alternative route Existing definitive footpaths 19761199195 D SJ9772499113 SJ9750799098 F 8 \$39766099042 A SJ9764499021 В SJ9757298968 Walk Serve Sooms A 8

Dales Brow Avenue to Langham Street, Ashton-under-Lyne PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

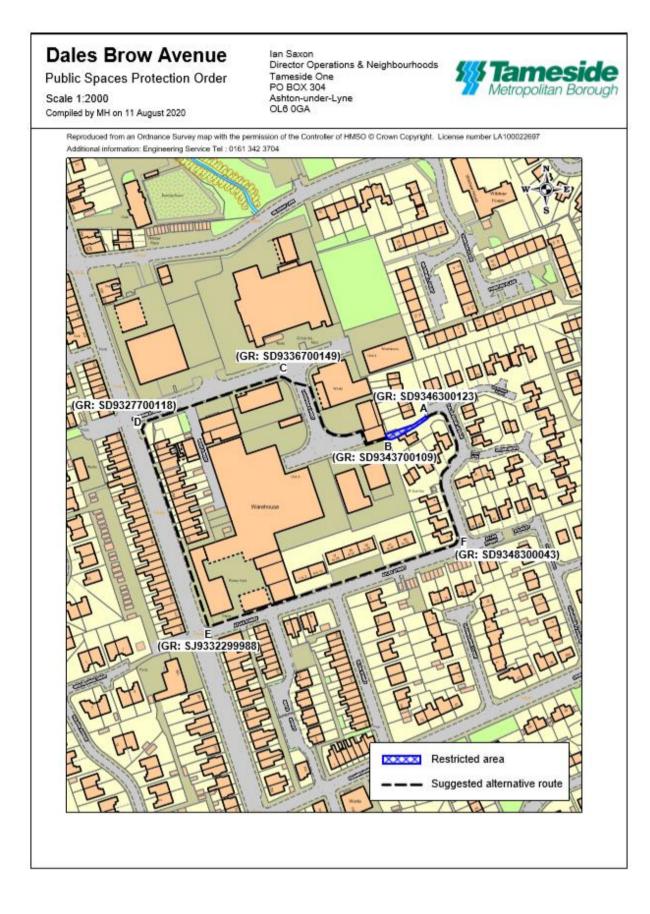
DALES BROW AVENUE TO LANGHAM STREET, ASHTON-UNDER-LYNE PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of the adopted highway as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- The alternative route for pedestrians will be along the pavement of Dales Brow Avenue, continuing along the pavement of Atlas Street, continuing along the pavement of Oldham Road, continuing along the pavement of Langham Street as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY:	 Director of Operations and Neighbourhoods



APPENDIX C

Haddon Hall Road to Sunnybank Park, Droylsden PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

HADDON HALL ROAD TO SUNNYBANK PARK, DROYLSDEN PUBLIC SPACES PROTECTION ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpaths Droylsden 50 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- 5. The alternative route for pedestrians will be along the pavement of Haddon Hall Road, continuing along the pavement of Lewis Road, continuing along Footpath Droylsden 3, continuing along the pavement of Westfield Road, continuing along Footpath Droylsden 4, continuing along the pavement of Ansdell Drive, continuing along Footpath Droylsden 5 as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

BIGNED BY:	Director of Operations and Neighbourhoods
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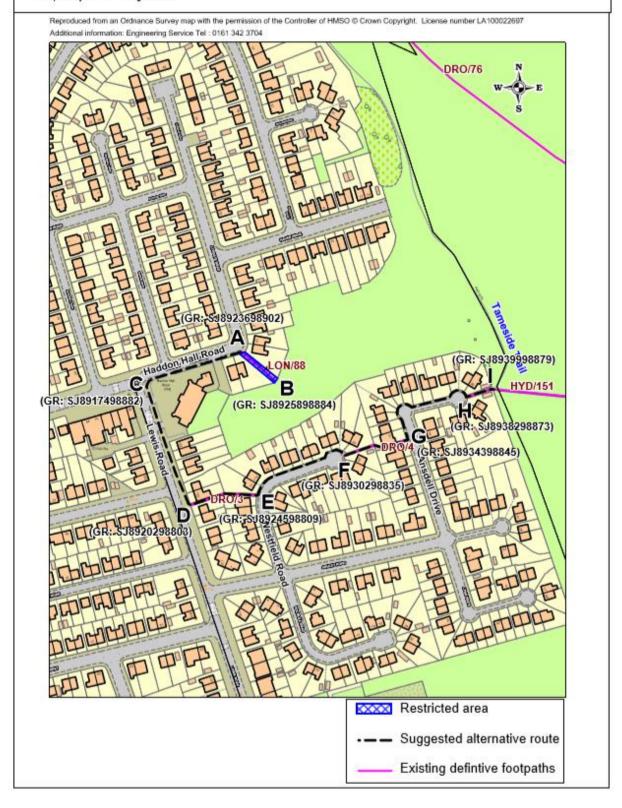
DATE:

DRO/50

Ian Saxon Director Operations & Neighbourhoods Tameside One PO BOX 304 Ashton-under-Lyne OL6 0GA



Scale 1:2000 Compiled by MH on 11 August 2020



APPENDIX D

Greenside Crescent, Droylsden PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

GREENSIDE CRESCENT, DROYLSDEN PUBLIC SPACES PROTECTION ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 59, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpath Droylsden 51 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- The alternative route for pedestrians is along the pavement of Greenside Lane, continuing along the pavement of Greenside Crescent continuing along Footpath 52, continuing along Footpath 51 as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY: Director of Operations and Neighbourhoods

DATE:

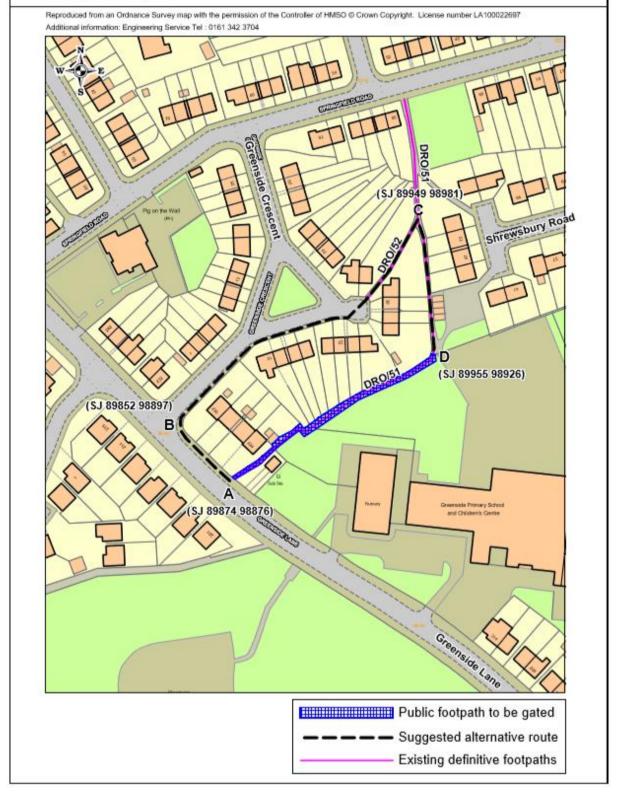
DRO/51

Scale 1:1250

Compiled by MH on 10 August 2020

Ian Saxon Director operations & Neighbourhoods Tameside One PO BOX 304 Ashton-under-Lyne OL6 0GA





APPENDIX E

Kenyon Avenue to Cheetham Hill Road, Dukinfield PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

KENYON AVENUE TO CHEETHAM HILL ROAD, DUKINFIELD PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpaths Dukinfield 27 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- 5. The alternative route for pedestrians will be along the pavement of Kenyon Avenue, continuing along the pavement of Birch Lane, continuing along the pavement of Yew Tree Lane, continuing along the pavement of Cheetham Hill Road as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

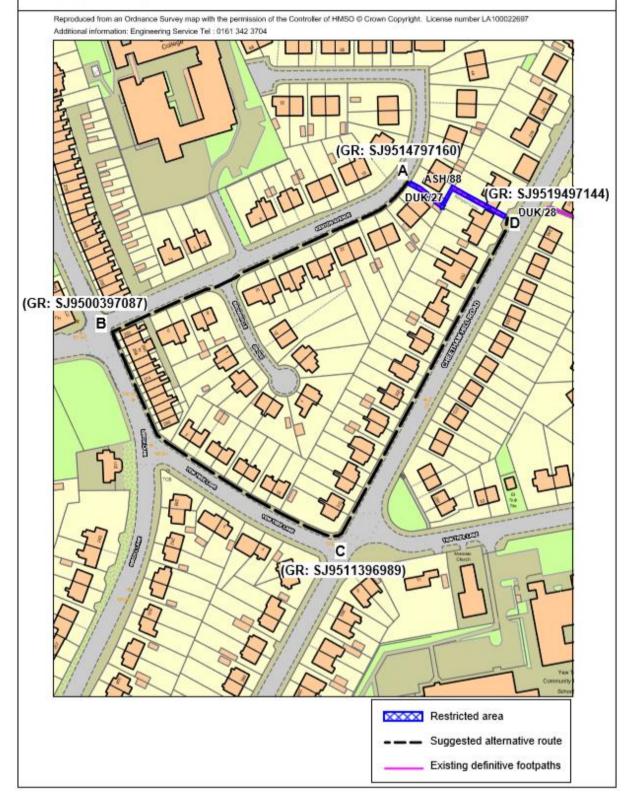
SIGNED BY:	 Director of Operations and Neighbourhoods
DATE:	

DUK/27

lan Saxon Director Operations & Neighbourhoods Tameside One PO BOX 304 Ashton-under-Lyne OL6 0GA



Scale 1:1500 Compiled by MH on 11 August



APPENDIX F

Laburnum Road to Ash Road, Denton PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

LABURNUM ROAD TO A SH ROAD, DENTON PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpaths Denton 76, 77, 78 and 79 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- The alternative route for pedestrians is along the pavement of Laburnum Road, continuing along the pavement of Balmoral Drive, continuing along the pavement of Ash Road as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY:	 Director of Operations and Neighbourhoods

DATE:

DEN/76 & 77 & 78 & 79

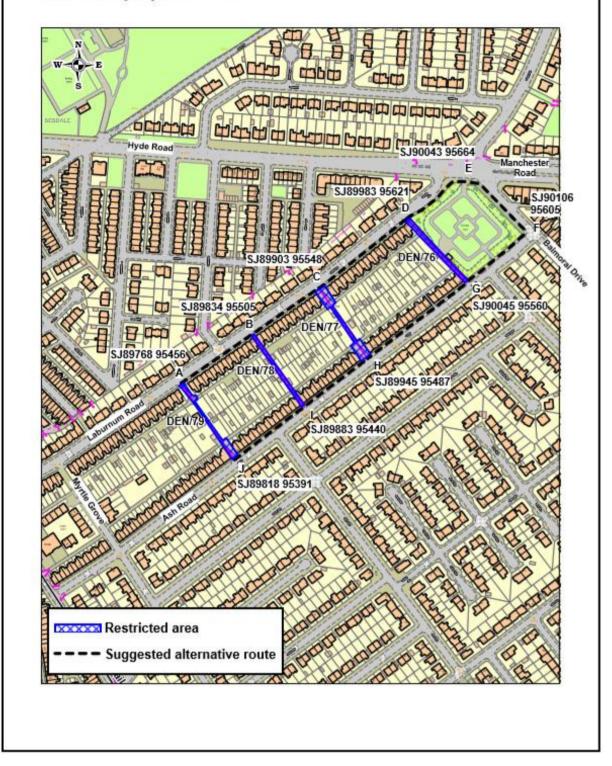
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Compiled by MH on 10 August 2020

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APPENDIX G

Maddison Road to Lyme Grove, Droylsden PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

FOOTPATH 26, DROYLSDEN PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpaths Droylsden 26 as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- The alternative route for pedestrians will be along the pavement of Lyme Grove, continuing along the pavement of Beech Avenue, continuing along the pavement of Mellor Street, continuing along the pavement of Maddison Road as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

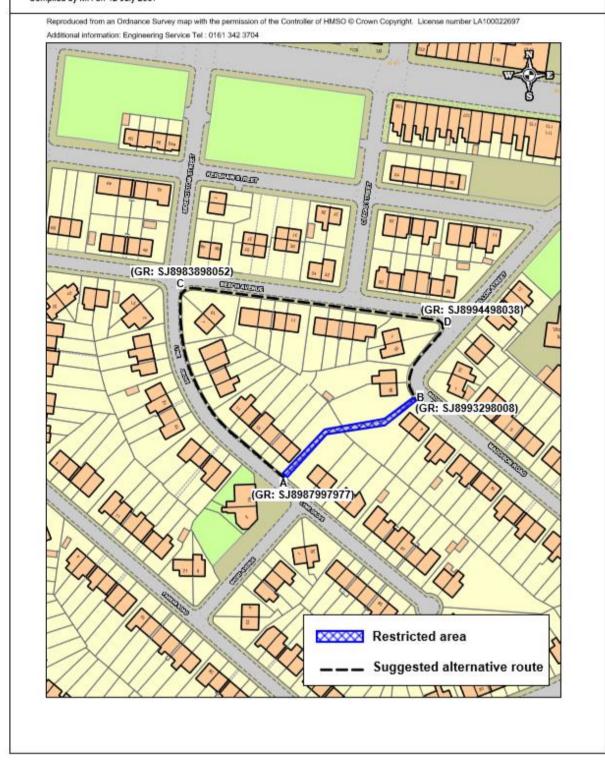
SIGNED BY:	 Director of Operations and Neighbourhoods

DATE:

Footpath 26, Droylsden

Scale 1:1250 Compiled by MH on 12 July 2007 Ian Saxon Director Operations & Neighbourhoods Tameside One PO BOX 304 Ashton-under-Lyne OL6 0GA





APPENDIX H

Pear Tree Drive to Honeysuckle Drive, Stalybridge PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

PEAR TREE DRIVE TO HONEYSUCKLE DRIVE, STALYBRIDGE PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of the adopted highway from Pear Tree Drive to Honeysuckle Drive as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- The alternative route for pedestrians will be along Pear Tree Drive, continuing along the pavement of Lindsay Street, continuing along the adopted passageway, continuing along an unadopted footpath, continuing along Honeysuckle Drive as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY: Director of Operations and Neighbourhoods

DATE:

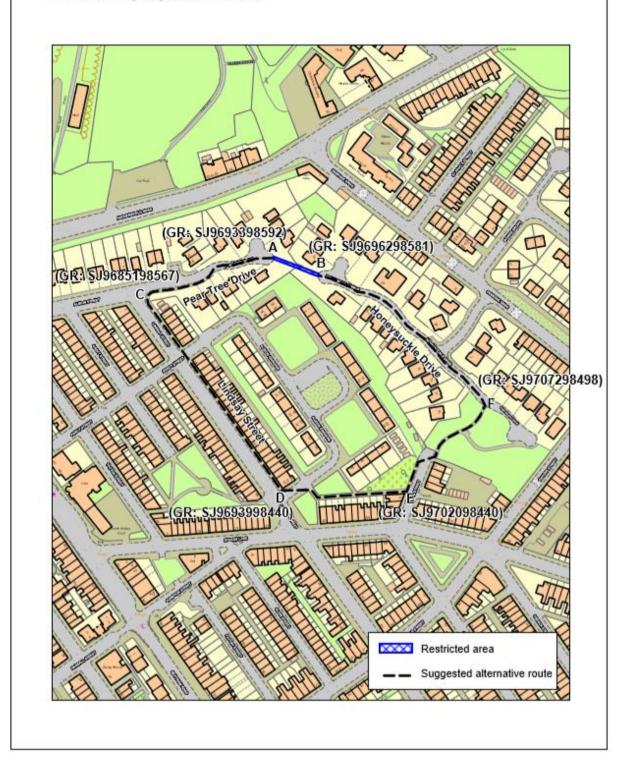
Adopted highway

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APPENDIX I

Sunnyside Road to Lumb Clough, Droylsden PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

FOOTPATH 7 AND UN-NUMBERED PATH TO LUMB CLOUGH, DROYLSDEN PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of Footpath Droylsden 7 and the un-numbered path as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- 5. The alternative route for Footpath 7 for pedestrians will be along the pavement of Sunnyside Road, continuing along the pavement of Cypress Road, continuing along the pavement of Hampshire Road as shown by a bold broken line on the Order map. The alternative route for access to Lumb Clough for pedestrians will be along the pavement of Sunnyside Road, continuing along the pavement of Cypress Road, continuing along Footpath Droylsden 54 as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 60, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- 8. If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY: Director of Operations and Neighbourhoods

DATE:

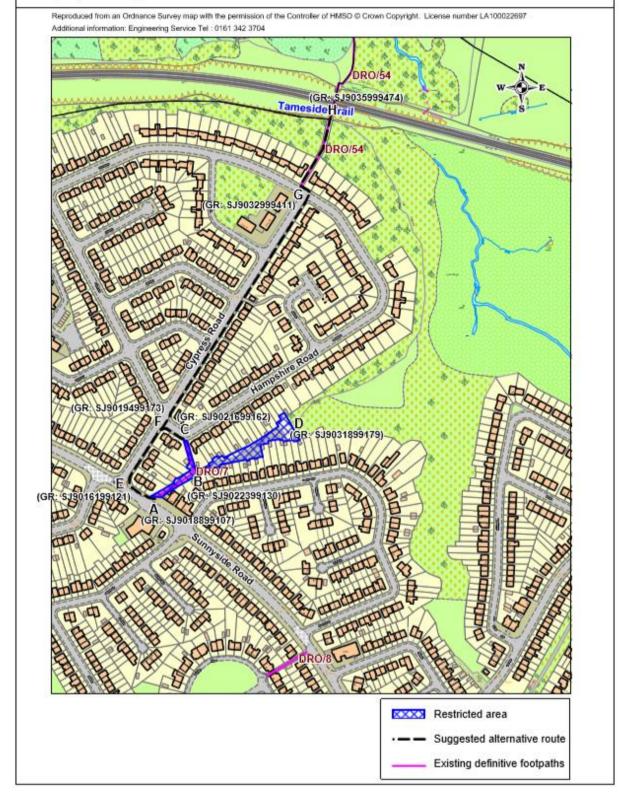
DRO/7 and un-numbered track

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Ian Saxon Director Operations & Neighbourhoods Tameside One PO BOX 304 Ashton-under-Lyne OL6 0GA



Compiled by MH on 11 August 2020



APPENDIX J

Waterloo Gardens, Ashton-under-Lyne PSPO

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT, 2014

[DRAFT] PUBLIC SPACES PROTECTION ORDER FOR A CERTAIN HIGHWAY FOR THE PURPOSES OF PREVENTING CRIMINAL AND/OR ANTI-SOCIAL ACTIVITIES

TAMESIDE METROPOLITAN BOROUGH COUNCIL

WATERLOO GARDENS, ASHTON-UNDER-LYNE PUBLIC SPACES PROTECTION (EXTENSION) ORDER 2020

This Order is made by Tameside Metropolitan Borough Council in exercise of its powers under Section 60, 64 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act"):-

BY THIS ORDER

- This Order shall come into operation on (TBC) and shall have effect for a period of 3 years thereafter, unless extended by further orders under the Council's statutory powers.
- This Order relates to that part of the adopted highway as shown edged in blue on the attached plan ("the Restricted Area").
- Except as provided in Article 4 of this Order no person shall use the public right of way over the Restricted Area at any time. This Order authorises the installation, operation and maintenance of barriers for enforcing the restriction.
- 4. The restriction in Article 3 of this Order shall not apply to any registered owner of, or person who lives in, premises adjoining the Restricted Area, or to any Police, Ambulance or Fire Service personnel, acting in pursuance of statutory powers or duties or to any statutory undertaker, gas, electricity, water or communications provider requiring access to their apparatus located in the Restricted Area, or persons and / or vehicles required in connection with maintenance work or other functions of the Council.
- 5. The alternative route for pedestrians is located across the fields behind Palace Road, continuing along the pavement of Palace Road, continuing along the pavement of Queens Road, continuing along Definitive Footpath 30 and the pavement of Blenheim Way, continuing along the pavement of Waterloo Gardens as shown by a bold broken line on the Order map.
- 6. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been fulfilled and that it is in all the circumstances expedient to make this Order for the purposes of reducing anti-social behaviour in the Restricted Area. The Council makes the Order because anti-social behaviour in the Restricted Area has had a detrimental effect on the quality of life of those in the locality. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature such as to make this unreasonable, and justifies the restrictions imposed by this Order.
- Responsibility for the maintenance of the barriers in the Restricted Area will lie with the residents that requested the Order.
- If any person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

SIGNED BY: Director of Operations and Neighbourhoods

DATE:

Waterloo Gardens

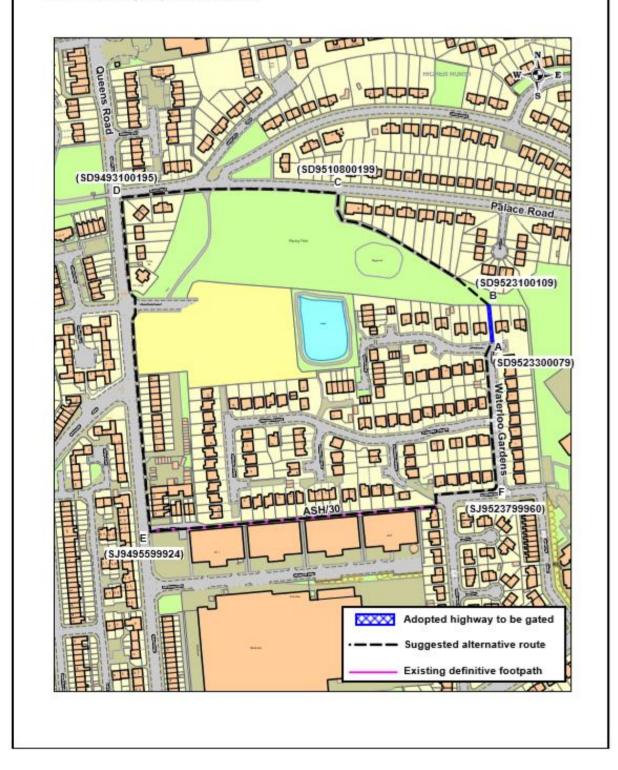
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APPENDIX K

Churchbank to Brushes Avenue, Stalybridge

The Police comments are as follows:-

"I have been the Neighbourhood Officer for the identified areas where the gating was put in
place and helped to bring these orders with the help of TMBC, residents and other
interested parties at the time, and spent many weeks and days looking over Police logs,
crimes, activity, times of problems, routes people took, and even though only recent moved
from the area into another role, speak daily to the Neighbourhood Staff and PCSOs since,
so am aware of the full picture of the areas, and any problems or antisocial behaviour as
covered these areas for over 15 years.

Churchbank / Brushes Avenue – This location has historically been a problem due to the layout of the estates, the size and layout of this path. Local Policing teams spent time here daily. The issues started from school children and similar aged kids causing issues during the daytime, spitting, kicking cars and houses, littering, throwing stones and objects over the high wall to residents being abused during the day/night by large groups who also used to congrate in the alleyway which amplified down the streets. We used to get 10 calls a week at some points during the nicer weather, but this also occurred whatever the weather and climate. Evidence was collected for the case for the gates from nearly every resident in the street, a home watch was established, many people had to get cctv due to the problems, damage was caused to vehicles and houses had windows smashed or items thrown at them, due to the paths location these people got off fast and most did not get ID, *(some were linked to local schools at the time and dealt with). Residents were in tears at one point when spoken to by PC Lawton and many wanted to sell their houses to move. A lot of hard work was conducted by the residents, Police, Council and partner agencies in order to provide sufficient evidence for these gates as we were convinced this would solve the problem. Once approved and fitted, there was initial resistance from some of the local youths who still tried to climb them and items were thrown towards houses. Again Police patrolled the area and collected information of vigilant residents and these issues stopped. Since the alley gating I think I personally had not cause to attend this location due to the alleyway since this time, which in itself is evidence to prove it has been fantastically successful, and I'm sure every resident would agree life has been much better, and in turn people don't want to move, and have the confidence to spend on their house improvements and remain In the area. This path also have numerous alternative routes that can be taken, which are not much more than the original path."

The ward Councillor comments are as follows:-

• "Although I was not a Councillor when this particular Protection Order/Alley Gating was set up, I have seen what effect on crime and antisocial behaviour such gating has had in other places in the Borough. In this case the gating is separating two different types of large estate. The first, the Brushes Estate, is mainly social housing, therefore houses families of mixed ages but has a high population of teenage children. Who in some cases do not always respect other people's property and are more likely to carry out ASB. Whereas the Walkerwood Estate has a higher population of both upwardly mobile families, and people that bought their own house when the estate was new and have now grown older and perhaps are much more likely to be protective of the stake they made in their home and environment.

Also this particular gate is across a route that apparently acted as a "rat run" or short cut between the 2 estates and Stalybridge. Consequently it was a busy thoroughfare creating disturbance to the lives of people living on both Church Bank and Brushes Avenue. Therefore as a Councillor for Stalybridge South where this case of alley gating is I would strongly recommend that the Protection Order is re-established"

• "Church Bank without the alley gating was a nightmare, Police there at least twice a week, cars on Church Bank had wing mirrors taken off, windows on cars and houses egged. Youths sat on garden walls, not moving and swearing at residents if asked to. Running up and over cars.

Since the alley gating absolutely nothing the residents live in peace, it has made such a massive difference. I as a ClIr and the Police get no complaints so yes I am massively in favour of keeping the gates. I haven't had one person object to the gates since they went in."

Dales Brow Avenue to Langham Street, Ashton-under-Lyne

The Police comments are as follows:-

 "This order was put in place prior to my arrival in post of the Neighbourhood officer. However these gates I would say in my opinion have had the desired affect since put in place as I cannot say I have any issues nor have had any issues of criminality or Anti-social behaviour in the 2 years. I would like it to stay this way and for the gates to stay in place of course."

The ward Councillor comments are as follows:-

• "I contacted residents of dale Grove to include them in this decision making and for their feedback. I understand they would be consulted however this was in place before any of our time so it was wise to contact them. Overall residents are in favour of having the gates as it is for following reasons.

"Reduces access to people who late at night use the area around timperley motor to take or conduct drug deals. This also helps to reduce noise and nuisance caused by anti social behaviour.

Reduce litter on our estate Helps to prevent easy access for the opportunistic thief. Provides a safe place for children playing in the street. Reduces parking in the area from non-residents"

I support the residents view in order for them to enjoy safe living environment. So I recommend this restriction order to be extended for the said period."

• "I have received no complaints from residents regarding these gates. It is my view that they should stay in place.

Residents have called for bollards to be put in place in other passageways so I do feel that barriers do keep passageways secure. e.g. Residents were recently very alarmed by the removal of a gate on the old railway line at the back of the Limehurst Farm Estate. They saw a rise in speeding motorcycles down the path and anti social behaviour after the removal of the gate.

Could you send a questionnaire to nearby residents to ascertain their views?

I don't share your confidence that the reasons for the gates being installed have now diminished. I also think the deadline of 8th July doesn't give much time for consultation with residents on this issue. Therefore, I hope you will extend the PSPO."

Page 31

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Greenside Crescent, Droylsden

The Police comments are as follows:-

• *"Thank you for your email dated 29/06/2020 re: the above gating orders being removed."*

I feel the orders should be extended and reviewed again in three years. I feel removing the orders and lifting restrictions will have a negative impact on the residents quality of life.

The Ward suffers with a high number of residential burglaries, theft from motor vehicles, drug related issues and nuisance off road motor bikes. The gates are a fantastic deterrent and give safety and reassurances to the residents involved in the scheme.

I have been in post as Droylsden West - Beat Officer, for just over 12 months. Both Droylsden teams are continually tackling ASB across the ward. Although the trends have changed the ASB still exists. The removal will have a detrimental effect on the work completed by our teams."

The ward Councillor comments are as follows:-

• "I have no problem carrying on and supporting the 3 gated areas you sent me remaining gated."

Haddon Hall Road to Sunnybank Park, Droylsden

The Police comments are as follows:-

• "I feel the orders should be extended and reviewed again in three years. I feel removing the orders and lifting restrictions will have a negative impact on the residents quality of life.

The Ward suffers with a high number of residential burglaries, theft from motor vehicles, drug related issues and nuisance off road motor bikes. The gates are a fantastic deterrent and give safety and reassurances to the residents involved in the scheme.

I have been in post as Droylsden West - Beat Officer, for just over 12 months. Both Droylsden teams are continually tackling ASB across the ward. Although the trends have changed the ASB still exists. The removal will have a detrimental effect on the work completed by our teams."

The ward Councillor comments are as follows:-

• "I have no problem carrying on and supporting the 3 gated areas you sent me remaining gated."

Kenyon Avenue to Cheetham Hill Road, Dukinfield

The Police comments are as follows:-

 "In considering your request I have spoken to my Sergeant who has been on the district for a number of years and was previously the NBO for Dukinfield, PCSO Jackson who has been the PCSO for Dukinfield for over 16 years and Louise Hall in our intelligence unit who has done some limited analytical work for me. I understand that prior to the implementation of the gates, there were considerable issues centred on the alleyway. These included, but were not limited to, anti-social behaviour, burglary, repeated victimisation of an address by committing criminal damage and a rape.

During the time the gates have been in place these issues have not been repeated. The area around the alleyway is covered by our G2,G3 and G4 foot beats. The Yew Tree estate itself has featured on the seasonal threat map for the last 2 years between October and January as being a repeated area for burglary and theft of motor vehicles. This year since the start of the year of the Burglary, Robbery and Vehicle Crimes reported on the G2,G3 and G4 foot beat areas of Dukinfield, 40% have occurred within a half mile radius of this alleyway location. I have attached the map used by our analyst to determine this.

From this information I conclude that if these gates were to be removed, then I would expect a fairly rapid return to previous crime levels. This is a cut through from a main arterial route onto a housing estate, which makes it an attractive ingress and egress route for criminals who can move reasonably unnoticed and have a vehicle nearby. The fact that there were previously high levels of recorded crime around this alleyway, which have reduced during the time the gates have been in place, despite the surrounding area continuing to see spikes in crime levels would justify renewing the order to keep the gates in place."

The ward Councillor comments are as follows:-

- "Full support to keep this area gated massive reduction in Anti social behaviour and crime, big improvement of the quality of life to residents who live at the side of the Path and others on Kenyon Ave."
- "I also fully support to keep the area gated as the residents suffered years of anti social behaviour and the difference it has made to their quality of life since been shut has been positive and therefore it must remain closed"

Laburnum Road to Ash Road, Denton

The Police comments are as follows:-

• "I have read the information sent to myself. I have also looked at issues that have been reported regarding the area of Laburnum Road, Denton.

I can confirm that it would be advantageous to leave the gates in situ and locked.

There are still issues with people trying to commit offences in the Ash Road and Laburnum Road properties.

There have also been reports of people trying to use these gated areas to commit drug offences.

In my opinion it would be advantageous in preventing crime to have the gates remaining in situ and locked."

The ward Councillor comments are as follows:-

• "This scheme has been very successful and reduced crime in this area and local people it serves are very happy with this scheme

I would therefore support renewing for a further three years"

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"I would like to express support for these gates and the extension of the order. The issues
that were common in this area have certainly not been a problem since I've been elected. I
actually believe you would see a backlash and a lot of anger and frustration if you were to
remove them. The area they are located sit on the boundary of the ward where we use to
see crime issues very regularly with people coming into the ward from outside so they serve
a vital role in helping us protect residents and properties."

Maddison Road to Lyme Grove, Droylsden

The Police comments are as follows:-

• "Since the installation of the gates the path at Lyme Grove has not suffered any issues of ASB or criminality. This I believe is due to the gates successfully serving their purpose to prevent such behaviour.

However as the Neighbourhood Beat officer for the area I am of the opinion that should the gates be removed then there would be a return to the previous situation where it attracts ASB and Criminal behaviour.

I base this on my local knowledge of the Droylsden area and the intelligence we receive.

In this locality there are a number of similar areas that are secluded and attract undesirable behaviour.

In close vicinity to this location there is Droylsden Working Men's Club on Kershaw Street. There is a secluded area between the car park and nearby houses that has been the cause of complaint from local residents due to issues with gangs of youths congregating, taking and dealing in drugs and inhaling Nitrous Oxide Canisters.

Also nearby are Copperas Fields and several paths that provide access to it. This is another area that provides seclusion and shelter that is abused by those intent on displaying ASB and Criminality. Recently there have been numerous complaints regarding this from residents. Also a member of TMBC Parks and Green Space contacted us to raise concerns about these issues and the amount of Nitrous Oxide canisters left in these secluded spaces.

Land and paths around the back of Droylsden Library and the marina have been a constant problem over the last four years. Again due to its secluded location local gangs of youths have taken advantage of this to take illegal substances drink alcohol, cause damage and cause ASB for local residents.

Various parts of the canal towpath have also caused similar issues.

There is a secluded path that leads from Fairfield Avenue to the Moravian Settlement and this too has been a constant cause of concern for local residents who have made regular complaints regarding the path being used for drug dealing, ASB and other criminal activity.

From my own observations and the feedback I receive from the community it does seem to me that wherever there is a secluded path or piece of land in this area of Droylsden that can offer cover, then it is often used for criminality and ASB.

The location of this path is in very close vicinity to a number of dwellings with some being situated right next to it. I fear that opening the path and removing the gates will have a detrimental effect on those residents and the wider community. This would have a knock on effect of increasing demand for the Police and other public services that are already stretched.

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Furthermore there is one individual that I am aware of that is often at the heart of the ASB and criminality previously referred to in this email. That individual is a ring leader of these gangs causing such issues and unfortunately he lives in very close proximity to the path referred to. This further increases the risk that this location poses to the community should the gates be removed.

For the reason outlined above I would like to see the gates remain in situ."

The ward Councillor comments are as follows:-

• "I strongly feel this passageway needs to stay closed. Since it was closed the area got a lot quieter for the residents no groups hanging around. If it was to be reopened we would just end up with major problems."

Pear Tree Drive to Honeysuckle Drive, Stalybridge

The Police comments are as follows:-

 "I have been the Neighbourhood Officer for the identified areas where the gating was put in place, and helped to bring these orders with the help of TMBC, residents and other interested parties at the time, and spent many weeks and days looking over Police logs, crimes, activity, times of problems, routes people took, and even though only recent moved from the area into another role, speak daily to the Neighbourhood Staff and PCSOs since, so am aware of the full picture of the areas, and any problems or antisocial behaviour as covered these areas for over 15 years.

Pear tree / Honeysuckle, was a daily occurrence – during the day due to the location the passageway was at, was easy for children and youths to hide and urinate, and cause damage to fences or dump items, even run from Police to evade capture in some instances. There were also troubles during the evening and weekend due to people coming back from local pubs and town centre clubs etc causing noise, nuisance, damage and being very loud and rowdy. The estates are still the same layout, and many original residents still live in the area, one being a local MP who also supported the gating.

Since the installation of the gating there was initial problems with a very small number of local youths trying to climb over/or jump over nearby fences to get to the other side, which stopped very soon after as residents reported to local policing teams and they patrolled the area.

This path is close to numerous alternative routes down Huddersfield Road, or down Oxford Street or Mill street, both not much more distance than the original path, and the local residents and children have all accepted and got used to this. Since the path I can probably count 1 or 2 incidents in the initial phase of the gates going up, and since this time we have not had cause to have patrols keep visiting the location.

The Stalybridge South Policing Team would still support the closure remaining in place for these gates at the location to prevent, crime, disorder, damage to homes and vehicles and it has vastly improved the lives of the residents in this area."

The ward Councillor comments are as follows:-

 "Although I was not a Councillor when this particular Protection Order/Alley Gating was set up, I have seen what effect on crime and antisocial behaviour such gating has had in other places in the Borough. In this case the gating is separating two small estates, however the route was a very popular cut through for residents living on the very large Demesne Drive Estate through into Stalybridge town centre. Opening this "rat run" will make a busy

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thoroughfare, transform two quiet cul-de-sacs and creating disturbance to the lives of people living on both Honeysuckle and Pear Tree Drives.

The Demesne estate, also comprises of mainly social housing, therefore its residents are of mixed ages with a high population of teenage children. Who in some cases do not always respect other people's property and are more likely to carry out ASB. Whereas residents of Honeysuckle Estate and Pear Tree Drive are mainly owner occupiers. Who are more inclined to respect other people's properties.

Therefore as a Councillor for Stalybridge South where this case of alley gating is I would strongly recommend that the Protection Order is reestablished. Removing such a gate would be a backward step."

- "I am happy to keep the restrictions in place. It was before my time, but I am told there was a lot of ASB issues and that previous ward Councillors along with the Police had to fight to get this, so I will support the security gates remaining."
- "I am hugely in favour of keeping these gates. No complaints what so ever since they went in, I believe Jonathan Reynolds MP chipped in when residents had to pay for them so I am sure as the MP for the area he is massively in favour as well. It was a nightmare for residents on Albion St, Pear Tree and Honeysuckle especially late evening when people coming home from the pubs in Stalybridge drunk and loud used it as a cut through instead of walking up Huddersfield Rd."

Sunnyside Road to Lumb Clough, Droylsden

The Police comments are as follows:-

• "Thank you for your email dated 29/06/2020 re: the above gating orders being removed.

I feel the orders should be extended and reviewed again in three years. I feel removing the orders and lifting restrictions will have a negative impact on the residents quality of life.

The Ward suffers with a high number of residential burglaries, theft from motor vehicles, drug related issues and nuisance off road motor bikes. The gates are a fantastic deterrent and give safety and reassurances to the residents involved in the scheme.

I have been in post as Droylsden West - Beat Officer, for just over 12 months. Both Droylsden teams are continually tackling ASB across the ward. Although the trends have changed the ASB still exists. The removal will have a detrimental effect on the work completed by our teams."

The ward Councillor comments are as follows:-

• "I have no problem carrying on and supporting the 3 gated areas you sent me remaining gated."

Waterloo Gardens, Ashton-under-Lyne

The Police comments are as follows:-

• "The only thing I would say is when you could access through to Palace Road estate we had a large increase in ASB and burglary related incidents with it being used as an ideal cut through.

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Since the footpath was closed we have seen a large decrease in reported incidents, so ideally I would recommend they remained in situ."

The ward Councillor comments are as follows:-

• "I would be in support of retaining these gates, which we did fight long and hard to get. There was a number of break ins in the area and the alley way gave access and exits to enter the estate."

Agenda Item 5.

Report to:	SPEAKERS PANEL (PLANNING)	
-		
Date:	23 September 2020	
Reporting Officer:	Emma Varnam – Assistant Director of Operations and Neighbourhoods	
Subject:	OBJECTION TO THE TAMESIDE METROPOLITAN BOROUGH COUNCIL (MOSSLEY ROAD, ASHTON UNDER LYNE) (PROHIBITION OF WAITING) ORDER 2020	
Report Summary:	The report outlines an objection and comments received in relation to the proposals to introduce no waiting at any time restrictions on Rose Hill Road, Ashton-under-Lyne following a 28 day statutory consultation in July / August 2020.	
Recommendations:	It is recommended that the Panel reviews the objections and comments received and that authority is given for the necessary action to be taken, in accordance with the Road Traffic Regulation Act 1984, to introduce the No Waiting At Any Time restrictions as set out in the TAMESIDE METROPOLITAN BOROUGH COUNCIL (MOSSLEY ROAD, ASHTON UNDER LYNE) (PROHIBITION OF WAITING) Order 2020 and scheduled in Section 5 of this report.	
Corporate Plan:	Improvements to the highway network support the Council in delivering all 8 priorities of the Corporate Plan, with a particular focus on 'Infrastructure and Environment', 'Nurturing Communities' and 'Longer and Healthier Lives'.	
Policy Implications:	None arising from the report.	
Financial Implications: (Authorised by the	As set out in Section 4 of this report, this scheme is to be funded the Mayor's Challenge Fund.	
statutory Section 151 Officer & Chief Finance Officer)	The Council has received funding approval for the development costs for this scheme. There is no funding risk in respect of development costs incurred by the Council.	
Legal Implications: (Authorised by the Borough Solicitor)	Members should have regard to the Council's statutory duty under S.122 of the Road Traffic Regulations Act 1984, which is set out in Appendix A .	
Risk Management:	Objectors have a limited right to challenge the Orders in the High Court.	
Access to Information:	 Appendix A – S.122 of Road Traffic Regulation Act 1984 and Extract from the Highway Code. Appendix B – Published and Proposed Restrictions. Appendix C – Proposed Layout (HS6051-009-GN-DR-0004_P01). 	
Background Information:	The background papers relating to this report can be inspected by Contacting Joe Sparkman, Cycling Development Officer:-	
	Telephone: 0161 342 3916	
	e-mail: joe.sparkman@tameside.gov.uk	

1. INTRODUCTION

- 1.1 The Mayor's Challenge Fund (MCF) aims to kick start the delivery of a vision for Greater Manchester to become a city region where walking and cycling are the natural choices for shorter journeys. This supports Greater Manchester's Transport Strategy 2040, the Made to Move report and the Bee Network infrastructure proposal.
- 1.2 The MCF has so far made £160 million available to deliver schemes across Greater Manchester between now and 2022. This has been made possible thanks to national government's Transforming Cities Fund. This aims to improve productivity and spread prosperity through investment in public and sustainable transport in some of the largest English city regions. This was first announced by the Prime Minister in November 2017.
- 1.3 The Chadwick Dam scheme aims to improve cycle and walking facilities within Stamford Park and connecting towards Ridge Hill, Tameside Hospital and Mossley Road. A parallel cycle and pedestrian crossing (Tiger Crossing) is proposed to cross Mossley Road and to provide access towards Rose Hill Road. Scheme drawings are provided in **Appendix C**.
- 1.4 The scheme includes the introduction of the following restrictions and features, which were advertised by Public Notice in July 2020:-
 - No Waiting At Any Time Restrictions on Mossley Road and Rose Hill Road.
 - An extension of the existing 20 mph Zone on Rose Hill Road.
 - A Parallel Crossing on Mossley Road.
 - A Shared Footway / Cycle facility on Mossley Road and Rose Hill Road.
 - A Flat Topped Road Hump on Rose Hill Road.
 - A 24 hour Bus Stop Clearway on Mossley Road.
- 1.5 The public notice was advertised between 23 July and 21 August 2020 and four responses were received.
- 1.6 Respondent 1 was from TfGM's Traffic Management Team identifying specific design requirements in relation to the flat topped road hump. This was not an objection and the issues have been resolved through ongoing discussion and agreement.
- 1.7 The other three responses, one of which was a formal objection, were from local residents in relation to the No Waiting At Any Time restrictions. This report provides information in relation to all of these responses, to provide the Panel with a full picture of the issues and views expressed.
- 1.8 This report also describes responses received to the MCF Consultation, held in February / March 2020, in relation to parking concerns on Rose Hill Road.
- 1.9 There were no other responses or issues identified in relation to the other items included on the public notice. It is therefore intended to introduce the proposed measures that are not affected by the objections or comments received, as identified in Section 1.4 above, and as previously advertised.

2. OBJECTIONS

- 2.1 The objection, and the two other responses that raised concerns regarding the proposed No Waiting At Any Time restrictions, were from residents on Rose Hill Road.
- 2.2 Respondent 2 identified a specific objection relating to the availability of parking in close proximity to their property on Rose Hill Road and that the extension of parking restrictions will push cars further up the road, which they indicated is already busy with limited on-street

parking available. They highlighted the fact that they do not have a driveway and further correspondence is ongoing to identify whether it would be possible to accommodate a driveway at some point in the future. This respondent also indicated support for a parking permit scheme to deter hospital staff from using their street to park on.

- 2.3 Respondent 3 expressed support for the proposed scheme in helping to tackle traffic and parking issues. However, the respondent identified a concern in relation to the availability of parking for residents and their visitors. This respondent also expressed support for a parking permit scheme to allow residents to park.
- 2.4 Respondent 4 identified that parking has long been a concern for local residents, with hospital staff and patients using the road for free parking. Concern was expressed regarding the availability of parking for residents and support was expressed for a parking permit scheme to allow residents to park.
- 2.5 During the MCF Consultation held in February / March 2020, four responses were recorded in relation to parking concerns on Rose Hill Road. One was received by email and three were recorded following detailed discussions with local residents who attended consultation events. Three of these responses were supportive of introducing parking restrictions, three were supportive of measures to slow and control vehicles, two mentioned a need to restrict parking access for staff from the hospital, one did not support the use of double yellow lines and one highlighted concerns with parking at drop-off / pick-up times for the nearby Inspire Academy. One of the responses noted that parked traffic on Rose Hill Road presents an issue for buses, which use this route.

3. OFFICER RESPONSE

- 3.1 The scheme proposes to introduce a new parallel crossing (Tiger Crossing) on Mossley Road. This includes zig zag lines that define the controlled area of the crossing. This area extends across the end of Rose Hill Road, which is fully compliant with standards. It does mean however, that it is important that vehicles approaching the controlled area should not have their forward visibility obscured by factors such as parked vehicles.
- 3.2 The scheme proposes to introduce a new raised table across the entrance to Rose Hill Road and to extend the existing 20 mph Zone to cover the full length of Rose Hill Road. These measures are designed to support slower vehicle speeds and the raised table provides a level surface for pedestrians crossing the road. The scheme also proposes to introduce dropped kerbs, to facilitate an uncontrolled crossing approximately 30m north of Mossley Road, to provide access towards a separate pedestrian route on the west side of Rose Hill Road.
- 3.3 To support the measures outlined above, and in acknowledging the majority of the relevant MCF Consultation responses, it is proposed to include the installation of No Waiting At Any Time restrictions (Double Yellow Lines) to either side of the proposed crossing and extending into Rose Hill Road itself. This will improve forward visibility for vehicles approaching the junction, the proposed pedestrian crossings, the raised table and the parallel crossing on Mossley Road and improve intervisibility between drivers, pedestrians and cyclists. The double yellow lines will also reduce the likelihood of vehicles parking close to the junction, improving access for large vehicles turning in or out of Rose Hill Road.
- 3.4 Following receipt of the responses to the advertised traffic orders, a small change is proposed to the extent of No Waiting At Any Time restrictions on Rose Hill Road. The last 5m on the west side of the road were originally drawn to coincide with the dropped kerb driveway access to property no. 117. We therefore propose to remove this last 5m of the advertised restrictions on the west side of Rose Hill Road.

- 3.5 The existing double yellow lines extend north from Mossley Road by approximately 17m on the east side of Rose Hill Road and 16m on the west side of Rose Hill Road. The proposals extend these by 19m and 21m respectively. However, the first 6m on the east side have dropped kerb driveway access, which is therefore not available for parking. The impact is therefore estimated to be a loss of 13m / 2 parking spaces on the east side of Rose Hill Road.
- 3.6 Three of the responses expressed support for a parking permit scheme to be introduced along Rose Hill Road, to provide increased parking opportunities for residents and their visitors. We do not believe that this would be suitable at this location for the following reasons:-
 - Resident Support: In order to implement a successful permit scheme, over 50% of the affected residents need to be in support.
 - Scope: Rose Hill Road provides onward connectivity along Palace Road to the west and towards Weymouth Road to the north. This means that it would be difficult to define an appropriate boundary for a successful permit scheme. Without a clearly defined network for the permit scheme, parking congestion is likely to be displaced to adjacent areas.
 - Visitors: Permit schemes can be restrictive for visitors, when a resident doesn't have the required visitors permit. This can adversely affect those who might rely on regular visitors for their health or wellbeing.
 - Enforcement: The resources available to enforce parking permit schemes are limited and it is not always possible to achieve enforcement in a timely manner.
 - Effectiveness: Parking Permit schemes are not effective in tackling certain types of parking. For example they are not considered to be effective at preventing parking associated with school drop-off / pick-up.
 - Cost: The cost to implement and administer a parking permit scheme needs to be met by local residents in line with Council policy. This can be prohibitive and often impacts support for a permit scheme to be introduced.
 - The cost to implement a permit scheme can vary but is likely to be in the region of £2,000 in total.
 - The ongoing cost to local residents is currently £30 per permit, per year, up to a maximum of two resident permits and one visitors permit per property.
- 3.7 The requests in relation to parking permits have been kept on the system for consideration in the future but this is considered to be outside the remit of this scheme.

4. FUNDING

- 4.1 All scheme funding is coming from the Mayor's Challenge Fund (MCF).
- 4.2 The scheme secured Programme Entry approval in June 2018. This means that the scheme is subject to a successful business case submission. A draft business case has been prepared and this is currently being reviewed by Transport for Greater Manchester.
- 4.3 The Council has already received formal approval for the development costs for this scheme, which has enabled the scheme design and the business case to be progressed.

5. CONCLUSION – PROPOSALS / SCHEDULE OF WORKS

5.1 It is recommended that the No Waiting At Any Time restrictions are introduced as set out in the table below. The extent of the restrictions on the west side of Rose Hill Road has been reduced by 5m from that advertised on the public notice, as noted in Section 3.4 above.

Introduce No Waiting At Any Time Restrictions:		
Mossley Road	from its junction with Park Square for a distance of 137 metres in a north	
south east side	easterly direction.	
Mossley Road	from a point 50 metres south west of its junction with Rose Hill Road to a	
north west side	point 30 meters north east of that junction.	
Mossley Road,	from a point 185 metres north east of its junction with Mellor Road for a	
south side	distance of 70 metres in a north easterly direction.	
Mossley Road,	from a point 15 metres west of its junction with Old Road to a point 15	
north side	metres east of that junction.	
Old Road,	from its junction with Mossley Road for a distance of 10 metres in a	
both sides	northerly direction.	
Rose Hill Road	from its junction with Mossley Road for a distance of 36 metres in a	
east side	northerly direction.	
Rose Hill Road,	from its junction with Mossley Road for a distance of 37 metres in a	
west side	northerly direction.	

Introduce No Waiting At Any Time Restrictions:

6. **RECOMMENDATIONS**

6.1 As set out at the front of the report.

APPENDIX 'A'

Section 122 Road Traffic Regulation Act 1984

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
 - (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - (c) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy);
 - (d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (e) Any other matters appearing to ...the local authority.... to be relevant.

APPENDIX 'A1'

The Highway Code

Introduction to the Highway Code

'This Highway Code applies to England, Scotland and Wales. The Highway Code is essential reading for everyone.

The most vulnerable road users are pedestrians, particularly children, older or disabled people, cyclists, motorcyclists and horse riders. It is important that all road users are aware of the Code and are considerate towards each other. This applies to pedestrians as much as to drivers and riders.'

Knowing and applying the rules

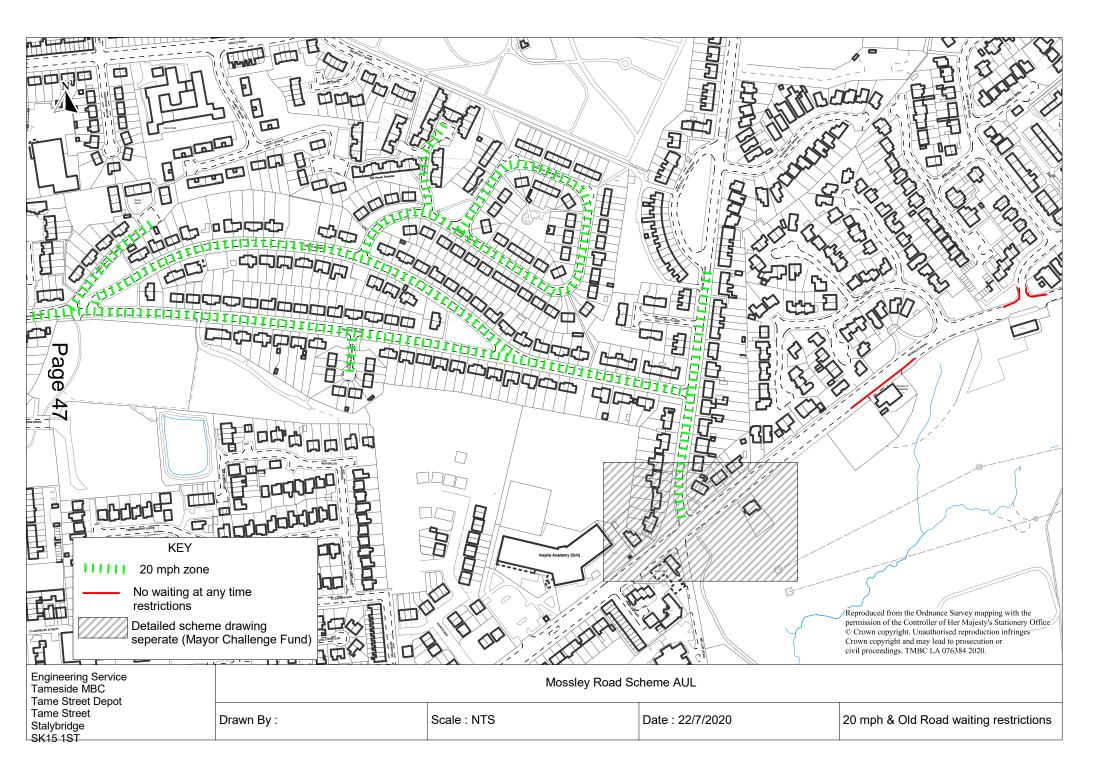
⁶Knowing and applying the rules contained in The Highway Code could significantly reduce road casualties. Cutting the number of deaths and injuries that occur on our roads every day is a responsibility we all share. The Highway Code can help us discharge that responsibility.

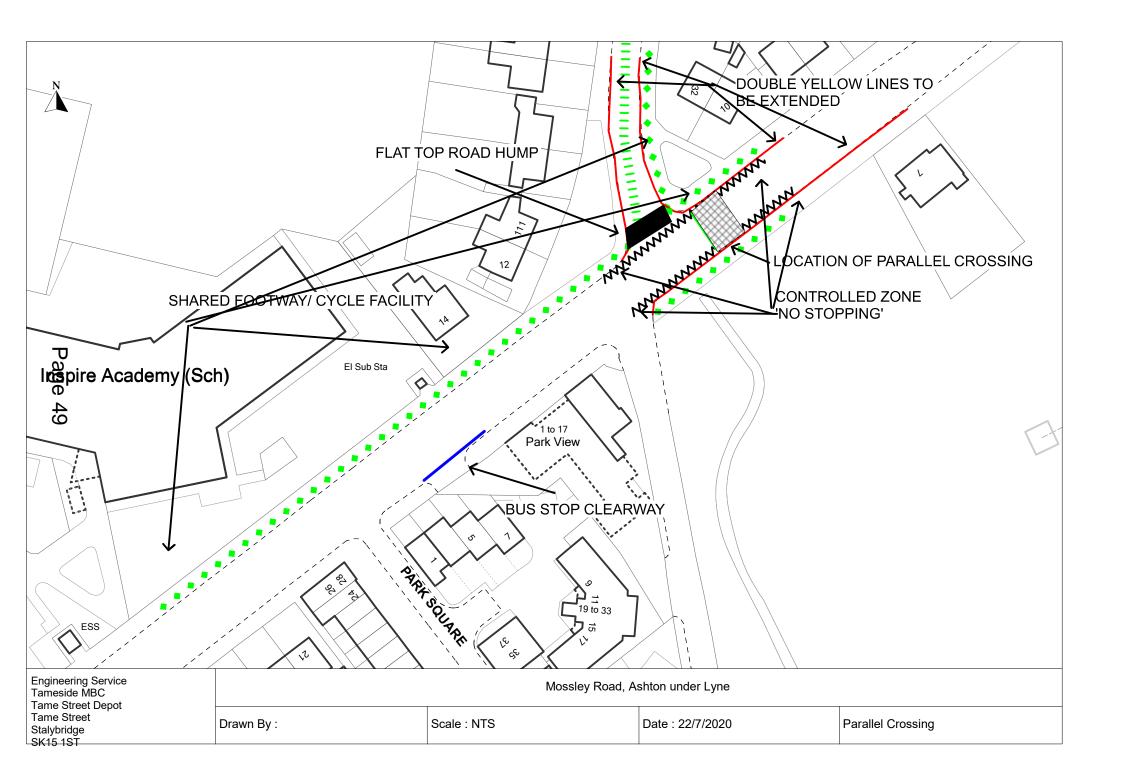
Rule 243

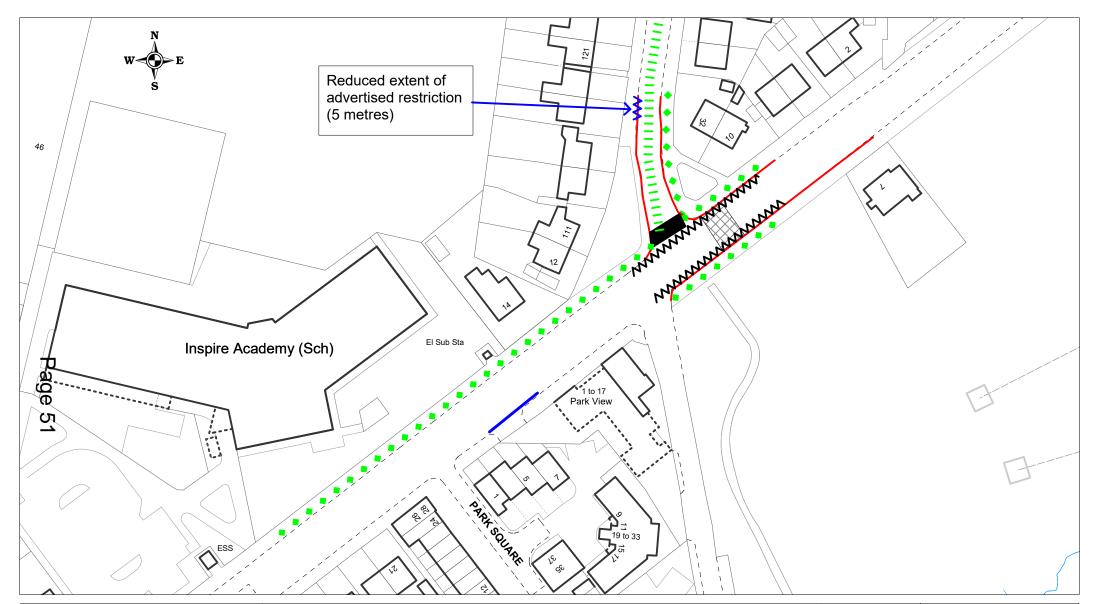
DO NOT stop or park:

- near a school entrance
- anywhere you would prevent access for Emergency Services
- at or near a bus or tram stop or taxi rank
- on the approach to a level crossing/tramway crossing
- opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
- near the brow of a hill or hump bridge
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- where you would force other traffic to enter a tram lane
- where the kerb has been lowered to help wheelchair users and powered mobility vehicles
- in front of an entrance to a property
- on a bend
- where you would obstruct cyclists' use of cycle facilities

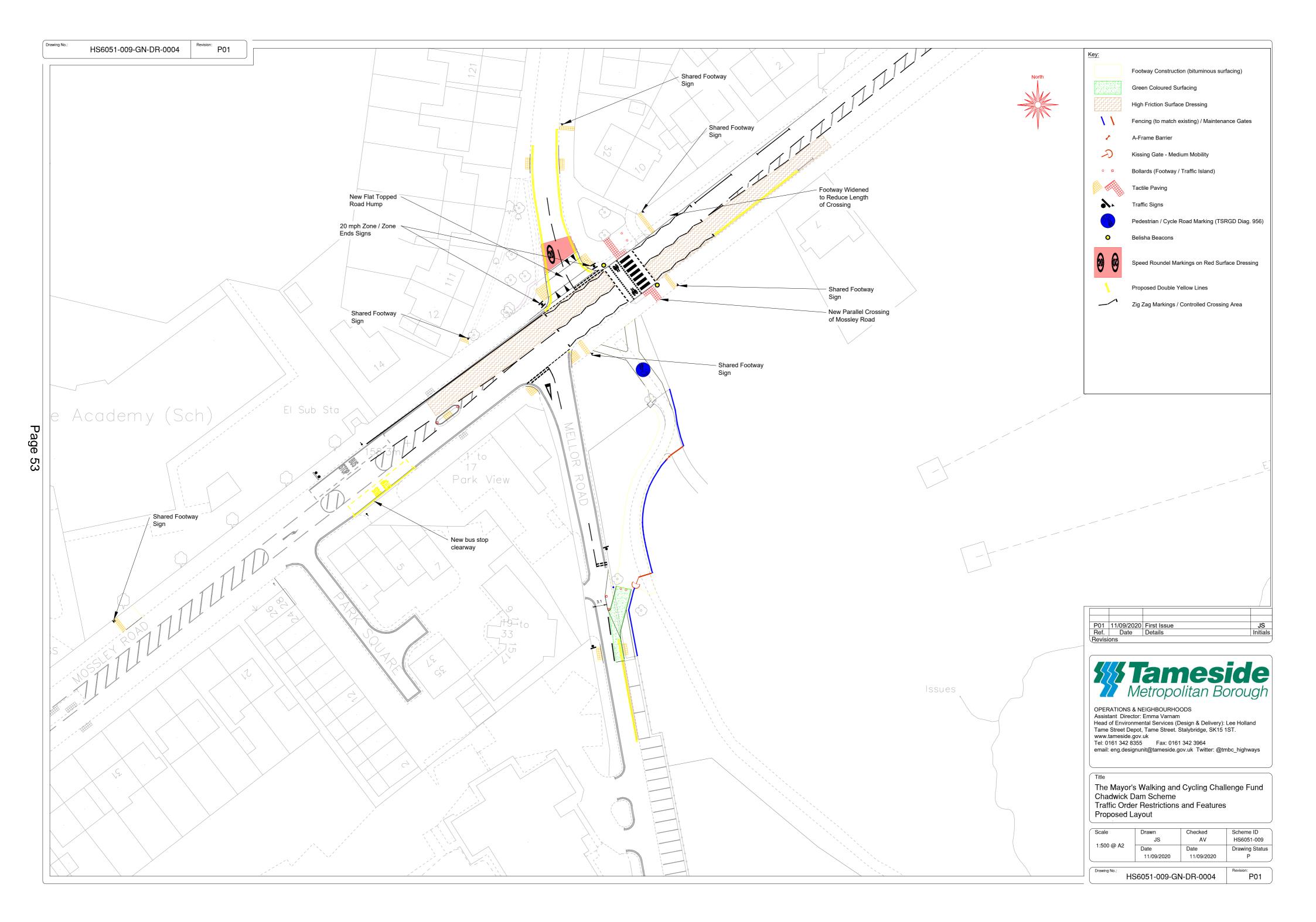
except when forced to do so by stationary traffic.







Metropolitan Borough	+ Crown copyright. All rights reserved Licence No. 2003	SCALE	NTS
	MOSSLEY ROAD, ASHTON-U-LINE Proposed restrictions amendment	DATE	11/09/2020
		DRAWING No.	001
		DRAWN BY	



Agenda Item 6.a)

Application Number:	20/00105/REM	
Proposal:	Reserved matters application for the scale, layout, landscaping and appearance of a residential development of 338 dwellings on the site, pursuant to outline planning permission ref. 18/00487/OUT.	
Site:	Former Robertson's Jam Factory, Williamson Lane, Droylsden	
Applicant:	Taylor Wimpey UK Ltd and Bellway Homes Ltd (Manchester Division)	
Recommendation:	Grant planning permission subject to conditions.	
Reason for report:	A Speakers Panel decision is required because the application constitutes major development.	

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks reserved matters approval for the erection of 338 dwellings with associated works including car parking and landscaping, following the granting of outline panning permission for up to 350 dwellings on the site in August 2019.
- 1.2 The application has been amended from the original submission to increase the number of units by 24 (original application proposed 314 dwellings), with the main alteration being the introduction of more apartments on the southern edge of the site, which forms a prominent frontage onto the Canal. The extent of the public realm along this southern edge has also been significantly improved through amendments sought during the assessment of the application
- 1.3 The proposed development would include the following mix of dwellings:-

40 x 4 bed houses 192 x 3 bed houses 16x 2 bed houses 84 x 2 bed apartments 6 x 1 bed apartments

- 1.4 17 of the units would be affordable homes, meeting the requirements of the Section 106 Agreement attached to the outline planning permission, which mandates that 5% of the dwellings must be affordable. It should however be noted that the Section 106 Agreement attached to the outline approval requires the submission and approval of a scheme providing the details of the location of the affordable units within the site and the mix in the size and tenure of these units. The location of the affordable units is therefore not being approved through this reserved matters application.
- 1.5 The following documents have been submitted in support of the planning application:-
 - Planning Statement (including Affordable Housing Statement)
 - Droylsden Housing Market Assessment
 - Crime Impact Assessment
 - Design Statement
 - Noise Assessment
 - Supplementary Phase II Geo-environmental Site Assessment Remediation and Enabling Works Strategy
 - Residential Travel Plan
 - Protected Species Survey

- Invasive Species Method Statement
- Arboricultural Impact Assessment and Method Statement
- Landscape and Ecological Management Plan
- Landscaping scheme
- Biodiversity Enhancement Measure
- Construction Environment Management Plans (one for each developer)

2. SITE & SURROUNDINGS

- 2.1 The application relates to approximately 8 hectares of land to the south east of Droylsden town centre, which was formally occupied by industrial units and was operated by Robertson's Jam. The land is now clear of all buildings save for a substation adjacent to the western boundary. There is some vegetation in the north western corner of the site. Hardstanding associated with the previous industrial use covers the vast majority of the relatively flat land. Hedgerows and sporadic planting demarcate the northern, eastern and southern boundaries of the land. The Ashton Canal runs parallel with the southern boundary of the site.
- 2.2 The site borders residential development on its northern, north-western and western boundaries. The south-eastern boundary adjoins the Manchester Road and on the opposite side of this is further residential development. The eastern boundary directly adjoins the playing fields of the Aldwinians Rugby Football Club with its playing pitches, car park and clubhouse. To the north and east of the sports pitches is further residential development. The principal access points to the existing site are from Williamson Lane and Fitzroy Street.

3. PLANNING HISTORY

3.1 18/00487/OUT - Proposed Redevelopment of land at Manchester Road, Ashton Hill Lane, Fitzroy Street and Williamson Lane, Droylsden for Class C3 Residential Development, Public Open Space and Means of Access (Outline Application with Means of Access not reserved) – approved 05.08.2019.

4. RELEVANT PLANNING POLICIES

4.1 **Tameside Unitary Development Plan (UDP) Allocation:** Allocated under policy E3 as an Established Employment Area

4.2 Part 1 Policies

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

4.3 Part 2 Policies

- C1: Townscape and Urban Form
- H2: Unallocated Sites (for housing)
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments



MW11: Contaminated Land MW12: Control of Pollution MW14 Air Quality N1b: National Nature Conservation Sites N2: Locally Designated Nature Conservation Sites N3: Nature Conservation Factors N4 Trees and Woodland N5: Trees Within Development Sites N6: Protection and Enhancement of Waterside Areas N7: Protected Species **OL7: Potential of Water Areas** OL10: Landscape Quality and Character T1: Highway Improvement and Traffic Management T10: Parking T11: Travel Plans U3: Water Services for Developments U4 Flood Prevention U5 Energy Efficiency

4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018.

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

Residential Design Supplementary Planning Document (SPD) Trees and Landscaping on Development Sites SPD adopted in March 2007 Employment Land SPD adopted January 2009 Tameside Open Space, Sport and Recreation Study (2010) Tameside Council Playing Pitch Strategy 2015

4.5 National Planning Policy Framework (NPPF)

Section 2: Achieving Sustainable Development Section 5: Delivering a sufficient supply of homes Section 8: Promoting healthy and safe communities Section 11: Making Effective use of Land Section 12: Achieving well-designed places Section 15: Conserving and enhancing the natural environment Section 16: Conserving and enhancing the historic environment

4.6 Planning Practice Guidance (PPG)

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

5. PUBLICITY CARRIED OUT

5.1 Neighbour notification letters were issued and a notice displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6. **RESPONSES FROM CONSULTEES**

- 6.1 Borough Environmental Health Officer (EHO) no objections to the proposals. Appropriate conditions were attached to the outline planning permission and no additional conditions are considered necessary at this reserved matters stage.
- 6.2 Greater Manchester Ecology unit (GMEU) The layout of the scheme has provided a buffer zone between the Canal (a designated Site of Biological Importance) and the development, which is in line with GMEU comments on the outline application. The amended scheme has increased the extent of this buffer and has introduced a species rich mix as opposed to the amenity mix originally proposed. Overall, the landscaping scheme is considered to be acceptable, with other matters covered by conditions attached to the outline planning permission. The details of biodiversity enhancements are supported and should be secured by condition.
- 6.3 Transport for Greater Manchester (TfGM) no objections to the proposals. To promote active travel and link in with the surrounding environment, the applicant should ensure the provision of continuous 2 metre wide footways throughout and surrounding the development, reinstating any redundant vehicle access points which served the former site, installing tactile paving at junctions / crossing points and renewing any substandard footways.
- 6.4 The submitted package of mitigation measures shown on the plans confirms that various highway works will be undertaken surrounding the site, including the implementation of a splitter island and provision of a toucan and zebra crossings, resurfacing works, footway and cycle improvements. These measures are welcomed. To encourage sustainable travel choices, it is important that the development is accompanied by a robust Residential Travel Plan with effective measures for bringing about modal shift, i.e. the use of incentives, provision of onsite and offsite infrastructure, along with a clear monitoring regime with agreed targets. TfGM would recommend that each dwelling makes provision for some form of secure cycle parking within the site curtilage of the dwellings.
- 6.5 Local Highway Authority no objections to the amended proposals following consideration amendments to the layout of the scheme. Conditions are recommended in relation to the details of the traffic calming measures to be installed within the highway and the specification of construction of areas of adopted highway.
- 6.6 United Utilities no objections to the proposals subject to compliance with the conditions relating to drainage that were attached to the outline planning permission.
- 6.7 Canal and Rivers Trust (C&RT) no objections to the proposals. Some concerns regarding the impact of car parking areas close to the Canal frontage in the original submission, which have been addressed by the revised proposals. A number of the issues that C&RT raises are coved by conditions attached to the outline planning permission, including details of how the structural integrity of the Canal embankment is to be maintained, details of how the site is to be drained and the measures to be put in place to prevent the pollution of the watercourse during the construction phase of the development.
- 6.8 Greater Manchester Police (Design Out Crime Officer) no objections to the proposals, subject to compliance with the security measures detailed in the Crime Impact Statement submitted with the reserved matters application.
- 6.9 Environment Agency no objections to the proposals subject to compliance with the conditions relating to the remediation of contaminated land that were attached to the outline planning permission.

- 6.10 Borough Contaminated Land Officer no objections to the proposals subject to compliance with the conditions relating to the remediation of contaminated land that were attached to the outline planning permission.
- 6.11 Borough Tree Officer no objections to the proposed landscaping scheme.
- 6.12 Natural England no comments to make on the application.
- 6.13 Coal Authority no objections to the proposals given that the site is not located in a high risk area with regard to coal mining legacy and no conditions are considered necessary.
- 6.14 Highways England no objections raised to the proposals.
- 6.15 Historic England no comments to make on the application.
- 6.16 Lead Local Flood Risk Authority no comments received. Conditions requiring the submission and approval of a detailed drainage strategy to serve the development were attached to the outline planning permission.
- 6.17 Cadent Gas Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. An informative should be attached to any planning permission granted informing the developer of the need to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 2 letters of objection have been received to the proposals raising concerns regarding the impact of the traffic generated by the development on the adjacent roads, which already suffer from congestion at peak times and the potential for cars to 'rat run' through the development to avoid the junctions on Manchester Road to the south of the site.
- 7.2 39 letters of support for the proposals have been received, highlighting the benefits of the provision of affordable housing, a rage of accommodation within the development and the upgrade of pedestrian and cycle ways within the locality.
- 7.3 1 representation has been received from a resident of a property on Willow Fold (north of the site) seeking clarification regarding the nature of the treatment of the common boundary and the separation distance to be retained to those neighbouring properties.

8. ANAYLSIS

- 8.1 The principle of the erection of a residential development of up to 350 dwellings on the land and the means of access into the development via connections to Manchester Road (south eastern corner) and Ashton Hill Lane (western boundary) has been established through the granting of outline planning permission ref. 18/00487/OUT.
- 8.2 That permission also approved an access connection to Williamson Lane but this is limited to pedestrian, cycle and emergency vehicle use only by a condition attached to the outline permission. The principle of the loss of the employment land and the impacts associated with the redevelopment of the site for residential purposes in terms of the change of use cannot therefore be revisited in the assessment of this reserved matters application.

- 8.3 The key issues to be assessed in the determination of this planning application are:-
 - 1) The appropriateness of the density of development
 - 2) The impact of the proposed layout, design and scale of the development on the character of the site and the surrounding area
 - 3) The impact on the residential amenity of neighbouring properties
 - 4) The impact on highway safety
 - 5) The impact on the ecology and trees
 - 6) Other matters

9. DENSITY OF DEVELOPMENT

- 9.1 Paragraph 122 of the NPPF states that 'planning policies and decisions should make efficient use of land, taking into account:
 - a) The identified need for different types of housing and other forms of development, and the availability of land for accommodating it.
 - b) Local market conditions and viability.
 - c) The availability and capacity of infrastructure and services both existing and proposed as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.
 - d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
 - e) The importance of securing well-designed, attractive and healthy places.
- 9.2 Paragraph 123 states that 'where there is an existing.....shortage of land for meeting identified housing needs (as is currently the case in Tameside), it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:
 - a) Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.
 - b) The use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.
 - c) Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 9.3 The application as originally submitted proposed 314 units on the site at a density of just over 39 dwellings per hectare. Officers had concerns regarding the lack of prominence of development on the Canal frontage and the highway dominated nature of the layout that resulted from the original proposal, which fell 36 dwellings short of the ceiling number set by the outline planning permission.
- 9.4 Whilst acknowledging that the ceiling number of 350 dwellings set by the outline planning permission sets only a maximum and not a minimum number of units, officers have been mindful of the brownfield nature and highly sustainable location of this site, in addition to the

need to boost the supply of housing in the Borough. Officers also expressed concerns that the Housing Market Assessment (HMA) submitted with the application did not reach convincing conclusions regarding the demand for apartments within this part of the Borough. Specific concerns included the values attributed to apartments, which appeared to be significantly lower than recent sales values achieved at Droylsden Marina and also the extent of the market area included in the Assessment.

- 9.5 Officers consider that there is clear evidence of demand for apartments within this part of the Borough, given the advantageous connection to the eastern edge of Manchester city centre. There is evidence of demand for the relatively recently constructed apartments at the Marina, with a significant number of apartments in the pipeline through recent consents at 2 sites on Fairfield Road and also the Victoria Mill site.
- 9.6 Given the concerns regarding the layout, including the relationship between the western edge of the development and the Canal and the density of development as highlighted above, officers sought revisions to the original submission.
- 9.7 Following these discussions, the scheme has been revised and the number of units now proposed is 338. Over the 8 hectare site, this represents a density of just over 42 dwellings per hectare. The quantum of development proposed still falls 12 units and approximately 2 dwelling per hectare short of the ceiling number of units imposed on the outline planning permission.
- 9.8 The revised scheme includes 2 additional apartment blocks on the Canal frontage and has rationalised the highway layout so that a greater landscaped buffer and public open space area can be created along the Canal edge. Given these design improvements (discussed in more detail below) and the fact that 12 units represents a deficit of only 3.5% below the ceiling number imposed at the outline stage, officers consider that the substantial benefit of delivering 338 units outweighs the limited harm that arises from the relatively minor deficiency.
- 9.9 Following the above assessment, the density of development proposed in the revised scheme is considered to be acceptable.

10. DESIGN QUALITY AND IMPACT ON CHARACTER

- 10.1 Section 12 of the NPPF is entitled Achieving well-designed places. Paragraph 127 states that planning decisions should ensure that development achieves the following criteria (those relevant to this proposal):-
 - Developments that will function well and add to the quality of the area.
 - Developments that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Developments that establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.
 - Developments that optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
 - Developments that are safe, inclusive and accessible and which promote health and wellbeing, 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.

- 10.2 Paragraph 130 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards....'.
- 10.3 Following concerns expressed by officers regarding the design credentials of the scheme, a number of improvements to the layout have been secured, in addition to the uplift in the number of units, as part of the revised scheme. The improvements relate principally to the Canal frontage (southern edge of the site), the western edge of the development (fronting Ashton Hill Lane and Williamson Lane) and the road hierarchy within the scheme. Each of these points are discussed in detail below.

Canal frontage

- 10.4 The original submission presented units facing the Canal but the highway layout resulted in a road to be used by vehicular traffic running along the majority of the southern edge of the site. This created a weak environment for pedestrian movement and did not provide a positive interaction between the southern edge of the development and the adjacent watercourse. The layout of dwellings in the south western corner of the development also blocked views into the site from Ashton Hill Lane, severing the desire line from Gorseyfields to the west of the site, through to the Canal.
- 10.5 This element of the scheme further weakened the interaction with the Canal and undervalued the watercourse as a feature to draw people into the development. There were also concerns regarding the scale of development along the Canal frontage, with 2 storey detached units included on a number of plots in key locations, failing to provide the scale of development required on this long, prominent edge of the site.
- 10.6 The amended scheme has significantly improved the environment adjacent to the Canal and the interaction between the buildings and the watercourse. One of the principal changes has been to provide all vehicular access and parking to the units along the southern edge of the site to the rear of those properties. This has resulted in a much softer edge to the development, creating a public open space area in a landscaped 'buffer' between the southern-most properties and the southern boundary of the site
- 10.7 The orientation of a 3 storey building containing apartments to follow the line of a pedestrian link from Ashton Hill Lane down to the Canal in the south western corner of the site has resulted in a significant improvement in the treatment of that edge of the development. The sweeping nature of the footpath provides a clear line of sight for views into the development from Ashton Hill Lane and allows appreciation of the Canal frontage in these views. This amendment has resulted in a significant enhancement to the permeability and legibility of the scheme from these views.
- 10.8 The inclusion of another 2 x 3 storey apartment buildings on the Canal frontage and 2.5 storey houses with relatively tall ridge heights along this edge of the development has resulted in a more prominent and coherent development along this visible boundary of the site, thereby significantly improving the overall design quality of the development.

Western edge

10.9 Whilst the dwellings on the western boundary of the site fronted onto Williamson Lane and Ashton Hill Lane respectively in the original submission, the layout presented all of the parking spaces associated with the semi-detached properties in front of the buildings. This resulted in a streetscene that would be dominated by car parking and required the buildings to be set back within their plots. Both of these elements were considered to jar with the character of these streets which include terraced properties with front building lines tight to the back edge of the footway.

- 10.10 The scheme has been amended to significantly reduce the number of dwellings on the western edge of the development that would be served by frontage parking. An access point has been created from Fitzroy Street in the revised scheme, which would connect to the main access road leading into the development from Ashton Hill Lane and would allow access to the parking spaces at the rear of the properties that would directly front Ashton Hill Lane.
- 10.11 The northern and southern ends of the row of spaces would be concealed from public view through brick walls which would extend beyond the curtilage of the adjacent dwellings and the long row of spaces would be further broken up by the positioning of strategic landscaping. This run of car parking spaces would be overlooked by properties at the northern and southern end of the access road.
- 10.12 On the Williamson Lane frontage, the properties at the northern end of this part of the site would be served by a rear parking court, which would be limited to 10 car parking spaces. The remainder of the properties on the Williamson Lane frontage would still be served by frontage parking. This affects a relatively short stretch of the boundary and the placement of an apartment block adjacent to the junction between Fitzroy Street and Williamson Lane would provide a dominant feature in the streetscene in wider public views.
- 10.13 Overall, the relocation of parking spaces to the rear of most of the properties allows for a much better integration between the western edge of the development and the character of existing adjacent properties and provides a much stronger identity to this character area within the wider scheme.

Road hierarchy

- 10.14 Officers shared the concerns of objectors to the application that the original proposals presented the potential for 'rat running' of traffic through the site, between the access points from Manchester Road (south eastern corner) and the access onto Ashton Hill Lane (on the western boundary of the site). This issue was symptomatic of a scheme that was highway dominated, lacked pedestrian permeability and failed to create clear desire lines through to the Canal on the southern edge of the development. The issue of traffic management is addressed in the highway safety section of this report.
- 10.15 The relocation of the access and parking areas associated with the dwellings on the Canal frontage to the rear of those properties allows the full extent of the public space to the front of the dwellings on the southern edge of the development to be for pedestrian use only. This results in a more visually attractive but also less engineered appearance to this sensitive edge of the site and achieves a much higher design standard than the original submission. Similarly, creating a direct link to the open space along the Canal frontage in the south eastern corner of the site and the use of a narrower highway to connect to the dwellings at the southern edge of this route results in more permeable development and further enhances interaction with the Canal.
- 10.16 The number of roads in the northern portion of the site has been reduced through the creation of larger blocks of development, which have retained the outward facing orientation of the dwellings, with suitable separation distances retained on the northern edge of the development.

Other design considerations

10.17 The location of the equipped area of open space within the central part of the site is considered to be appropriate, maximising opportunities for usage by future residents. In the revised scheme, this area provides an attractive terminating vista for the entry into the development from Ashton Hill Lane. The central area of open space would be overlooked on all sides, with properties close up to the northern and southern edges of the space. This area of open space would be of sufficient size to accommodate the 5 pieces of play

equipment required by the relevant condition on the outline planning permission and a buffer one of 20 metres between the equipment and the closest neighbouring properties.

- 10.18 There would be clear desire line through from the south eastern corner of this open space and the open space on the southern edge of the development adjacent to the Canal. This factor enhances the overall flow of the development and emphasises the fact that the revised scheme has improved the quality of the public realm considerably, despite also achieving a higher density of development than the original submission.
- 10.19 The house types are considered to be appropriate, with a degree of variation provided by the rendering of parts of some of the apartment buildings, breaking up the mass of those units. The inclusion of Juliette balconies on the 3 storey apartment buildings adjacent to the Canal will assist with the aim of maximising interaction between the development and the watercourse.
- 10.20 In relation to the hard landscaping proposals, officers have raised concerns with the applicant regarding the extent of the highway and exposed parking areas to be surfaced in bitmac/tarmac. Officers have made it clear to the applicant that, in order to raise the standard of the development to the required design level, the private access roads and exposed parking areas need to be treated with a paved surface. The applicant has agreed to the imposition of a condition to secure these details and has been made aware that any application to discharge this condition must not propose a bitmac/tarmac to private road/access/parking spaces.

Conclusion on design matters

- 10.21 Overall, it is considered that the amended scheme has significantly improved the design quality of the proposed development. The increased density has resulted in a greater number of apartments on the Canal edge, which would result in a more prominent built form on this important edge than would have been the case with the original submission.
- 10.22 The outward facing nature of the original layout has been given far stronger emphasis by the reduction in frontage parking on the western edge development and the relocation of the parking and access areas to the properties on the Canal frontage. The internal highway layout had been rationalised and pedestrian connectivity has been improved significantly through the creation of more legible connections through the development to the central area of equipped open space and the open space on the southern edge of the scheme.
- 10.23 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in Section 12 of the NPPF as quoted above.

11. **RESIDENTIAL AMENITY**

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres should also be retained where an elevation with primary window(s) serving habitable room(s) and a corresponding blank elevation of a neighbouring property face each other. An additional 3 metres should be added to these distances for each additional storey where buildings are taller than 2 storeys in height.
- 11.2 The neighbouring properties to the north of the site (located on Willow Fold and Williamson Lane share a common boundary with the application site but those properties are orientated so that the side elevations of those properties face the application site. None of the affected elevations contain primary habitable room windows above first floor level.

- 11.3 The scheme does propose to replace the existing planting on the northern boundary of the site, which is tall in height along the boundary with some of the properties on Willow Fold. A number of the proposed properties would face the common boundary with those neighbouring properties but these would be set off the common boundary by the depth of the grassed buffer to be retained along the northern edge of the scheme.
- 11.4 The replacement planting (which would include trees at regular intervals along that boundary, which are to be heavy stock on first planting as detailed on the submitted plans) would be sufficient to prevent unreasonable overlooking or overshadowing of those neighbouring properties, given the separation distance to be retained between the corresponding elevations.
- 11.5 The separation distances to be retained between the apartments to be sited in the north western corner of the site (on the junction of Fitzroy Street and Williamson Lane) and the existing properties on the opposite side of the Williamson Lane would be 17 metres, meeting the requirements of the RDG where 3 storey development faces 2 storey properties.
- 11.6 There are no primary habitable room windows in the eastern elevation of the terraced property on the opposite side of Fitzroy Street, ensuring that the separation distance to be retained would be adequate to preserve the amenity of the occupants of that neighbouring property. Likewise, no unreasonable overlooking could occur between the proposed properties that would run parallel with Fitzroy Street and the existing neighbouring properties that back on to eastern side of that road (fronting Ashton Hill Lane) due to the extent of the separation distances to be retained.
- 11.7 Adequate separation distances would be retained between the proposed dwellings that would front the Ashton Hill Lane boundary of the site and the corresponding front elevations of the existing properties on the opposite side of the highway to prevent any unreasonable overlooking or overshadowing of those dwellings.
- 11.8 Given the separation distances to be retained and the fact that the existing mature planting located between the south eastern boundary of the site and the highway (Manchester Road) beyond, it is considered that the proposed development would not result in unreasonable overlooking into or overshadowing of the existing neighbouring properties located to the south east of the site.
- 11.9 Properties on the eastern edge of the development would overlook the adjacent recreation ground and the units on the southern edge would overlook the Canal, with commercial units beyond. The properties on those edges of the development would not result in a detrimental impact on the residential amenity of any neighbouring properties therefore.
- 11.10 A Noise Impact Assessment has been submitted with the application. Recommendations are made in the Assessment in relation to the specification of the glazing to be installed in the openings, mechanical ventilation and other measures required to reduce the impact of external noise sources to an acceptable degree. Properties on the perimeters of the site adjacent to a highway (south eastern and western edges) and those adjacent to the sports pitches to the east and those on the Canal edge (facing commercial premises on the opposite side of the watercourse) are those highlighted as requiring the installation of mitigation measures, with a range of product options given.
- 11.11 The Borough EHO has not raised any objections to the conclusions of either the Noise Assessment. A condition requiring the submission and approval of the specific nose mitigation measures to be installed is attached to the recommendation. This would address the impact of external noise sources on the residential amenity of future occupiers of the development. The separation distances to be retained between the proposed dwellings

would comply with the requirements of the RDG quoted above, ensuring that the amenity of the future occupants would be preserved in terms of overlooking and overshadowing.

11.12 On the basis of the above assessment, the proposals are considered to preserve the residential amenity of neighbouring properties and the amenity of the future occupants of the development.

12. HIGHWAY SAFETY

- 12.1 The principal points of vehicular access to serve the development were approved at the outline stage, these being in the south eastern corner (to Manchester Road), on the western boundary (to Ashton Hill Lane) and an access to be restricted to emergency vehicles only is to be provided to Williamson Lane.
- 12.2 At 338 dwellings, the revised scheme falls below the ceiling number of 350 dwellings approved by the outline planning permission. The Section 106 Agreement attached to the outline permission requires a package of specific measures to improve pedestrian and cycle connectively between the site and Droylsden tram station and town centres to the north of the site and Fairfield train station to the south to be implemented in order to provide mitigation for the level of trips generated by the development.
- 12.3 The total cost if this package is £400,000 and that is a fixed sum that the developer will be required to pay even though the proposed scheme falls below the maximum number of dwellings that were permitted by the outline planning permission. As a result, whilst the comments of objectors are noted, it is considered that the level of mitigation secured via the outline permission is sufficient to offset the impact of the number of dwellings now proposed at the reserved matters stage.
- 12.4 In relation to the originally proposed layout submitted at this reserved matters stage, officers shared the concerns of local residents regarding the potential for 'rat running' through the development. Routes through the site passing immediately to the south of the central area of open space and also along the Canal frontage, providing a straight link between the access points in the south eastern corner (Manchester Road) and on the western boundary (Ashton Hill Lane) were included in the original submission.
- 12.5 The amended scheme has reduced this to one route through, which passes to the rear of the properties that would front onto the southern boundary of the site. This route also serves the car parking spaces for those properties and also a number of the properties to the north of this road however and therefore will be the subject of activity that will slow traffic movement through the site, particularly at peak times.
- 12.6 In recognition of the fact that the proposed layout does still include one relatively direct route between the two access points, officers have negotiated a series of traffic calming measures along that road to further reduce the speed of traffic moving through the site. These have been annotated on the amended plans and include the provision of single lane passing points at the eastern and western ends of this section of the highway and a number of raised tables within the road.
- 12.7 In order to achieve an appropriate layout that meets the design standards required of a development on this scale, it is considered that preventing a relatively clear route through the site in an east-west alignment would be very difficult to achieve and would result in a far less permeable and legible development for pedestrians and cyclists.
- 12.8 The traffic management measures to be put in place would prevent the ability of cars to move along both lanes of the one route through the site at the same time, which would provide a deterrent to taking this route particularly during peak times. The incentive to use

this route would be further reduced by the close proximity of a large number of car parking spaces to this route in the revised layout, where activity would also be greater at peak times.

- 12.9 It is also worth noting that the option of severing the route at some point within the middle of the site would not prevent vehicle entering the site in an attempt to avoid the adjacent junctions on Manchester Road. Indeed, this could potentially result in a far greater hazard than the proposed scheme as vehicles would need to turn round and exit the site again at the point at which the highway was severed or blocked. Conditions are recommended to ensure that the details of the construction of the highway and the traffic calming measures to be installed would maintain highway safety.
- 12.10 In relation to parking provision, the scheme meets the requirements of policy RD8 of the RDG, which requires 2 car parking spaces to be provided for dwellings with 2 or more bedrooms. There are no objections from the Local Highway Authority to the proposed access from Fitzroy Street in the north western corner of the site, which would be used as the point of access primarily for the car parking spaces that serve the dwellings that would front on to the northern section of the Ashton Hill Lane frontage. This would not be a principal point of access into or egress from the development, being set back from the main boundaries on the western edge of the site which front Williamson Lane and Ashton Hill Lane.
- 12.11 TfGM has commented that 2 metre wide footways should be provided throughout the development. In areas where a shared surface approach has been taken, 2 metre spaces either side of the central carriageway have been provided. Through amendments to the layout and the creation of desire lines into and through the site, as well as more usable open space along the Canal frontage, the revised scheme has become far more permeable for pedestrians and cyclists. The provision of a Sustainable Travel Plan to serve the development is required by one of the conditions attached to the outline planning permission.
- 12.12 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety, subject to the imposition of appropriate conditions.

13. ECOLOGY AND TREES

- 13.1 The layout of the scheme has provided a buffer zone between the Canal (a designated Site of Biological Importance) and the development, which is in line with GMEU comments on the outline application. The amended scheme has increased the extent of this buffer and has introduced a species rich mix as opposed to the amenity mix originally proposed. Overall, the soft landscaping scheme is considered to be acceptable, with other matters covered by conditions attached to the outline planning permission.
- 13.2 The applicant has provided details of the biodiversity enhancements to be installed within the development. In addition to the planting of native species within the soft landscaping scheme, the measures include the installation of bat and bird boxes and hedgehog holes. The locations of these installations are shown on the plans submitted with the application. GMEU are supportive of the proposals and compliance with these details can be secured by condition. It remains that the relevant condition attached to the outline planning permission needs to be discharged.
- 13.3 The species mix of the trees to be planted as part of the structural soft landscaping across the development includes native species such as Silver Bitch, Field Maple, Hornbeam and Rowan. Tree planting would be provided at regular intervals around the perimeter of the site, to enhance the areas of public open space within the scheme and to define key routes. The Borough Tree Officer has raised no objections to the amended scheme. A condition

requiring protection of the existing trees to be retained attached to the outline planning permission. Conditions relating to the implementation and management of the submitted landscaping scheme are attached to the recommendation.

13.4 Conditions relating to the protection of the biodiversity value of the Canal during the construction phase of the development, limiting the timing of vegetation removal and covering other ecological matters were attached to the outline planning permission.

14. FLOOD RISK / DRAINAGE

14.1 The applicant has submitted a Flood Risk Assessment and Drainage Strategy. The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. A condition was imposed on the outline planning permission requiring the submission and approval of a sustainable drainage strategy for the site was attached to the outline planning permission, to which neither the LLFA nor United Utilities objected. This condition is required to be discharged prior to the commencement of development. Whilst the applicant the submitted a drainage layout with this reserved matters application, the correct way of dealing with this matter is through the discharge of the relevant condition attached to the outline planning permission.

15. OTHER MATTERS

- 15.1 In relation to environmental health, conditions limiting the hours of works during the construction phase of the development and details of the refuse storage arrangements were attached to the outline planning permission and therefore do not need to be reimposed at this reserved matters stage. The same applies in relation to the remediation of sources of ground contamination on the site.
- 15.2 The Canal and Rivers Trust (C&RT) expressed some concerns regarding the impact of car parking areas close to the Canal frontage in the original reserved matters submission. This issue is considered to have been comprehensively addressed in the revised proposals. A number of the other matters that C&RT raises are coved by conditions attached to the outline planning permission, including details of how the structural integrity of the Canal embankment is to be maintained, details of how the site is to be drained and the measures to be put in place to prevent the pollution of the watercourse during the construction phase of the development.
- 15.3 A Crime Impact Statement (CIS) has been submitted in support of the planning application. This highlights the advantages of an outward facing layout and states that dwellings will be laid out in a block and grid pattern, facing each other, overlooking the street and with 'back to back' rear gardens to aid security. Increased surveillance opportunities will also be provided by way of active frontages to the properties. The CIS details the nature of the security systems to be installed on the houses and to secure entry into the apartment buildings. Street lighting specification is also covered by the CIS and a condition imposed on the outline planning permission required details of the external lighting to be submitted and approved prior to installation.
- 15.4 The GMP Designing Out Crime Officer has reviewed the CIS and has raised no objections to the proposals, recommending that a condition requiring compliance with the submitted details be imposed on any approval. Such a condition is attached to the recommendation. It remains that the relevant condition on the outline planning permission still needs to be discharged.
- 15.5 Cadent Gas has identified operational gas apparatus within the application site boundary (in the area adjacent to the northern boundary of the site that is shown as being kept free of

development other than highway infrastructure). The applicant has been made aware of this situation and an informative outlining their responsibilities in this regard can be attached to any reserved matters approval.

- 15.6 In relation to the impact of residential development on the capacity of the highway network and other social infrastructure e.g. schools and doctors surgeries, it is important to note that the granting of outline planning permission established the principle of redeveloping the site for up to 350 dwellings. As the proposed development at this reserved matters stage does not exceed that number of units approved at the outline stage, the impact on the development in these areas cannot be revisited. Again, it is important to note that a substantial mitigation package was secured through the Section 106 Agreement attached to the outline planning permission.
- 15.7 A number of reports have been submitted with this reserved matters application which relate to the subject of conditions and obligations attached to the outline planning permission. Such reports include an Affordable Housing Statement, Residential Travel Plan (including details of an electric vehicle charging strategy), Enabling Works Statement, Construction Environment Management Plan and Invasive Species Survey. These reports are not being approved as part of this application as they need to be submitted as part of an application to discharge the relevant conditions/obligations attached to the outline planning permission.

16. CONCLUSION

- 16.1 The principle of a development of up to 350 dwellings on the site was established through the granting of outline planning permission. This matter cannot therefore be revisited as the number of dwellings proposed in this reserved matters application falls below the ceiling number established by the outline consent. The density of development has been increased in the amended scheme, with the quantum raising from 314 in the original submission to 338 in the current proposal. Whilst below the ceiling number set at the outline stage, the extent of the deficit in the revised scheme is considered not to be sufficient to significantly and demonstrably outweigh the benefits of the proposals.
- 16.2 The amended scheme is considered to have significantly improved the standards of design and place making when compared to the original submission. The introduction of additional apartment blocks has increased the scale of development on the Canal frontage. This amendment, along with the creation of a landscaped buffer free of vehicle access on the southern edge of the scheme has significantly improved the quality of the development that presents itself to the watercourse and public views beyond.
- 16.3 Improvements to pedestrian connectivity through the scheme, via the installation of the link from Ashton Hill Lane in the south western corner and clearer desire lines to the Canal frontage from within the development have resulted in a more permeable and less vehicular highway dominated proposal when compared to the original submission.
- 16.4 The concerns expressed by officers and local residents in relation to the 'rat running' of vehicular traffic through the original proposal were noted and have been improved in the revised scheme. It is acknowledged that there remains one relatively straight route through the site between the accesses in the south eastern corner and on the western boundary.
- 16.5 However, the central section of this route would have single lane passing points at either end with additional physical traffic calming measures installed within the intervening stretch of highway. It is also the case that car parking spaces serving a number of the dwellings are to be accessed immediately off both lanes of this road, with associated manoeuvring acting as a further deterrent to speeding, particularly during peak times.

- 16.6 Ultimately, given the width of the southern portion of the site, the location of the access points which were approved at the outline stage and the design requirement to create an outward facing scheme that appropriately addresses the Canal that runs parallel with the southern boundary, it is considered that an access route that spans the site from east-west is required. The option of severing the highway is considered not to be desirable from either a design or highway safety perspective, for the reasons explained in the main body of this report.
- 16.7 Overall, the scale, layout, appearance and structural landscaping of the amended proposals are considered to be acceptable and comply with the relevant national and local planning policies quoted above.

17. **RECOMMENDATION**

- 17.1 Grant planning permission, subject to the following conditions:-
 - 1. The development hereby approved shall be carried out in accordance with the following approved plans:-

1:1250 Site location plan (Drawing no. BHM104 LP01) Proposed site layout plan (Drawing no. BHM104 PL01 AD) Proposed boundary treatment layout plan (Drawing no. BHM104 BT01 C) Proposed adoptable highway plan (Drawing no. BHM104 AH01 A) Proposed external materials plan (Drawing no. BHM104 ML01 F) Proposed landscaping layout plan Sheet 01 of 02 (Drawing 101 Rev. C) Proposed landscaping layout plan Sheet 02 of 02 (Drawing 102 Rev. C) Crime Impact Assessment (Versions 1.1 dated August 2020) APT 1 (A567) APT2 (A648) & APT3 (A720) floor plans and elevations Gosford housetype (PA34) plans and elevations Easedale housetype (PT36) plans and elevations Focal Braxton housetype (NB31) plans and elevations Braxton housetype (NB31) plans and elevations Trusdale housetype (NT41) plans and elevations Cotham housetype (ND40) plans and elevations Wensum apartments (W) plans and elevations Lydford housetype (PA42) plans and elevations Layton Chapleton Granton Blenheim apartments plans and elevations Cartwright (CW4B) housetype plans and elevations Joiner (JO2B) housetype plans and elevations Tailor (TA3B) housetype plans and elevations Thespian (TH3B) housetype plans and elevations Baxter (BX3B) housetype plans and elevations Mason (MA3B) housetype plans and elevations Sawyer (SY3B) housetype plans and elevations Farrier (FR4B) housetype plans and elevations Single garage plans and elevations (Taylor Wimpey) Substation plans and elevations (Taylor Wimpey) Single garage plans and elevations (Bellway) Double garage plans and elevations (Bellway) Substation plans and elevations (Bellwav)

2. The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site plan (Drawing no. BHM104 PL01 AD) prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level

which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

- 3. The boundary treatments to be installed on each of the plots within the development hereby approved shall be installed in accordance with the details as shown on proposed boundary treatments layout plan (Drawing no. BHM104 BT01 C) prior to the occupation of that dwelling. The materials to be used in the construction of the boundary treatments shall accord with those approved on the discharge of condition 5 of outline planning permission ref. 18/00487/OUT and the acoustic fencing shall accord with the specification approved to discharge of condition 8 of this reserved matters approval. The development shall be retained as such thereafter.
- 4. Notwithstanding the details submitted with the planning application, no development above ground level shall commence until a scheme of soft landscaping to serve the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:-
 - A scaled plan showing the location of all trees / hedges / shrubs to be planted.
 - Details of the species mix, the number of specimens to the planted, spacing between them and their height on planting (including trees to meet the definition of heavy stock as set out in BS 3936-1 to be planted on the northern boundary of the site).

The approved landscaping scheme shall be implemented and maintained in accordance with the requirements of condition 5 of this planning permission.

- 5. The approved scheme of soft landscaping scheme detailed on the approved soft landscaping plans shall be implemented in accordance with the approved details before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.
- 6. The biodiversity enhancement measures to serve the development hereby approved shall be installed in accordance with the details shown on the approved soft landscaping plans (including the specification of the installations and their location within the development), prior to the first occupation of any of the dwellings. The development shall be retained as such thereafter.
- 7. The development hereby approved shall be carried in accordance with the measures listed in the Security Strategy (Section 7) of the Crime Impact Statement v 1.1 (dated August 2020) submitted with the planning application and shall be retained as such thereafter.
- 8. Notwithstanding the details submitted with the planning application, no development above ground level shall commence until details of the landscaping of the public open space on the Canal frontage has been submitted to and approved by the Local Planning Authority. The details shall include:-
 - Scaled plans showing the width of the footway running along the southern edge of the development (as indicated on the approved site layout plan ref. BHM104 PL01 AD) and details of the materials to be used in the surfacing of this footway.
 - Details of any boundary treatments to be installed along the southern edge of this footway.

- Scaled section plans showing the relationship between the footway and the adjacent Canal embankment, showing north-south sections at regular intervals across the full width of the southern boundary of the site.
- Details of the exact location and the species to be planted along the full width of that edge of the development.
- Scaled section plans through the south western corner of the site, from the road level on Ashton Hill Lane, through to the ground level to the south of plot B56 (as labelled on the approved site layout plan), scaled plans showing the width of the footway running through this part of the site and details of the materials to be used in the surfacing of this footway.
- Details of how the gradients and land level changes are to be treated to maintain a highly accessible route.
- A phasing plan detailing the point in the building programme by which these works shall be completed.

The development shall be carried out in accordance with the approved details and phasing programme and shall be retained as such thereafter.

- 9. Prior to the occupation of any of the plots identified as requiring treatment to the elevations with noise mitigation measures (as identified in the approved Nose Impact Assessment), the following details shall be submitted to and approved in writing by the Local Planning Authority:-
 - A scaled plan showing the exact location of the elevations to be treated with the particular noise mitigation measures.
 - A manufacturer's specification of the mitigation measures to be submitted and approved, including acoustic fence.

The approved mitigation measures shall be installed in each of the affected plots prior to the first occupation of that dwelling and shall be retained as such thereafter.

- 10. Notwithstanding the details shown on the approved plans, prior to the commencement of development above ground level, details of traffic calming measures to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:-
 - Scaled plans swing the exact locations in which the traffic calming measures are to be installed.
 - Scaled section plans showing the dimensions of each of the traffic calming measures to be installed.
 - Details of the construction materials and finish of the traffic calming measures to be installed.

The traffic calming measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

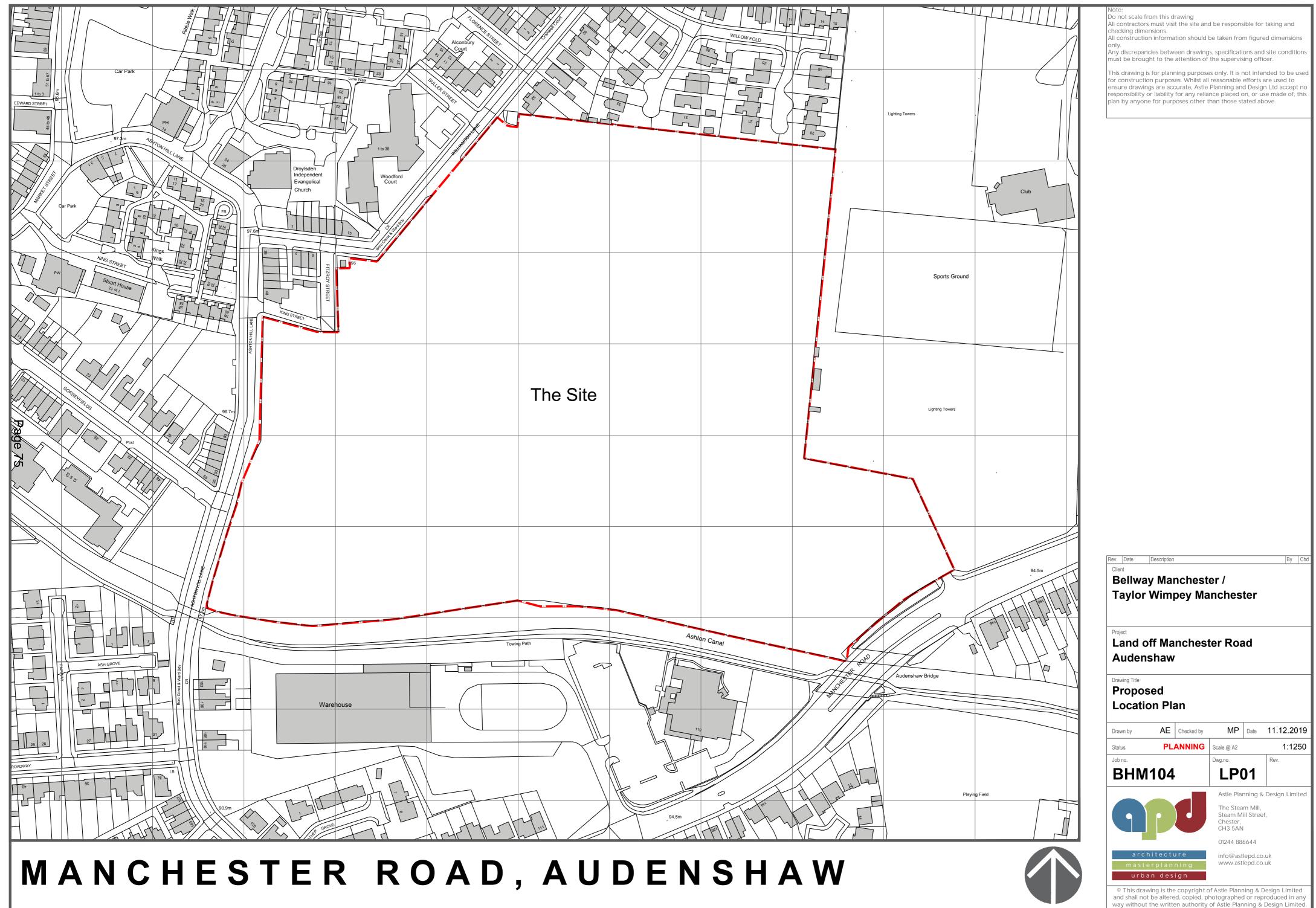
- 11. No development above ground level shall commence until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-
 - 1. Phasing plan of highway works.
 - 2. Surface and drainage details of all carriageways and footways.
 - 3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.

- 4. Details of the specification of the access road and footway connection proposed to extend the existing footway from Manchester Road, Ashton Hill Lane and Williamson Lane into the site at the respective access points (including the provision of tactile paving and dropped kerbs).
- 5. Approval in Principle (AIP) of the construction details of proposed retaining wall / culverted watercourses within the site.
- 6. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas.
- 7. Details of carriageway markings and signage.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

12. Notwithstanding the details submitted with the planning application, no development above ground level shall commence until details of the materials to be used to surface all areas of hardstanding within the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of all areas of hardstanding within the development and a specification of the materials to be used. The details shall indicate that paving will be used to surface all car parking areas, private driveways and private roads (i.e. highways that is not to be adopted) within the development. The approved scheme of hard landscaping shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

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Application Number: 20/00105/REM

Photo 1 – view looking southwards along Ashton Hill Lane adjacent to the western boundary of the site.



Photo 2 – view looking northwards along the western boundary of the site on Ashton Hill Lane



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Photo 3 – view of the eastern boundary from within the site

Photo 4 – view of Ashton Canal which runs parallel with the southern boundary of the site



Photo 5 – view of properties to the north of the site (located on Willow Fold) from within the site



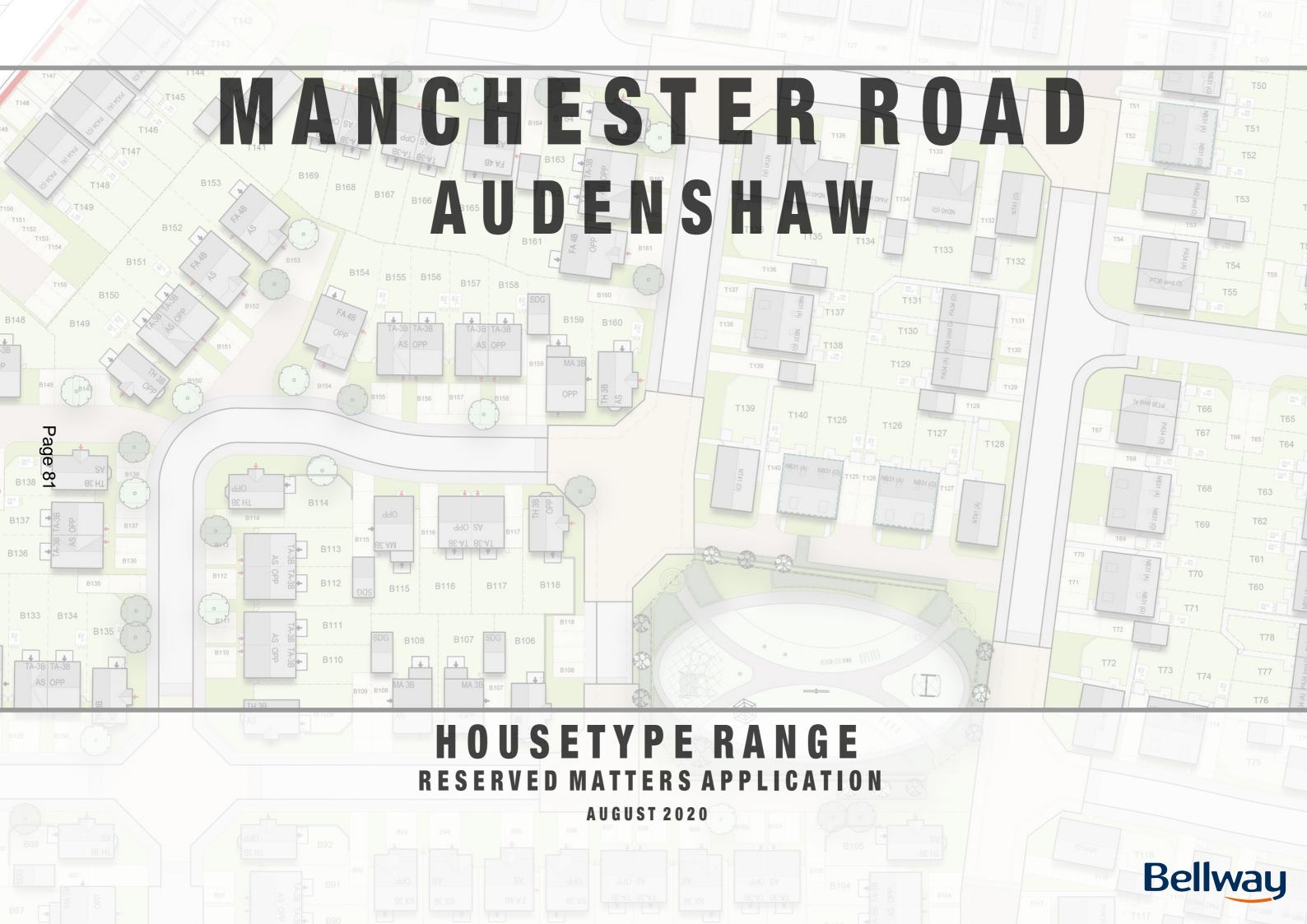
Photo 6 – view looking eastwards towards adjacent rugby ground to the east of the site

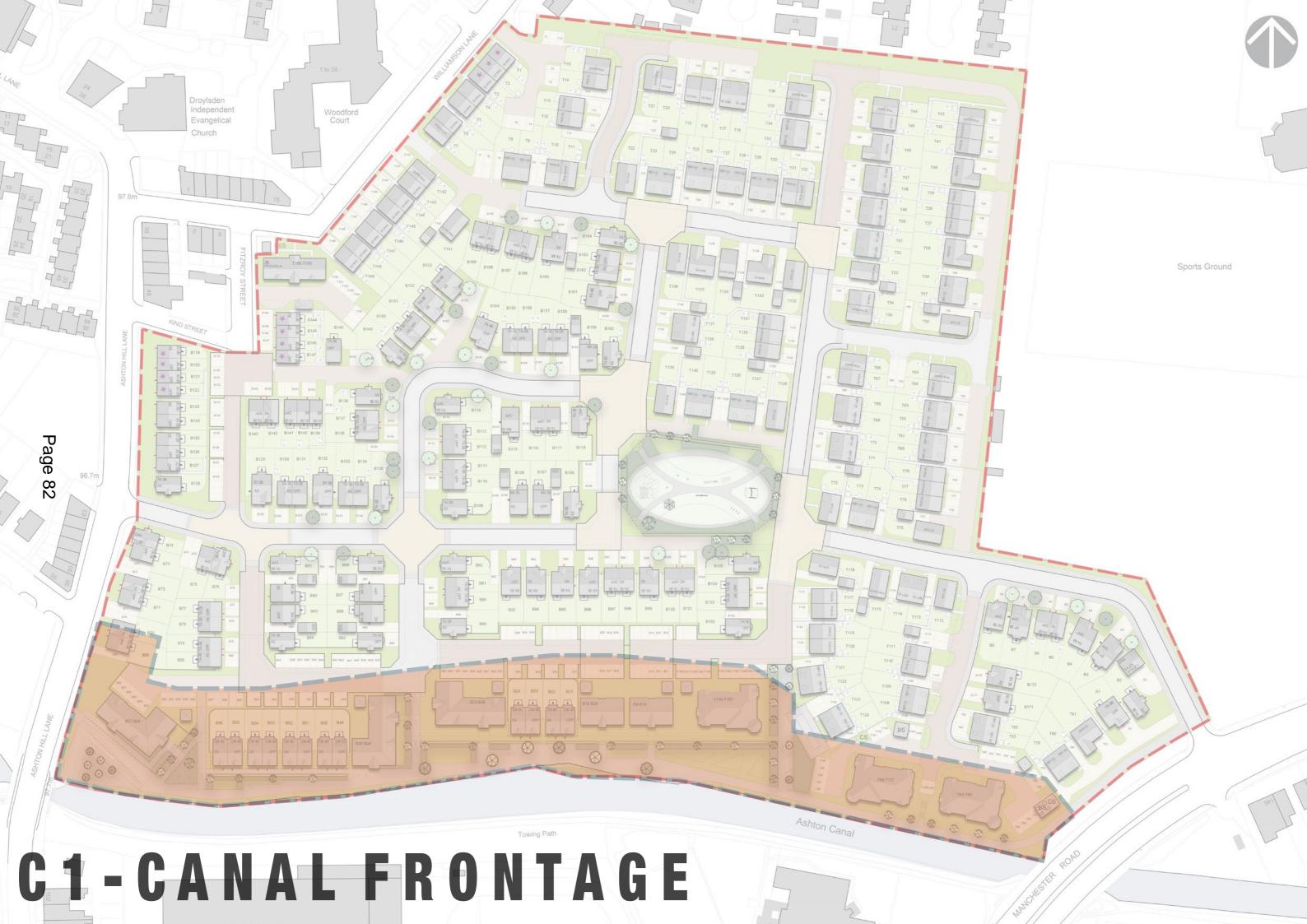


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Photo 7 – view of existing access onto Williamson Lane from within the site



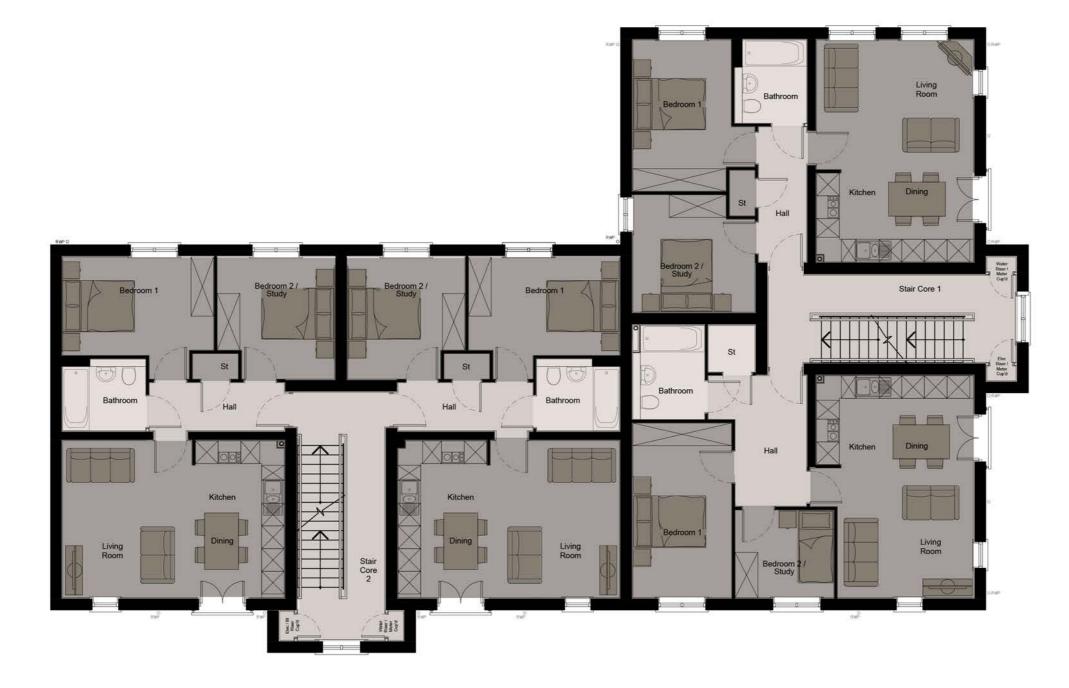






Ground Floor





First Floor





Second Floor

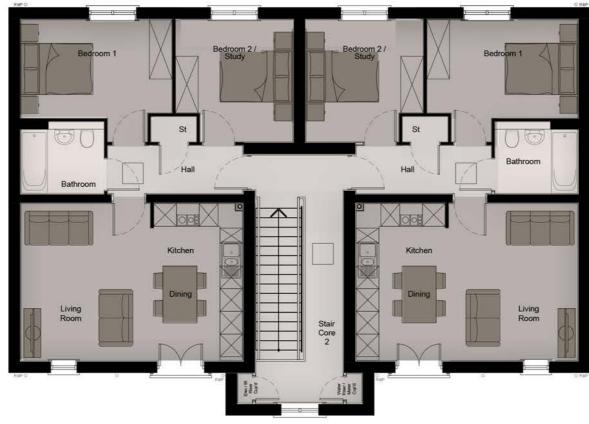
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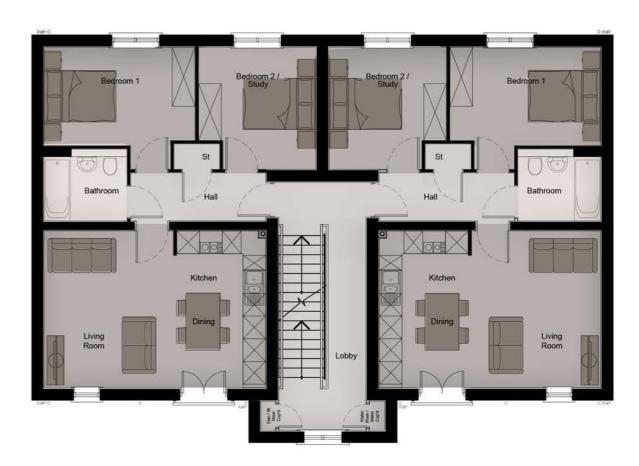


Layton 581 sq.ft / Blenheim 625 sq.ft



Second Floor





First Floor

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Ground Floor



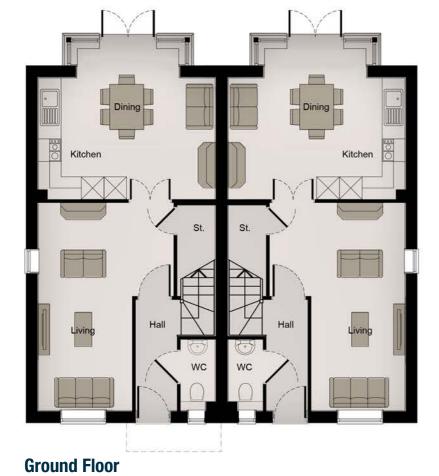




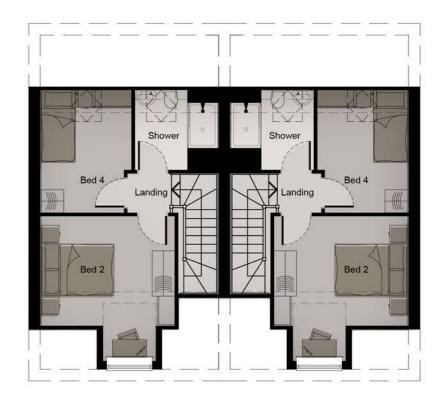
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Front Elevation

Rear Elevation

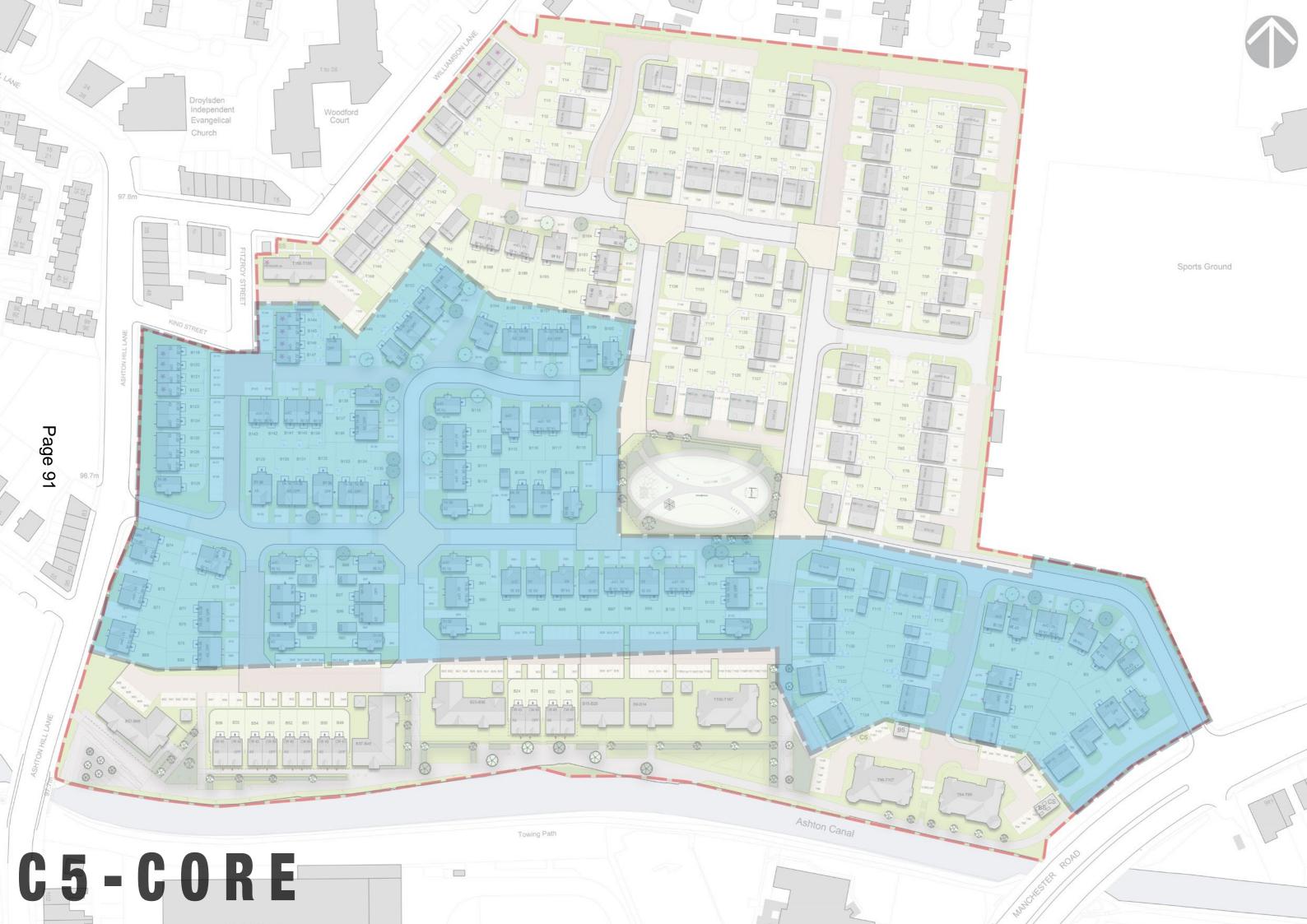


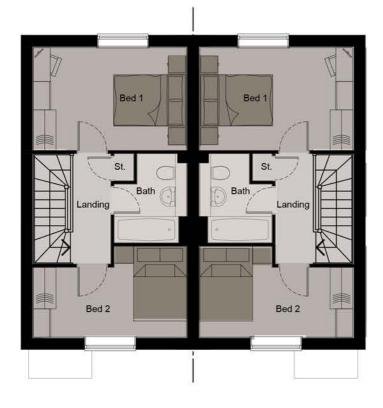




First Floor









First Floor

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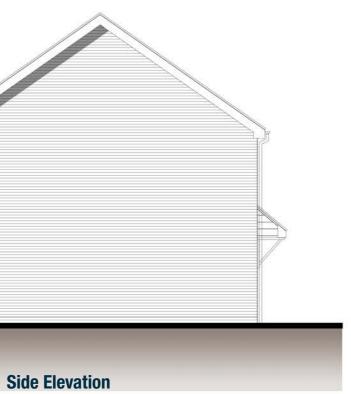
Ground Floor

Front Elevation



Rear Elevation

Joiner (JO2B) 680 sq.ft







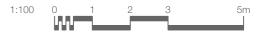














First Floor



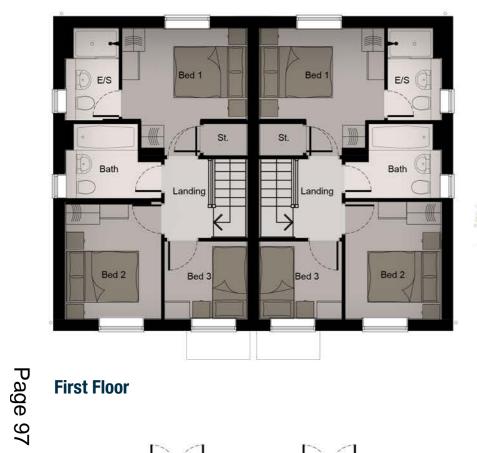














Front Elevation







Rear Elevation

Ground Floor

-Tailor (TA3B) 802 sq.ft

Side Elevation





Thespian (TH3B)/ Tailor (TA3B) 921/802 sq.ft





Front Elevation

Front Elevation

Bed 2 **First Floor**





Rear Elevation



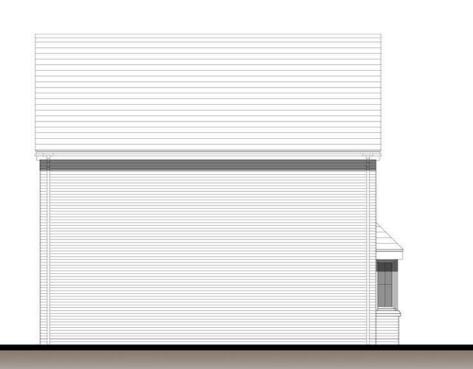




Front Elevation

Side Elevation







Rear Elevation

Side Elevation

-Thespian (TH3B) 921 sq.ft

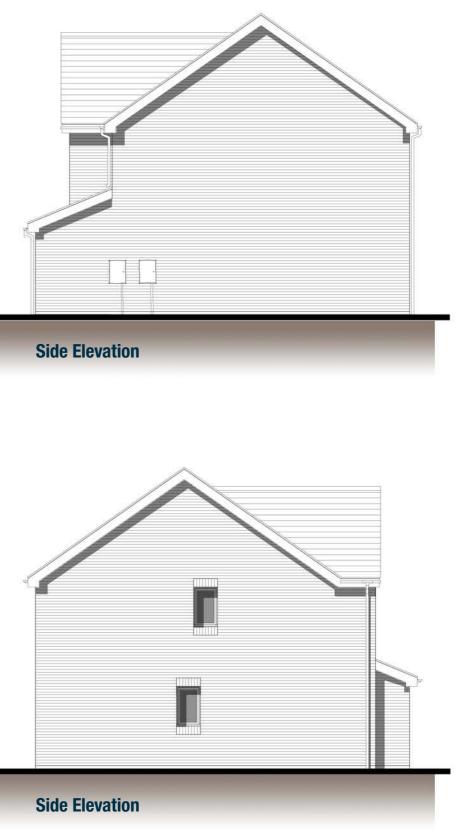






Front Elevation





Rear Elevation

Page 100

First Floor

Dining Kitchen ** Hall) wc Garage

Ground Floor

Baxter (BX3B) 991 sq.ft





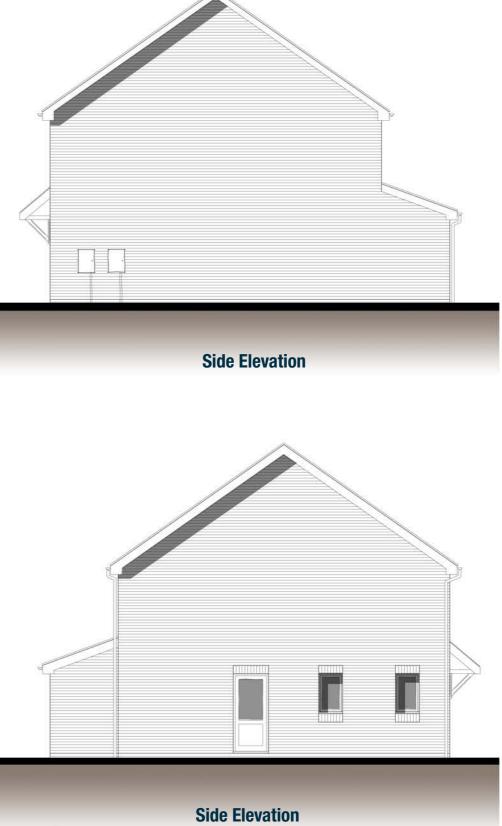


First Floor





Front Elevation

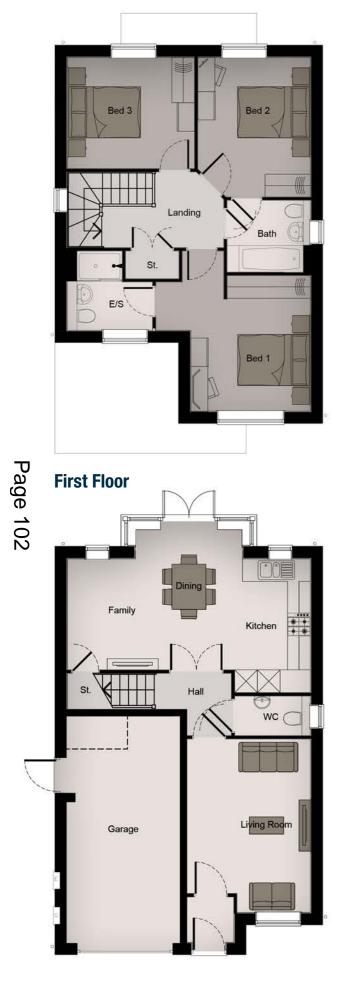


Rear Elevation

Ground Floor

Mason (MA3B) 1059 sq.ft

1:100





Front Elevation





Rear Elevation

Sawyer (SY3B) 1092 sq.ft

Side Elevation



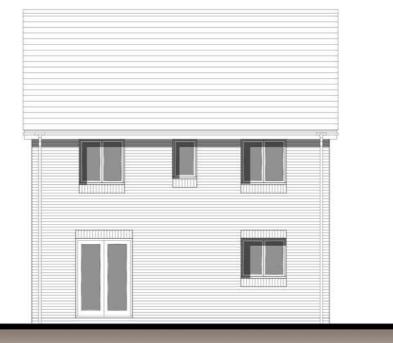


First Floor





Front Elevation





Rear Elevation

Ground Floor

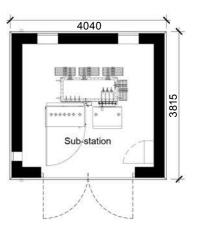
Farrier (FR4B) 1165 sq.ft

Side Elevation

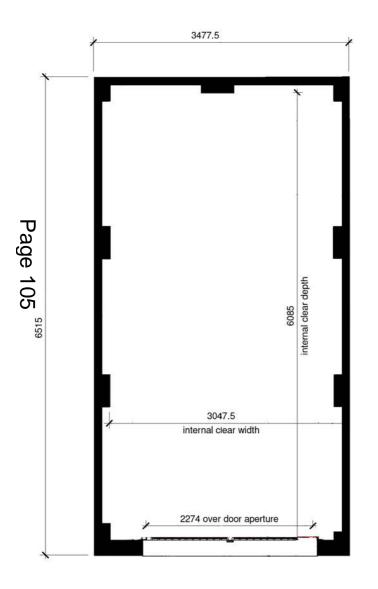




Substation

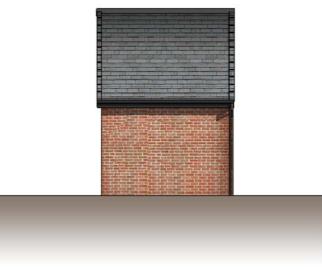






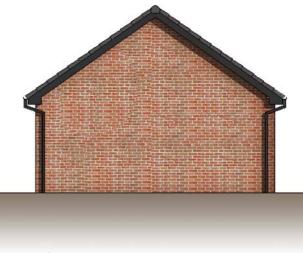
Floor Plan - Scale 1:50



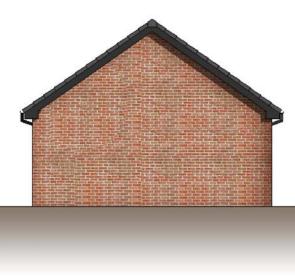


Rear Elevation

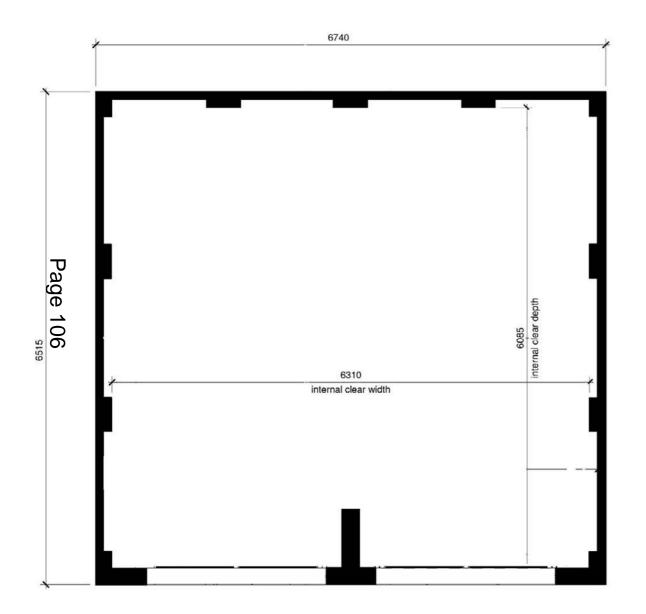
Single Garage



Side Elevation







Floor Plan - Scale 1:50

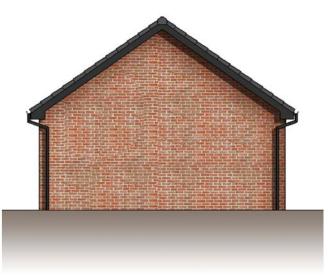


Front Elevation

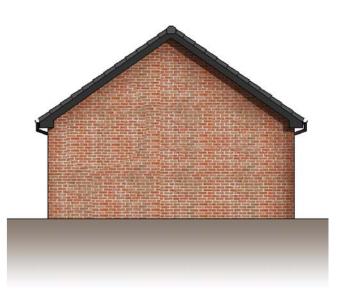


Rear Elevation

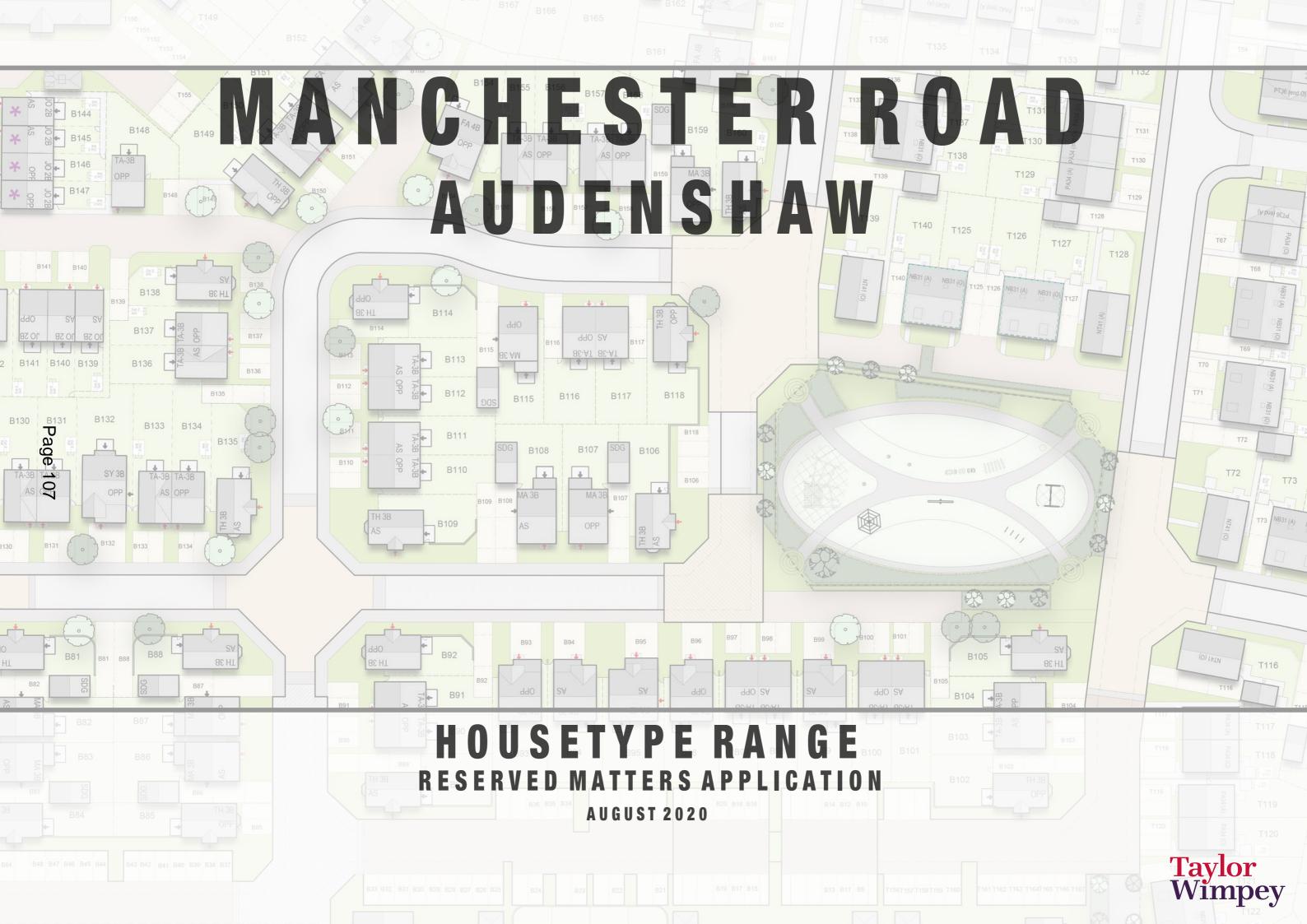
Double Garage

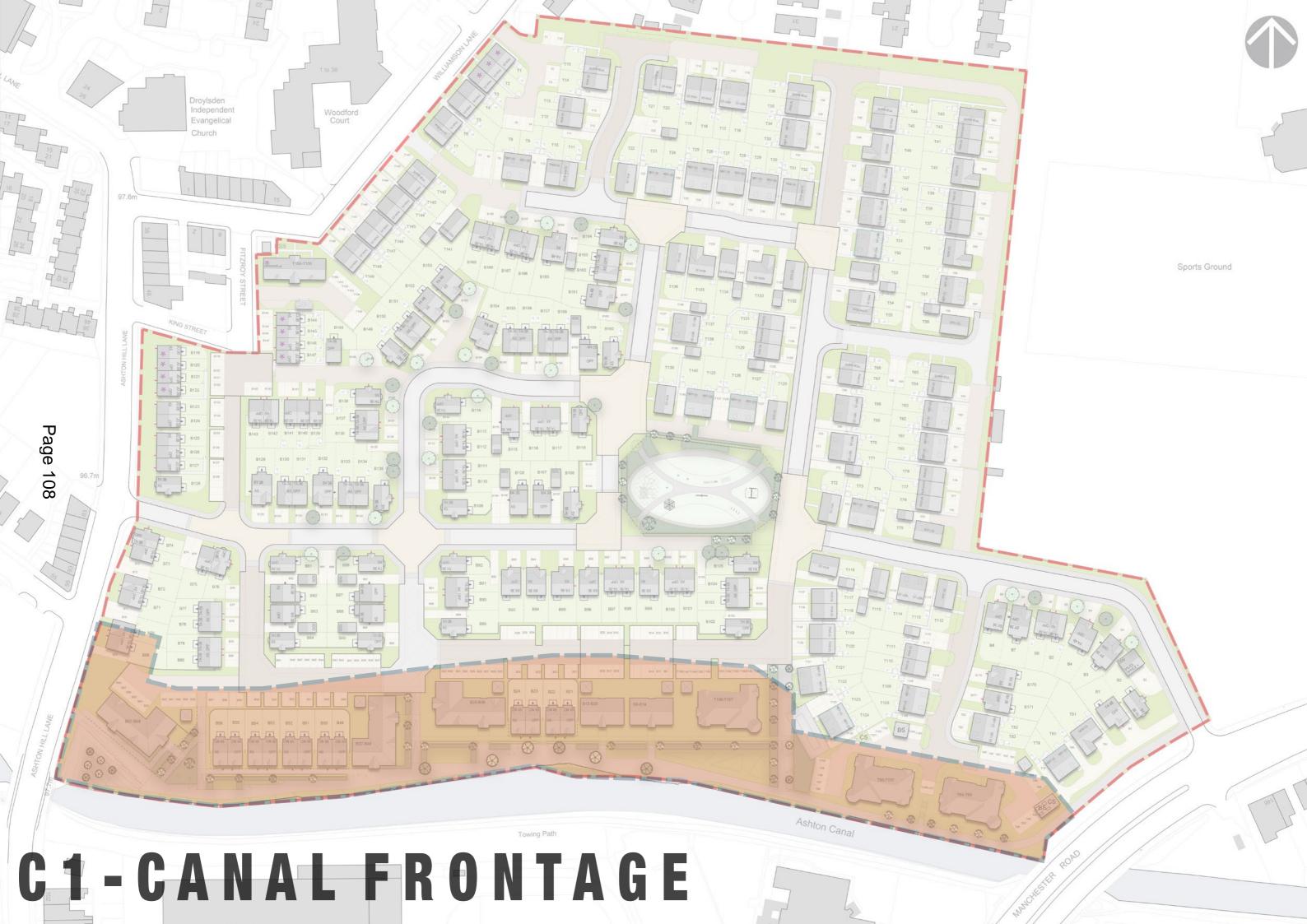


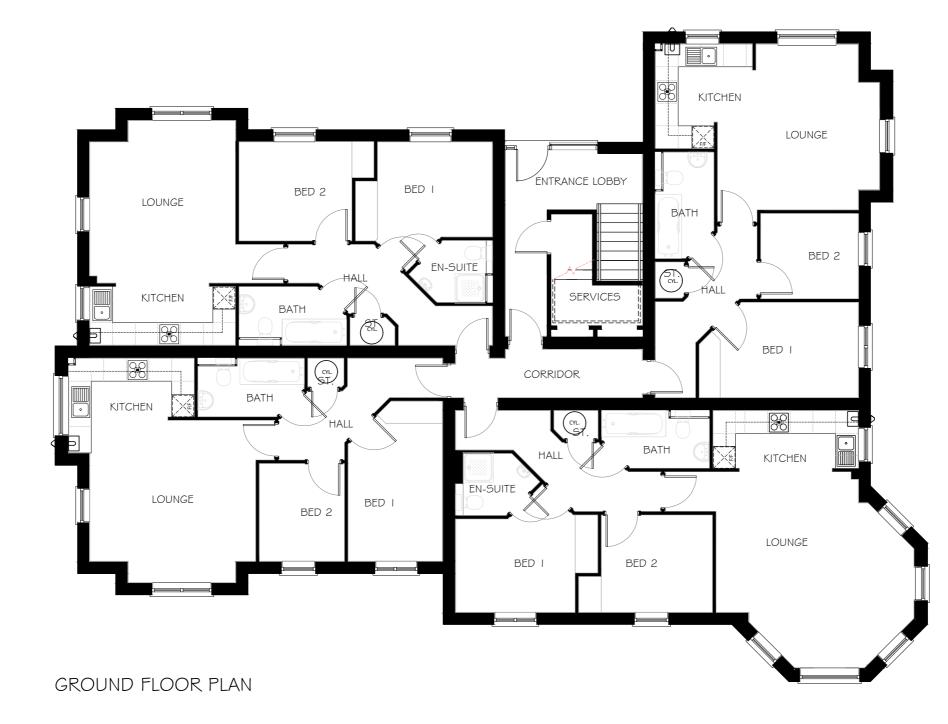
Side Elevation



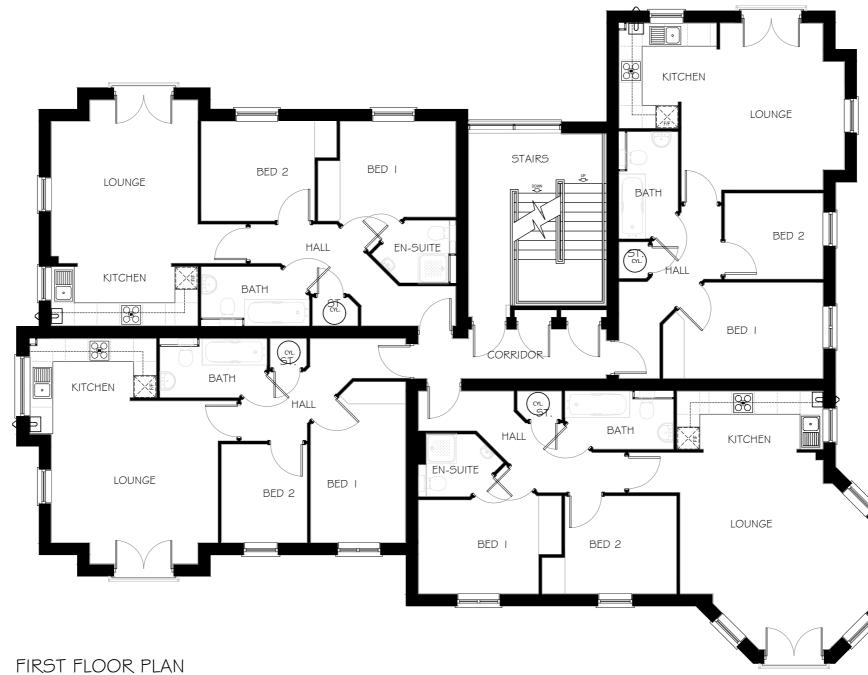






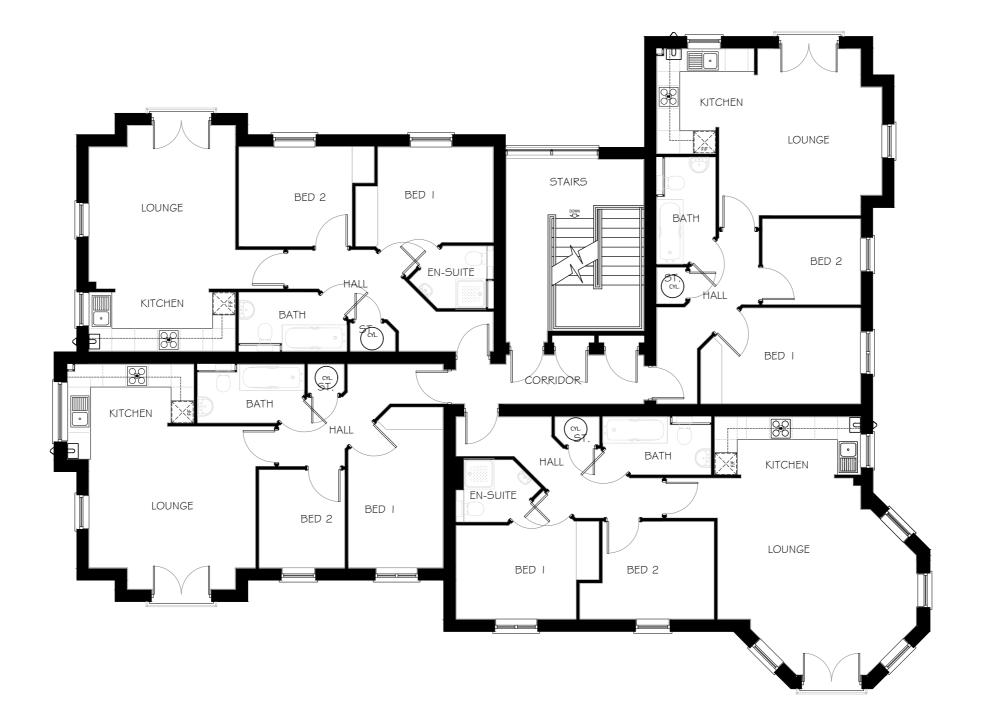
















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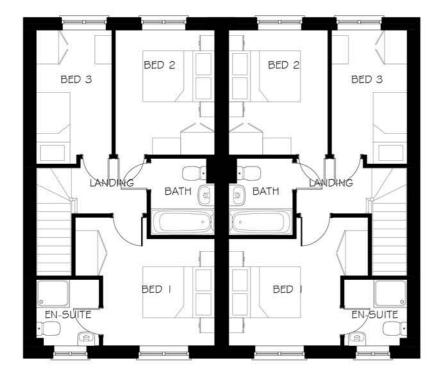
SIDE ELEVATION

SIDE ELEVATION



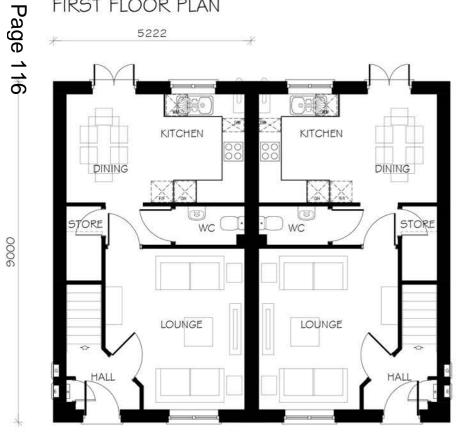
Droylsden Independent Woodford Court Evangelical Church 9 4 * * Page 115 40.28 AS 0072 - 0076 0090 111-338 96.7m 10 BEHL 822, 818 R 0 B 89 89 89 89 80 - CP 8 8 8 8 3 888 8 8 8 8 Ashton Canal R Towing Path 8 C2-GREENFRINGE







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REAR ELEVATION



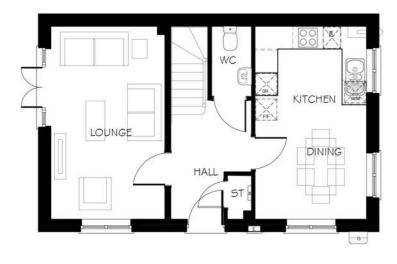


FIRST FLOOR PLAN

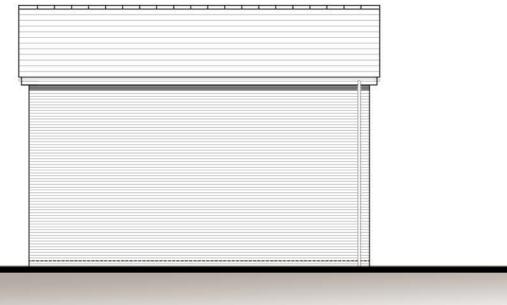
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FRONT ELEVATION



GROUND FLOOR PLAN



REAR ELEVATION

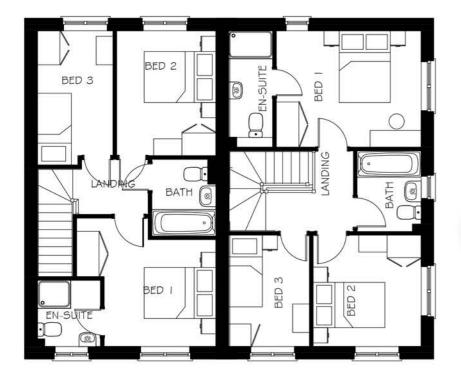
SIDE ELEVATION

Easedale (PT36) 931 sq.ft

SIDE ELEVATION







FIRST FLOOR PLAN



GROUND FLOOR PLAN



FRONT ELEVATION



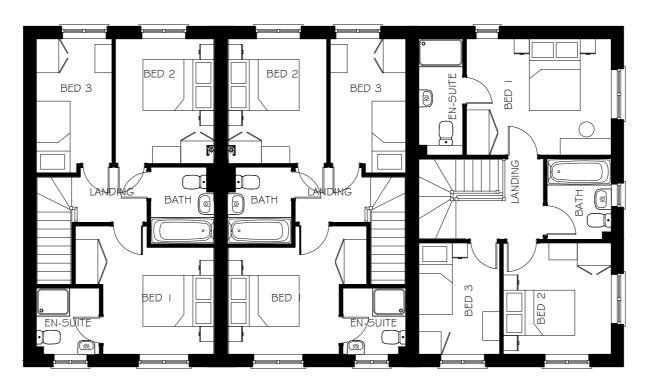




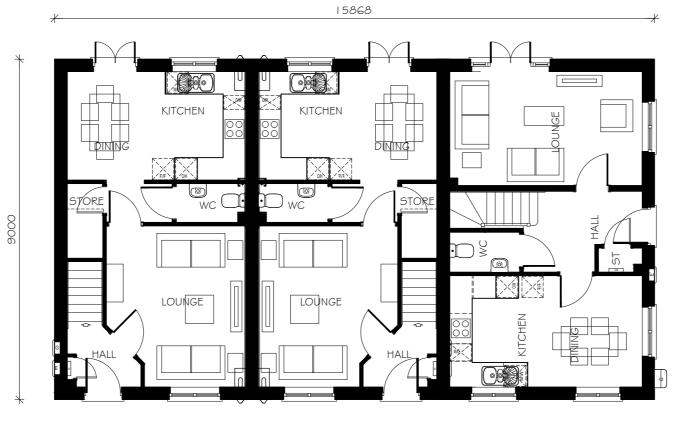
REAR ELEVATION

FRONT ELEVATION





FIRST FLOOR PLAN



GROUND FLOOR PLAN





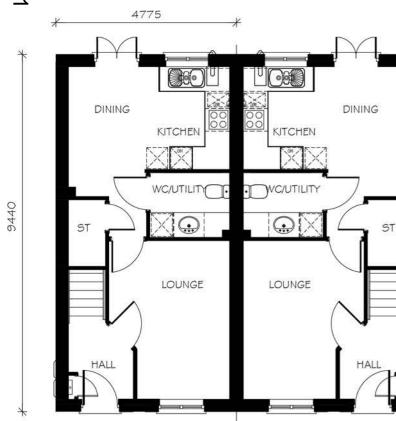


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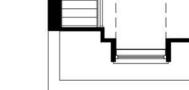




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BED 2 BED 2 ST/W STM Ŀ BA 6 BED 3 BED 3 0 0 LANDING LANDING



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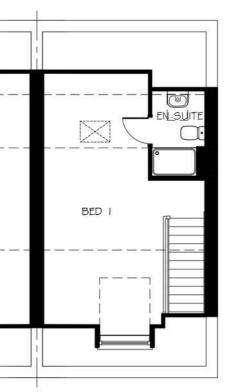
BED I

GROUND FLOOR PLAN

FIRST FLOOR PLAN

SECOND FLOOR PLAN

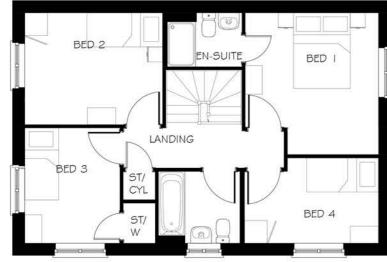
Braxton (NB31) 1092 sq.ft







FIRST FLOOR PLAN







FRONT ELEVATION

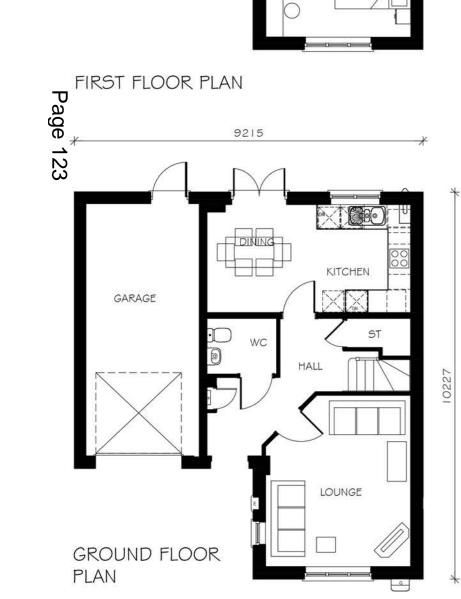
Trusdale (NT41) 1243 sq.ft

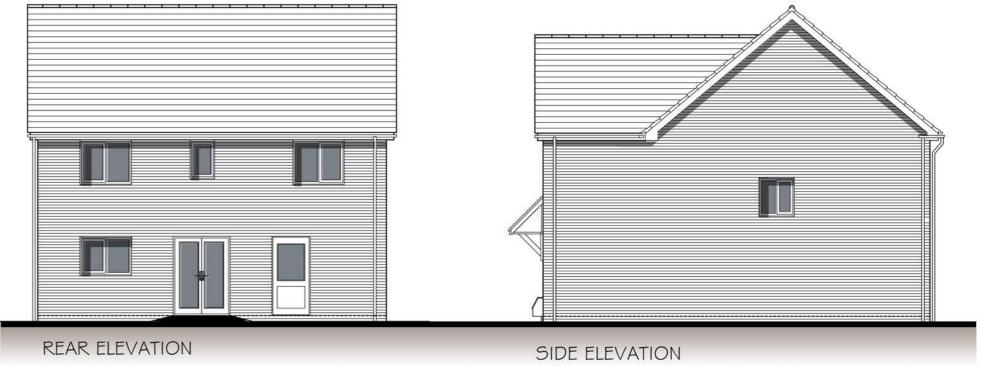


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BED 2 BED BATH LANDING BED 3 ST/W BED



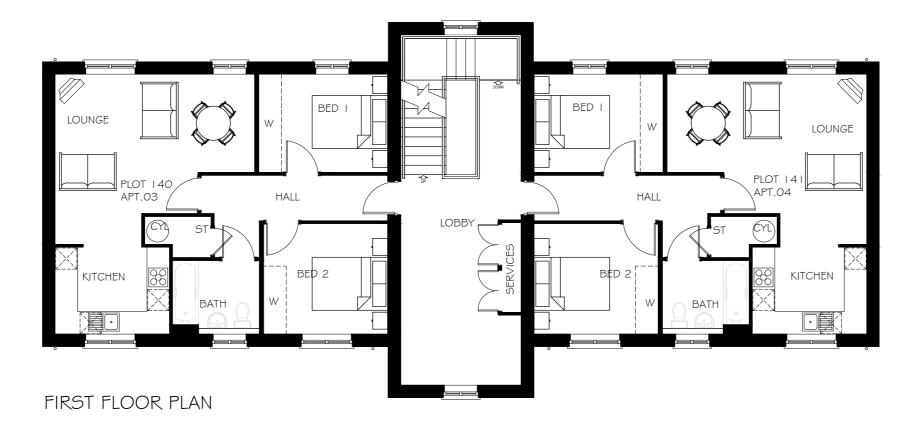


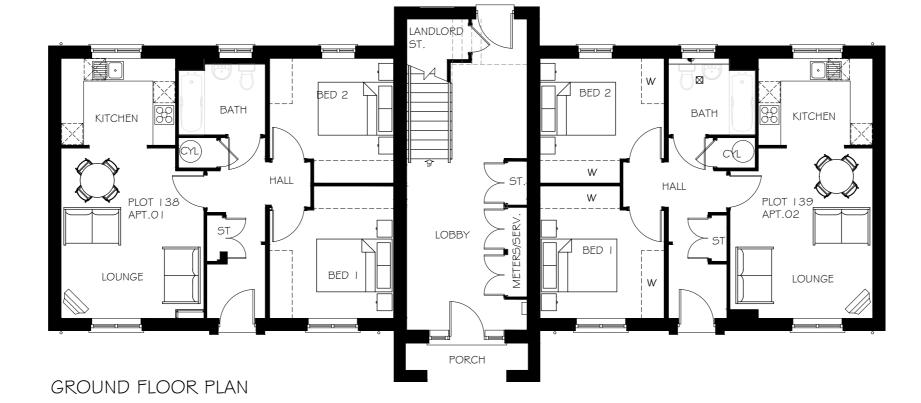


Cotham (ND40) 1259 sq.ft



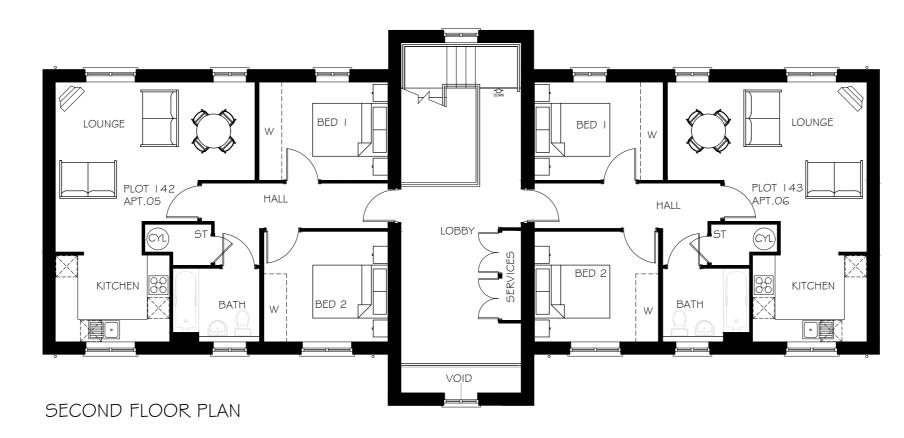






Wensum (W) 660 sq.ft





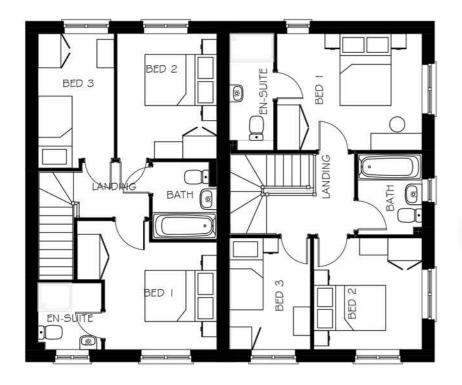
Wensum (W) 660 sq.ft





Wensum (W) 660 sq.ft





FIRST FLOOR PLAN



GROUND FLOOR PLAN



REAR ELEVATION

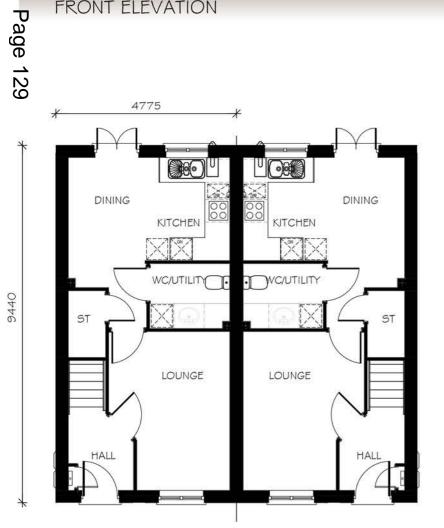


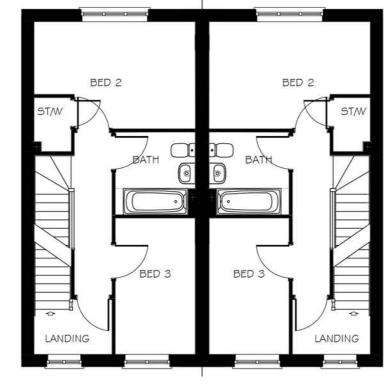




SIDE ELEVATION

EN-SUITE





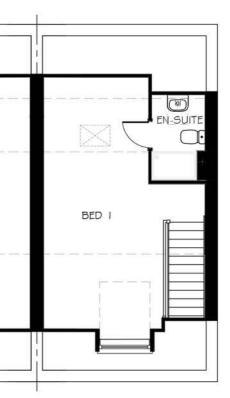




BED I

GROUND FLOOR PLAN

Braxton (NB31) 1092 sq.ft









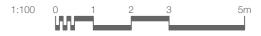




REAR ELEVATION

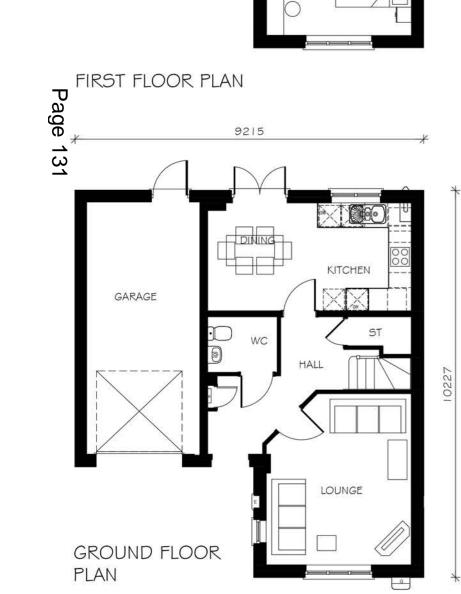
SIDE ELEVATION

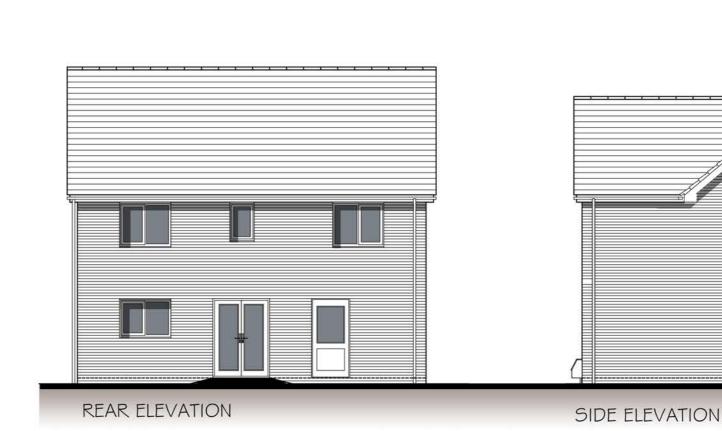
Trusdale (NT41) 1243 sq.ft





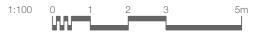


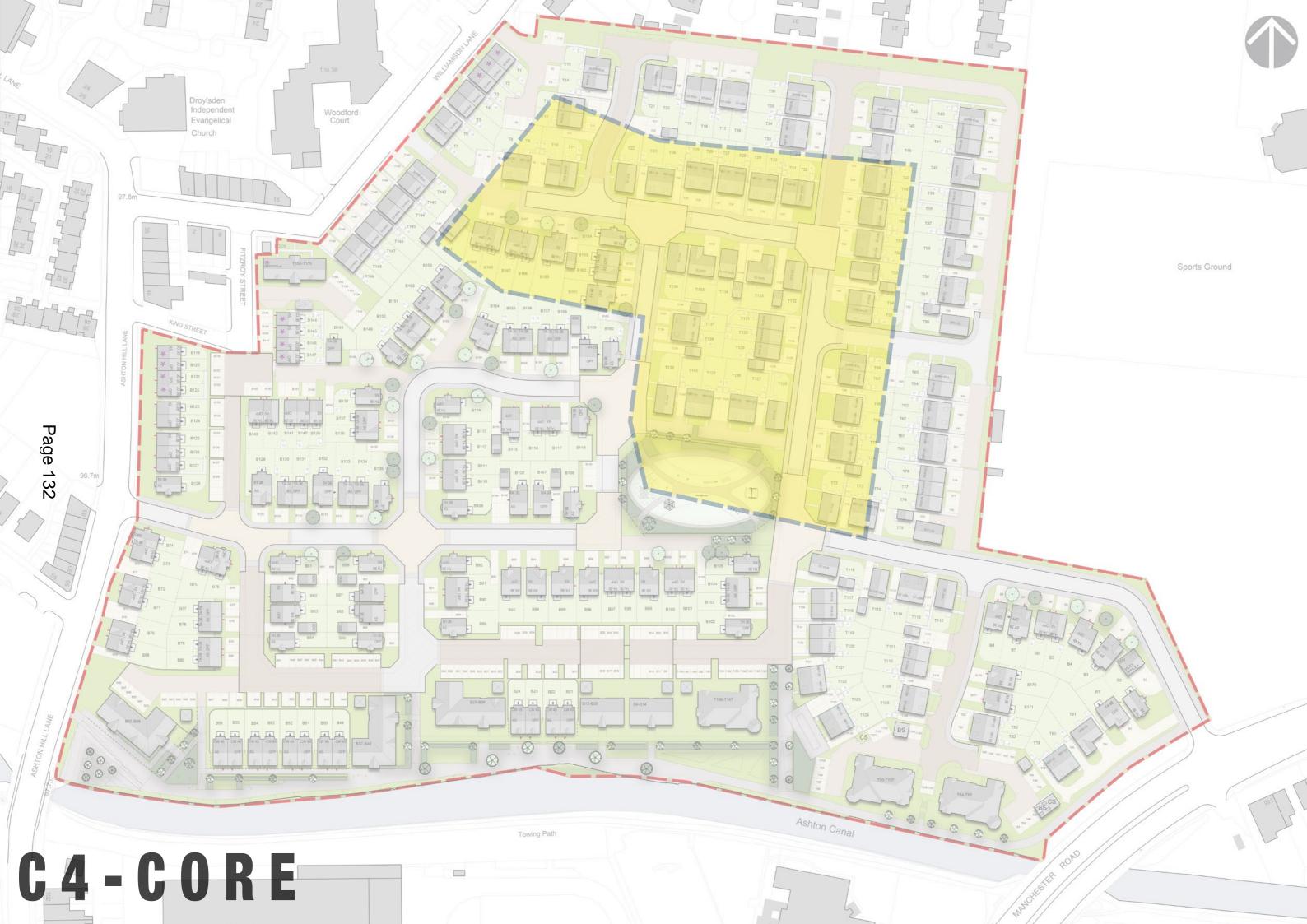


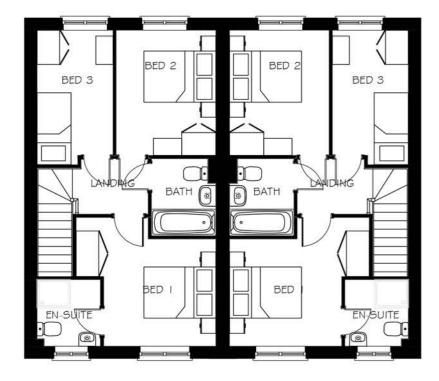


Cotham (ND40) 1259 sq.ft

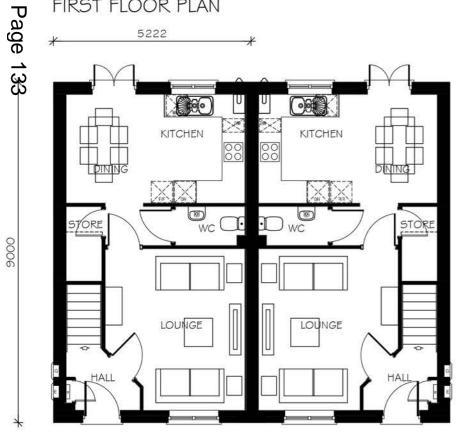








FIRST FLOOR PLAN



GROUND FLOOR PLAN







REAR ELEVATION



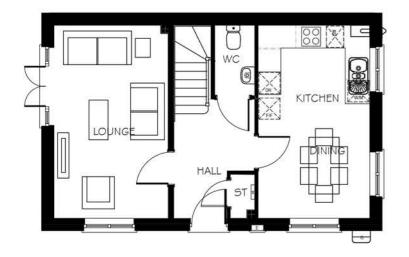


0 EN-SUITE BED . BED I LANDING BED 2

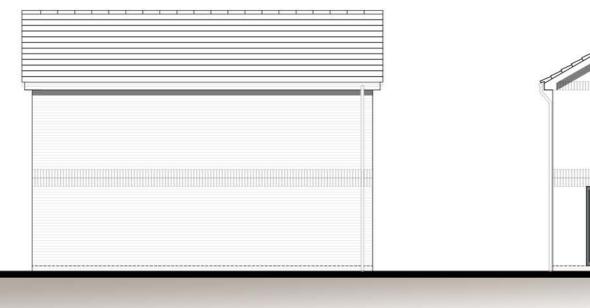
FIRST FLOOR PLAN

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FRONT ELEVATION



GROUND FLOOR PLAN

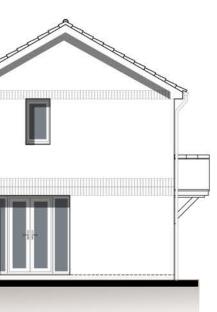


REAR ELEVATION

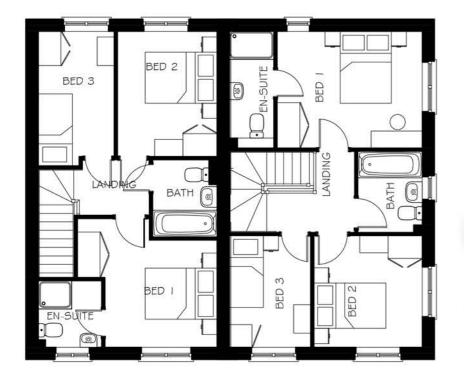
SIDE ELEVATION

Easedale (PT36) 931 sq.ft

SIDE ELEVATION







FIRST FLOOR PLAN



GROUND FLOOR PLAN



FRONT ELEVATION



EG

REAR ELEVATION

FRONT ELEVATION



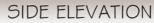


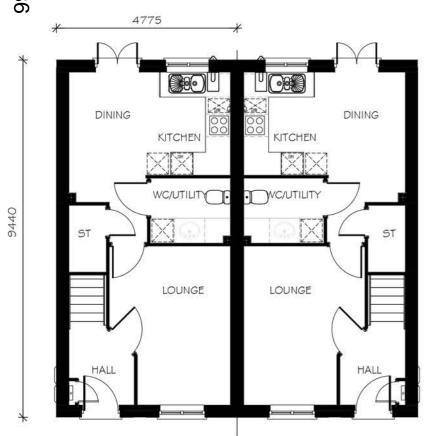


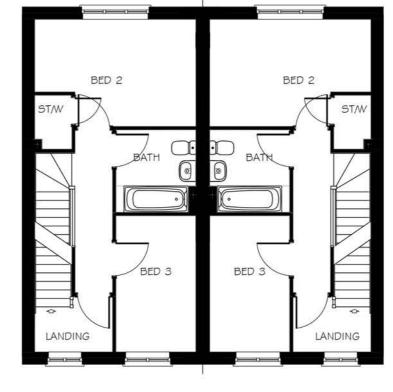
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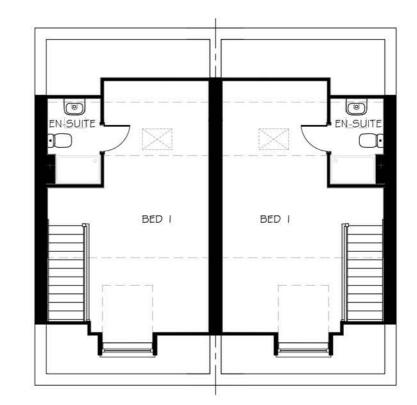












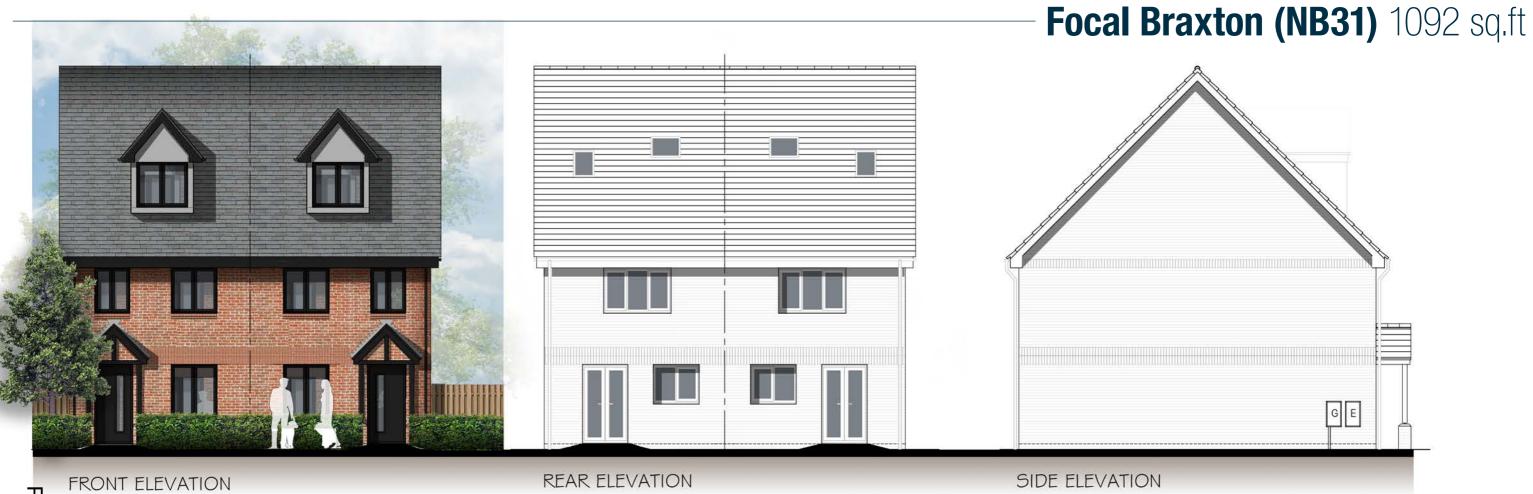
FIRST FLOOR PLAN

SECOND FLOOR PLAN

GROUND FLOOR PLAN

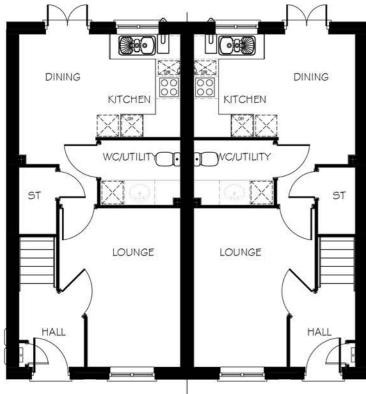
Braxton (NB31) 1092 sq.ft

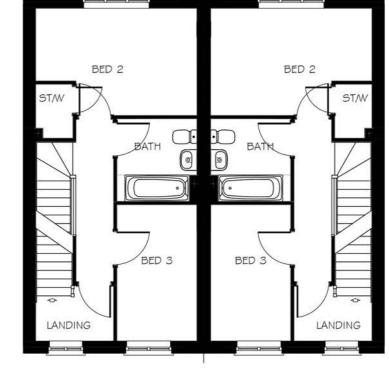


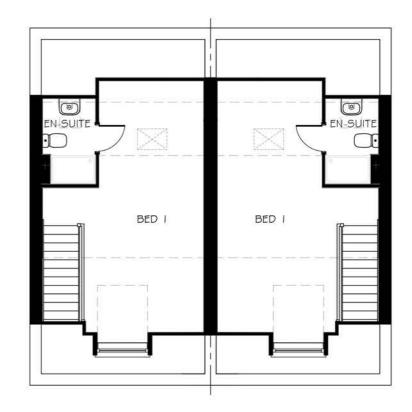


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GROUND FLOOR PLAN

4775

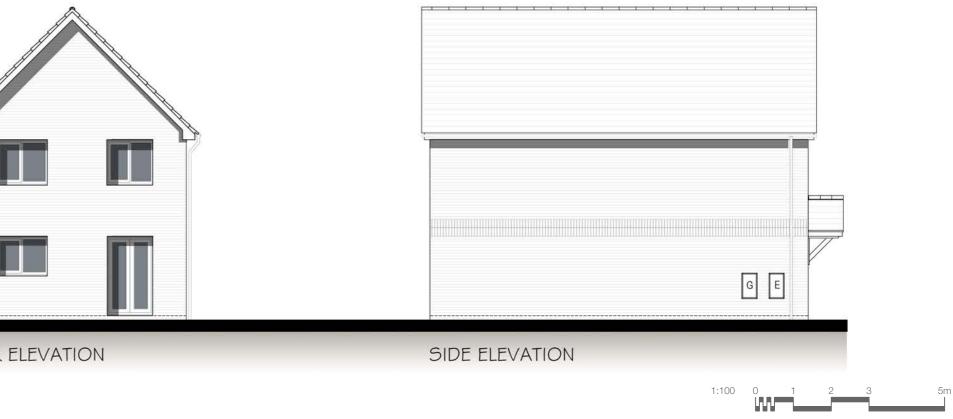
FIRST FLOOR PLAN

SECOND FLOOR PLAN









REAR ELEVATION

Lydford (PA42) 1099 sq.ft



Trusdale (NT41) 1243 sq.ft

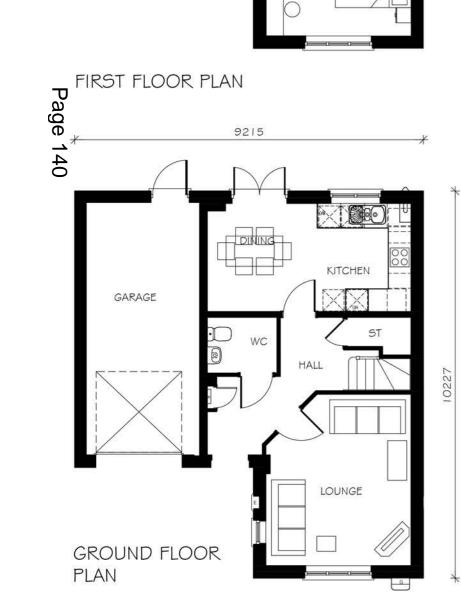


SIDE ELEVATION

1:100 0 1 2 3 5m

BED 2 BFD BATH \bigcirc LANDING BED 3 ST/W BED 1





FRONT ELEVATION

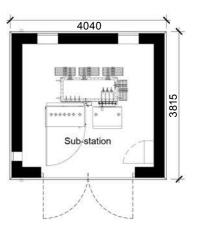


Cotham (ND40) 1259 sq.ft





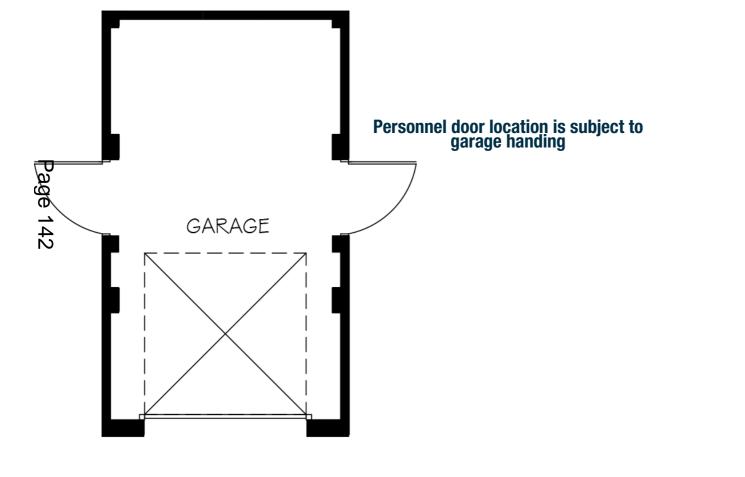
Substation







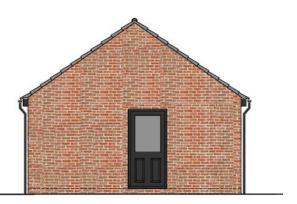




Floor Plan - Scale 1:50

Rear Elevation

Single Garage



Side Elevation

Personnel door location is subject to garage handing



Side Elevation







STREET SCENE B-B Plots B9-B14, T156-167, T123-T124, T97-108, T85-T96



STREET SCENE C-C Plots B105, B101-B92, B88, B81



STREET SCENE D-D Plots B105, T128-132, T32-T36



STREET SCENE E-E Plots T8-T11, T22-T32



MANCHESTER ROAD AUDENSHAW

Drawing Number: BHM104 SS03 September 2020







MANCHESTER ROAD AUDENSHAW

Drawing Number: BHM104 SS03 September 2020

ILLUSTRATIVE STREET SCENES SECTIONS 1:200@A0



Agenda Item 6.b)

Application Number:	20/00559/FUL
Proposal:	Conversion of existing two storey workshop building to form two dwelling houses, demolition of existing single storey workshop building and erection of two single storey bungalows with associated works including car parking.
Site:	218 Audenshaw Road, Audenshaw, M34 5QR
Applicant:	Mr D Ross
Recommendation:	Grant planning permission subject to conditions.
Reason for report:	A Speakers Panel decision is required because one of the objectors to the application has requested to address the Panel meeting and, in accordance with the Panel's Terms of Reference, to authorise the utilisation of the Private Street Work Code for the making up of Eastwood Street, a private street, to enable development to take place.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the conversion of the existing two storey workshop building to form two dwelling houses and the erection of two single storey bungalows following the demolition of existing single storey workshop building. The proposals also include associated works including the provision of car parking.
- 1.2 The scheme has been amended to reduce the number of dwellings by two, with the original scheme proposing to replace the existing single storey workshop with four bungalows. The proposals include the erection of a relatively narrow 1.5 storey lean-to extension on the southern elevation of the mill as part of the conversion of that building.
- 1.3 The mix of the dwellings in the proposed scheme would be as follows:-

2 x 2 bed single storey bungalows 2 x 3 bed 2 storey houses

- 1.4 The following documents have been submitted in support of the planning application:-
 - Planning Statement
 - Development Financial Appraisal
 - Contaminated land screening report (including reference to coal mining legacy)
 - Preliminary Bat Report
 - Bat Presence Survey
 - Noise Impact Assessment

2. SITE & SURROUNDINGS

2.1 The application relates to a former builders yard, which currently stands vacant, accessed via Eastwood Street in the south western corner of the site. There is an existing bungalow adjacent to the southern boundary of the site, which fronts on to Audenshaw Road and is owned by the applicant. Neighbouring properties on High Ash Grove back on to the north western boundary of the site. The southern gable of a terrace of 5 properties faces the northern boundary of the application site. The eastern gable of a terrace of units that front

onto Audenshaw Road face the south eastern corner of the site, separated from the site boundary by Eastwood Street.

2.2 A two storey building of brick elevations and a slate tiled is located in the eastern portion of the land, backing on to that boundary of the site. More modern and lighter weight single storey structures extend from the northern elevation of that building and run along the rear (northern) boundary of the site. The remaining area of the site is covered by hardstanding. Land levels on the site and adjacent neighbouring properties are relatively flat. The railway line runs adjacent to the eastern boundary of the land, with established trees lining that edge of the site.

3. PLANNING HISTORY

3.1 None relevant to the determination of this planning application.

4. RELEVANT PLANNING POLICIES

4.1 **Tameside Unitary Development Plan (UDP) Allocation** No specific allocation, located within the settlement of Audenshaw.

4.2 **Part 1 Policies**

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

4.3 Part 2 Policies

- E3: Established Employment Areas
- C1: Townscape and Urban Form
- H2: Unallocated Sites (for housing)
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW14 Air Quality
- N3: Nature Conservation Factors
- N4 Trees and Woodland
- N5: Trees Within Development Sites
- N7: Protected Species
- OL7: Potential of Water Areas
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4 Flood Prevention U5 Energy Efficiency

4.4 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2018.

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

Residential Design Supplementary Planning Document (SPD) Employment Land SPD adopted January 2009 Trees and Landscaping on Development Sites SPD adopted in March 2007 Tameside Open Space, Sport and Recreation Study (2010) Tameside Council Playing Pitch Strategy 2015

4.5 National Planning Policy Framework (NPPF)

Section 2: Achieving Sustainable Development Section 5: Delivering a sufficient supply of homes Section 8: Promoting healthy and safe communities Section 11: Making Effective use of Land Section 12: Achieving well-designed places Section 15: Conserving and enhancing the natural environment Section 16: Conserving and enhancing the historic environment

4.6 **Planning Practice Guidance (PPG)**

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

5. PUBLICITY CARRIED OUT

5.1 Neighbour notification letters were issued and a notice displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.

6. **RESPONSES FROM CONSULTEES**

- 6.1 Borough Environmental Health Officer (EHO) no objections to the proposals, subject to the imposition of conditions securing details of the specific measures to be installed within the buildings to mitigate against the impact of external noise sources and limiting the hours of work during the construction phase of the development.
- 6.2 Greater Manchester Ecology Unit (GMEU) no objections to the proposals or the conclusion of the Bat Survey submitted with the planning application. Conditions requiring details of the soft landscaping and external lighting schemes and the biodiversity enhancements to be installed to be submitted and approved are recommended, along with an informative outlining the developer's responsibilities with regards to protected species.
- 6.3 Local Highway Authority no objections to the amended proposals following amendments to the scheme. Conditions are recommended in relation to the following:-

- The submission of a condition survey of the highway prior to the commencement of development.
- The submission of a Construction Environment Management Plan prior to the commencement of development.
- The submission of an external lighting scheme.
- Stipulating the visibility splays to be retained free from obstruction in both directions from the vehicular access.
- The provision of secured cycle storage.
- The laying out of the parking spaces shown on the submitted plans prior to the occupation of the dwellings.
- 6.4 The developer will need to enter into a Section 204 Agreement, under the Highways Act 1980, with respect to the construction and adoption of the approved highway/s and/or junction/s. This requirement should be included as part of any decision by the Speakers Panel to grant planning permission.
- 6.5 United Utilities no objections to the proposals subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development. United Utilities advises that a large diameter pressurised trunk main crosses the site. As United Utilities need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. (NB the applicant has been made aware of this issue).
- 6.6 Lead Local Flood Authority (LLFA) request further information in relation to a surface water drainage strategy for the development, prior to the determination of the application.
- 6.7 Borough Contaminated Land Officer no objections to the proposals subject to the imposition of a condition requiring an intrusive investigation into potential sources of ground contamination of the site and the approval of a remediation strategy prior to the commencement of development.
- 6.8 Borough Tree Officer no objections to the proposals. Specific details of the soft landscaping scheme to serve the development should be secured by condition.
- 6.9 Coal Authority no objections to the proposals, confirming that the site is in an area that is considered not to be at high risk from the land stability issues associated with coal mining legacy.
- 6.10 Network Rail raise concerns regarding the erection of 1.8 metre high fence adjacent to boundary with the railway, stating that any such means of enclosure should be constructed on land wholly within the ownership of the applicant. Any boundary treatments to be installed must be set 1 metre away from land controlled by Network Rail. A Risk Assessment and Method Statement (RAMS) will need to be completed and agreed by Network Rail for all works to be undertaken within 10m of the operational railway.
- 6.11 Health and Safety Executive (HSE) do not advise against the granting of planning permission.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 3 letters of objection were received in relation to the original proposals (for 6 dwellings on the site) from neighbouring properties, which raise the following concerns (summarised):-
 - The scheme will result in harmful overlooking of neighbouring properties.

- The demolition and construction phase will result in harm to air quality and will generate noise levels that will have an adverse impact on the residential amenity of neighbouring residents.
- There appears to be insufficient car parking provision to serve the development.
- The plans indicate that the main entrance into the development would be from Eastwood Street. This route shares a boundary with a neighbouring residential property. The noise and air quality issues associated with the use of this access would have a detrimental impact on the residential amenity of that neighbouring property.
- There are windows in the side gable of the property immediately west of Eastwood Street the increased level of activity on this road that would result from the proposed development would harm the residential amenity of the occupants of that property.
- Neighbouring properties park vehicles on Eastwood Street. The ability to continue to do so would be hindered by the proposed development.
- Highway safety concerns regarding the use of Eastwood Street as the point of access due to lack of visibility into Audenshaw Road and the narrow width of that highway.

8. ANAYLSIS

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

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application states that the last use of the site was as a builders' yard. Whilst a relatively low key employment use when compared to office or light industrial use, the extant use of the site is one that supports employment opportunities. Policy E3 of the UDP is entitled Established Employment Sites. The policy makes clear that sites that have an established employment use but are not specifically allocated for this purpose (this site is not allocated) should be assessed against the criteria of that policy.
- 9.2 The policy states that the conversion of such sites to residential or mixed use development will not be permitted unless it is considered that the need for housing and the regeneration benefits of such development outweigh the need to retain the site for employment purposes. The policy states that, in making this assessment, the following factors should be considered:
 - a) The quality and type of employment sites and premises available in the area.
 - b) Evidence of demand for employment sites and premises in the area.
 - c) The suitability of the site for further employment use in terms of size, physical characteristics, access, traffic impact, and sensitivity of surrounding land uses.
 - d) The opportunity which may be presented for new forms of employment as part of a mixed use scheme.
- 9.3 A builders yard (the established use of the site) is a sui generis use as opposed to one that falls within the traditional employment uses (those falling within class E, B2 or B8). The supporting information submitted with the planning application indicates that the site has been vacant of any commercial activity for a minimum of 15 years. Neighbouring

residential properties are located within close proximity to the northern and western boundaries of the site and the surrounding area is predominantly residential in character. The access arrangement that serve the site from Eastwood Street are considered to be restrictive for Heavy Goods Vehicles.

- 9.4 In terms of alternative sites, a large area of land to the south of the M60 is allocated under policy E2 of the UDP as a Development Opportunity Area. That area includes a number of relatively low key employment uses, including demolition yards, which have resulted in a detrimental impact on the environmental quality of the surrounding area, which is adjacent to the Ashton Canal. The Development Opportunity Area allocated for the land states that new employment development that enhances the environment would be an appropriate form of development in this area. Such development remains to be brought forward and therefore this land represents a viable and more suitable alternative to the application site for generating new employment uses in Audenshaw.
- 9.5 The close proximity of neighbouring dwellings ensures that regular trips associated with any commercial use would likely be more harmful to the residential amenity of those properties than residential use of the site, where trips would be more concentrated to peak periods and would be more aligned to the existing neighbouring uses.
- 9.6 Given the above, it is considered that the site is constrained in terms of its potential for employment use and only has a limited recent history in this regard. Conversely, it is considered that the site is situated in a highly suitable location for residential development, in accordance with national and local planning policy. Regular bus services connecting between Manchester city centre and Ashton can be accessed via bus stoops within close proximity of the site, with Guide Bridge train station less than a 15 minute walk from the site.
- 9.7 The site is therefore considered to be situated in a sustainable location. It also meets the definition of previously developed land as se out in the NPPF. The scheme therefore constitutes the redevelopment of a brownfield site for residential purposes, in an area characterised by predominantly residential development. It is also the case that the Council is required to boost the supply of housing in the Borough, in order to address the deficit in the five year supply of housing land.
- 9.8 Given this situation, it is considered that the benefit of the provision of housing on this site is worthy of significant weight. Demand for potential employment use has not been tested through a period of marketing. However, given the nature of the last use of the site, the constrained nature of the land from an commercial perspective and the fact that land within relatively close proximity of the site has been allocated for redevelopment with new employment uses, it is considered that the loss of a potential employment site in this location is worthy of less weight.
- 9.9 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER OF THE SURROUNDING AREA

- 10.1 Section 12 of the NPPF is entitled Achieving well-designed places. Paragraph 127 states that planning decisions should ensure that development achieves the following criteria (those relevant to this proposal):-
 - Developments that will function well and add to the quality of the area.
 - Developments that are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- Developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
- Developments that establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places.
- Developments that optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- Developments that are safe, inclusive and accessible and which promote health and wellbeing, 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.
- 10.2 Paragraph 130 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards....'.
- 10.3 The scheme proposes the conversion of the existing brick warehouse building in the eastern portion of the site. The conversion would retain the large openings on the principal elevation of the existing building, with the entrances to each of the two properties to be recessed. The treatment of this key elevation is considered to preserve the character of the building, which officers consider to be a non-designated heritage asset.
- 10.4 The two proposed new build bungalows would back on to the northern boundary of the site, which is visible from High Ash Grove. Whilst ideally development would be outward facing, it is acknowledged that the northern boundary of the site forms the shared boundary with the front garden area of the closest neighbouring property to that boundary.
- 10.5 This presents challenges in terms of residential amenity impact and access but also ensures that the site boundary is set back on the High Ash Grove frontage from these views. As such, development that backs on to that boundary is considered not to be a prominent departure from the character of development on the streetscene. This assessment is made within the context of the fact that the existing single storey structures which back on to the northern boundary of the site are visible in public views of the site from High Ash Grove.
- 10.6 The scheme proposes to utilise the existing access from Eastwood Street and would arrange the dwellings around a central courtyard area. This is considered to be an appropriate design solution in this case, responding to the orientation of the existing property at 218 Audenshaw Road and the two storey workshop building to be retained and converted as part of the proposed scheme. The fact that the new build dwellings on the northern edge of the development would be single storey is considered to ensure that the scale of the scheme would not result in a detrimental impact on the character of the area.
- 10.7 Following the amendment to omit two of the four new buildings originally proposed, it is considered that the revised scheme retains gaps between the dwellings and the boundaries of the site to the extent that emphasise the relatively low density of development. The spacing that can be achieved further reduces the prominence of the development in public views and allows greater opportunities for structural landscaping to soften the impact of the development, recognising the mature landscaping on the eastern edge of the site.
- 10.8 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in UDP policy C1 and Section 11 of the NPPF as quoted above.

11. **RESIDENTIAL AMENITY**

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with primary window(s) serving habitable room(s) and a corresponding blank elevation of a neighbouring property face each other.
- 11.2 The amendment to remove two of the originally proposed new build bungalows has allowed the separation distances to the properties to the west of the site to be increased. The western elevation of the proposed bungalow closest to the common boundary with those neighbouring properties would include openings, but none of these would be primary windows to habitable rooms. All glazing on that elevation could therefore be required to be obscurely glazed to prevent unreasonable overlooking across the western boundary of the site. A condition stipulating this requirement is attached to the recommendation.
- 11.3 This would effectively make that elevation 'blank' for the purposes of assessing the impact on the residential amenity of the affected neighbouring properties. The plans demonstrate that a separation distance in excess of 14 metres would be retained between that gable elevation and the corresponding rear elevation of the closest neighbouring property to the west of the site. Given the fact that the proposed building is single storey and the oblique nature of the relationship to be retained, it is considered that the proposed development would not result in unreasonable overlooking into or overshadowing of any of those neighbouring properties.
- 11.4 A separation distance of approximately 14 metres would be retained between the rear elevation of the bungalow proposed in the north eastern corner of the site and the corresponding gable elevation of the property at 5 High Ash Grove to the north of the site. There are no primary openings serving habitable room rooms on that gable elevation of that neighbouring and as such, the separation distance to be retained would comply with the RDG and preserve the residential amenity of the neighbouring property.
- 11.5 A separation distance in excess of 18 metres would be retained to between the front elevation of no. 33 High Ash Grove to the north west of the site and the closest dwelling within the proposed development. Given this distance, the oblique relationship to be retained to the site and the single storey nature of the proposed development in that part of the site, it is considered that the proposal would not result in any unreasonable overlooking into or overshadowing of that neighbouring property.
- 11.6 The separation distances to the other properties within the terrace of which 33 High Ash Grove is a part would be greater than 18 metres and again, given the oblique nature of the relationship, it is considered that there would be no adverse impact on the residential amenity on any of those properties.
- 11.7 Due to the orientation of the buildings within the proposed arrangement, it is considered that the scheme would retain a sufficiently oblique relationship between the southern-most dwelling within the building to be converted and the existing dwelling at 218 Audenshaw Road, which is within the ownership of the applicant. The separation distances to be retained between that existing property and the new build bungalows to be sited in the northern part of the site is also considered sufficient to preserve the residential amenity of the occupiers of each of the properties concerned.
- 11.8 In relation to the impact of noise associated with the use of the access along Eastwood Street on the adjacent neighbouring property, the concerns expressed by objectors are noted. However the impact of the proposals in this regard must be considered within the context of the potential impact under the extant situation. A builders yard is considered

more likely to result in more frequent journeys by vehicles larger than domestic cars for longer periods of the day than a residential use of the land. The traffic movements associated with the proposed use is likely to be concentrated at peak times and the vast majority of movements would be by domestic cars.

- 11.9 Within this context, it is considered that the proposed development would not result in noise levels that would be harmful to the residential amenity of the property that presents its gable to Eastwood Street, or any of the other neighbouring properties, within the context of the extant position. This assessment is corroborated by the lack of objection to the proposals from the Borough EHO.
- 11.10 On the basis of the above assessment, the proposals are considered to preserve the residential amenity of neighbouring properties and the amenity of the future occupants of the development.

12. HIGHWAY SAFETY

- 12.1 Vehicular access into the proposed development would be via the current point of access in the south western corner of the site, which connects to Eastwood Street. The concerns of objectors to the application regarding the visibility splays from Eastwood Street into Audenshaw Road are noted.
- 12.2 The amended scheme now proposes the erection of 4 dwellings on the site of the former builders yard. The amended scheme also includes proposals to demarcate the junction at the point where Eastwood Street connects to Audenshaw Road at a point level with the front edge of the footpath on the northern side of Audenshaw Road.
- 12.3 This effectively extends the junction point southwards from the back edge of that footpath towards the existing 'keep clear' zone that is marked within Audenshaw Road and allows adequate visibility splays to be achieved in both easterly and westerly directions from the junction into Audenshaw Road. This arrangement is similar to the markings at the junction between Ash Street and Audenshaw Road to the west of the site.
- 12.4 On the basis that the details of these works are secured by condition, the Local Highway Authority has not raised any objections to the proposals. The plans are consider sufficient to demonstrate that refuse vehicles could enter and leave the site in a forward gear via use of a turning area at the entrance into the development, beyond the northern end of Eastwood Street. A condition requiring a scheme to be agreed for these works and the works to be undertaken to bring Eastwood Street up to an adoptable standard can be secured by a Grampian condition. Such a condition is attached to the recommendation.
- 12.5 The amended scheme makes provision for 2 car parking spaces to serve each of the 4 new dwellings, with 1 space being retained for the occupiers of the existing property at 218 Audenshaw Road. This falls one space short of the requirements of policy RD8 of the RDG, which indicates that 2 spaces should be provided for each property of the size proposed. However, given the close proximity of regular public transport links to the site (as identified previously in this report), it is considered that the harm arising to highway safety from a deficit of 1 car parking space below the RDG standards would not be sufficient to warrant refusal of the application.
- 12.6 Details of secured cycle storage provision within each of the plots can be secured by condition. Conditions recommended by the Local Highway Authority in relation to the submission and approval of details of an external lighting scheme to serve the development and a Construction Environment Management Plan are also considered to be necessary and are attached to the recommendation.

- 12.7 A condition requiring the submission of a condition survey of the highway is considered not be reasonable as the Council has powers under the Highways Act to deal with damage caused during the construction process. The Grampian condition referred to previously will require details of the specification of the access road and footway connection proposed to extend the existing footway from Audenshaw Road along Eastwood Street.
- 12.8 The concerns of local residents regarding the ability to park within Eastwood Street are noted. The applicant has indicated that they own all of the land within the red edge plan and that includes Eastwood Street. This has not been challenged through the consultation process on the planning application. The issue of parking in that area therefore relates to what is currently a private right of access, which is not a material planning consideration.
- 12.9 In relation to the impact on the wider highway network, a development of 4 dwellings would be likely to produce substantially less than 10 vehicle movements to and from the site during peak periods, with far less movements during the other hours of the day. The extant commercial use would likely result in more Heavy Goods Vehicles entering and leaving the site and more two way journeys throughout the day than the proposed use. As such, it is considered that the proposals would not result in a detrimental impact on the capacity of the highway. This assessment is corroborated by the lack of objection from the Local Highway Authority to the proposals.
- 12.10 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety, subject to the imposition of appropriate conditions.
- 12.11 The existing access road from Audenshaw Road to the development is currently a private street. The Local Highway Authority has indicated that this must be made up to an adoptable standard (as indicated on the submitted plans), including street lighting, in order to ensure that the engineering works required to maintain highway safety can be carried out and appropriately maintained thereafter.
- 12.12 These works can be secured at the cost of the developer by a Grampion condition and section 106 agreement. This would allow a refuse vehicle to enter and leave the site in a forward gear. The recommendation on this application seeks Members approval to delegate authority to the Local Highway Authority to utilise the Council's statutory powers with regard to the making up of private streets, at the expense of the developer, in the event that planning permission is granted.

13. ECOLOGY AND TREES

- 13.1 As the scheme involves the demolition of the existing buildings on the site, any potential impact on protected species during this process must be given consideration. The applicant has submitted a Preliminary Bat Report and a Bat Presence Survey in support of the application. The conclusion of the Reports is that, whilst the brick built structure and some of the adjacent trees demonstrated potential for bat roosting, no such activity was encountered during the survey period.
- 13.2 The overall risk to bats is considered to be low. Precautionary mitigation measures are recommended for the demolition phase of the development and compliance with these can be secured by condition. Whilst indicative details of biodiversity enhancements are included with the application, these relate only to the existing two storey building to be retained.
- 13.3 GMEU has reviewed the findings of the submitted information and has not raised any objections to the proposals. Conditions limiting the timing of tree / vegetation removal and requiring details of further biodiversity enhancements to be submitted and approved are considered to be necessary and are attached to the recommendation. Informatives

outlining the developer's responsibilities with regards to both protected and invasive species can also be attached to any planning permission granted.

- 13.4 In relation to the impact on trees, the main potential impact would be on the established tree belt that runs adjacent to the east boundary of the site. The scheme does not propose to extend to the rear of the existing 2 storey building in that location and sufficient separation would be retained between the dwelling proposed in the north eastern corner of the site and those trees. Consideration needs to be given to the exact location and specification of the treatments that would demarcate the rear boundaries of the properties to be formed from the conversion of the existing mill building and these details can be secured by condition.
- 13.5 The Borough Tree Officer has not raised any objections to the proposals, subject to the imposition of a condition requiring details of a soft landscaping scheme to serve the development to be submitted and approved. Such a condition is attached to the recommendation.

14. FLOOD RISK / DRAINAGE

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding, although part of Audenshaw Road immediately to the south of the site is considered to be at a higher risk of flooding. The LLFA has requested details of a drainage strategy to serve the development prior to the determination of the application.
- 14.2 The scheme proposes the erection of two new dwellings on the site and the conversion and minor extension of an existing building to two further dwellings. In addition to being a relatively small scale development, the site constitutes brownfield land, the majority of which is laid to hardstanding. The creation of grassed areas to serve the dwellings would therefore increase the extent of permeable surface on the site. Given these factors and the fact that the site is at a relatively low risk of surface water flooding, it is considered sufficient to condition the submission and approval of a sustainable surface water strategy for the site prior to the commencement of development. Such a condition is attached to the recommendation.
- 14.3 United Utilities has not raised any objections to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development. These requirements are combined into one of the conditions attached to the recommendation.

15. OTHER MATTERS

- 15.1 The Borough EHO has not raised any objections to the proposals, subject to the imposition of conditions. A Noise Impact Assessment has been submitted with the planning application. This identifies the main noise sources potentially affecting the future occupants of the development as being the train line to the east and Audenshaw Road to the south of the site.
- 15.2 The Assessment concludes that a degree of mitigation will be required, primarily relating to the specification of the glazing and the use of mechanical ventilation to serve the openings on the most affected elevations. The EHO has raised no objections to the conclusions of the assessment. Further details of the specific mitigation measures to be installed can be secured by condition.

- 15.3 Indicative details off an area for communal refuse storage are shown on the proposed site plan adjacent to the western boundary of the site. Exact details of the capacity of the bins to be provided and the means of enclosure of the communal storage area can be secured by condition.
- 15.4 Given the relatively close proximity of neighbouring residents to the site, it is also considered reasonable to limit the hours of work during the construction phase of the development. A condition to this effect is attached to the recommendation.
- 15.5 In relation to ground contamination, a Phase I Assessment has been submitted in support of the planning application. The Assessment highlights the brownfield nature of the site and concludes that intrusive investigations need to be undertaken to inform what remediation works may be necessary. The Contaminated land Officer has reviewed the finding and has not raised any objections to the proposals, subject to the imposition of a condition requiring the undertaking of this intrusive investigation and the submission of a remediation strategy prior to the commencement of development. Such a condition is attached to the recommendation.
- 15.6 In relation to Section 106 contributions, the proposal is for less than 10 dwellings and therefore does not constitute 'major' development. As such, it does not meet the threshold referred to in either UDP policy H4 or paragraph 64 of the more recently adopted NPPF for the provision of affordable housing. An affordable housing contribution is therefore considered not to be necessary to make the scheme acceptable in planning terms.
- 15.7 The development proposes 4 dwellings, each with private hardens, in a sustainable location close to regular public transport for access to services, facilities employment are areas of public open space. Given these factors, it is considered that contributions in relation to offsite open space and highway infrastructure improvements would not meet the CIL tests in terms of being necessary to mitigate the impacts of the development. As such, a Section 106 Agreement securing contributions is not being pursued in this case.
- 15.8 The site is in a low risk area with regard to coal mining legacy and as such no conditions are considered to be necessary in this regard. An informative outlining the responsibilities of the developer in relation to this issue can be attached to any planning permission granted.
- 15.9 Network Rail (NR) has raised concerns regarding the erection of a 1.8 metre high fence adjacent to boundary with the railway (on the eastern boundary of the site), stating that any such means of enclosure should be constructed on land wholly within the ownership of the applicant. NR state that any boundary treatments to be installed must be set 1 metre away from land controlled by them. In response to this comment, it is important to note that under planning law, the landowner has the ability erect of fence of up to 2 metres in height on that boundary of the land (which they have declared that they own), without requiring planning permission.
- 15.10 The Local Planning Authority cannot therefore insist on the basis of planning considerations that any treatment on that edge of the site be stepped in 1 metre from the common boundary. The details of the location and specification of this boundary treatment can however be secured by condition and such a condition is attached to the recommendation.
- 15.11 The HSE was consulted on the application due to the presence of pressurised gas pipelines being located below the surface of Audenshaw Road, which runs adjacent to the south of the site. Their response indicates that the proximity of this infrastructure does not present a constraint on the development of the land, with no conditions considered necessary in this regard.

16. CONCLUSION

- 16.1 The principle of development is considered to be acceptable. Whilst the proposals would result in the loss of an employment site, the site has been vacant for an extended period of time. Although the site has not been actively marketed, there are a number of constraints, which limit the site's suitability for re-use for employment purposes, as identified in the main body of the report. There is also a large Development Opportunity Area allocation to the north east of the site which is considered suitable for new employment uses, offering a more viable alternative to this site for prospective employment uses looking to establish in Audenshaw.
- 16.2 The amended scheme is considered to preserve the character of the surrounding area and the residential amenity of neighbouring properties. Following the reduction in the number of dwellings by two, the amended scheme is considered to make adequate provision for car parking and includes improvements to the visibility splays that can be achieved from the junction of Eastwood Street into Audenshaw Road. The proposals also include extension of the adopted highway to include Eastwood Street, to ensure that the mitigation measures can be appropriately maintained.
- 16.3 Although the LLFA consider that further information regarding surface water drainage is required prior to the determination of the application, for the reasons given in the main body of the report, it is considered that this matter can adequately be dealt with by condition.
- 16.4 There are no formal objections to the proposals from any of the statutory consultees. It is considered that all other material considerations can be satisfied through the imposition of conditions, where appropriate, as detailed in the main body of the report.
- 16.5 The proposals are therefore considered to comply with the relevant national and local planning policies quoted above.

17. **RECOMMENDATION**

- 17.1 To authorise the making up of Eastwood Street, a private street, to enable development to take place and the completion of a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure those works, at the cost of the developer, under the Private Street Works Code; and to grant planning permission, subject to the following conditions:-
 - 1. The development must be begun not later than the expiration of three years of the date of this decision.
 - 2. The development hereby approved shall be carried out in accordance with the following approved plans:-

1:1250 Site location plan (Drawing no. 911 PL_01) Proposed demolition plans (Drawing no. 911 PL_04) Proposed site layout plan (Drawing no. 911 PL_05 Rev. D) Proposed bungalow plans and elevations (Drawing no. 911 PL_06 Rev. B) Proposed Mill conversion plans and elevations (Drawing no. 911 PL_07) Preliminary Bat Report produced by Braithwaite Bat Surveys (Ref. DR-M345WP) Bat Presence Survey produced by Braithwaite Bat Surveys (Ref. DR-M345WP)

3. No development, other than site clearance and site compound set up, shall commence until such time as the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.

- i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
- ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment (including controlled waters) shall be approved by the Local Planning Authority prior to implementation.
- iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
- iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation / use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

- 4. Notwithstanding any description of materials listed in the application or detailed on the approved plans, no above ground construction works shall take place until samples and / or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings and, in the finishes to all external hard-surfaces 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.
- 5. No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-
 - 1. Phasing plan of highway works.
 - 2. Surface and drainage details of all carriageways and footways.
 - 3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
 - 4. details of the specification of the access road and footway connection proposed to extend the existing footway from Audenshaw Road along Eastwood Street (including the provision of tactile paving and dropped kerbs).
 - 5. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas.
 - 6. Details of carriageway markings and signage.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

- 6. No development shall commence until details of the tree protection measures (meeting the requirements of BS5837:2012) to be installed around the trees to be retained within the site and adjacent to the boundaries of the land (as indicated on the approved plans) during the construction phase of the development have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be implemented in accordance with the approved details prior to the commencement of development and shall be retained as such for the duration of the construction phase of the development.
- 7. Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and the means of enclosure. The bin storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
- 8. 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:-
 - Wheel wash facilities for construction vehicles;
 - Arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases;
 - Details of on-site storage facilities;

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

- 9. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve each of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.
- 10. Notwithstanding the details submitted with the planning application, no development above ground level shall commence until full details of a scheme of hard and soft landscaping to be incorporated into the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following specific measures:-
 - A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to the planted, spacing between them and their height on planting
 - A plan showing the location and construction material of all hard surfacing.

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

11. The approved scheme of landscaping scheme shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of

the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.

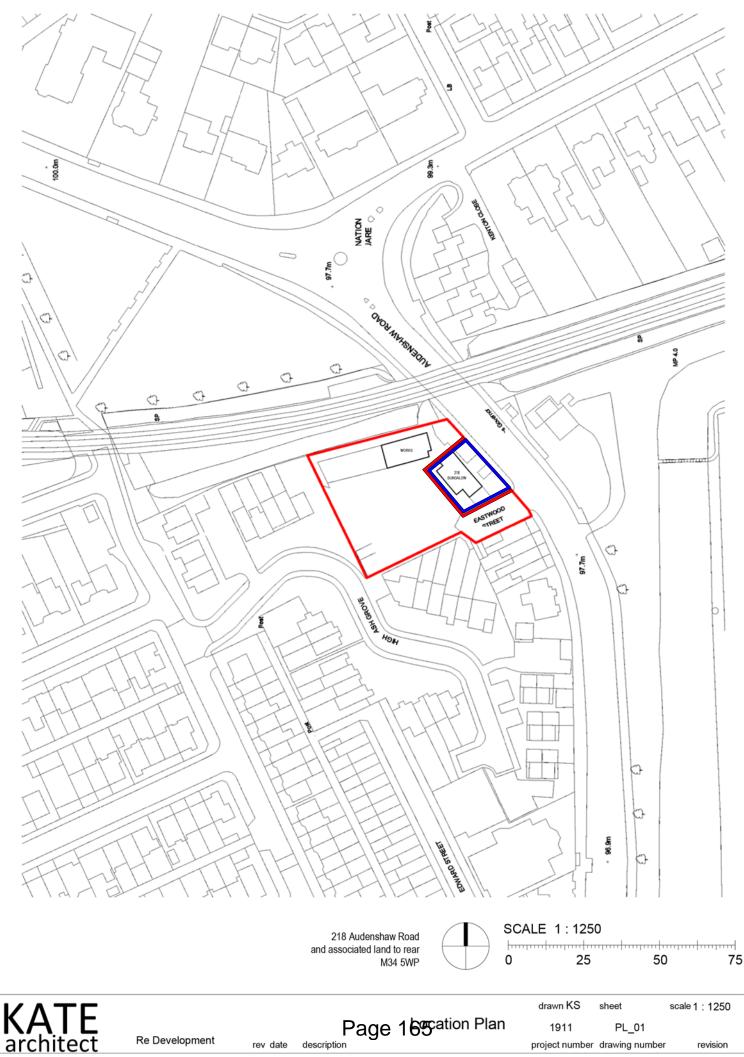
- 12. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. 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. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.
- 13. No development above ground level shall commence until details of biodiversity enhancement measures to be installed as part of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations (to include Bat bricks / bat slates, Bird boxes, Native tree and shrub planting and wildflower planting) and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
- 14. Notwithstanding the details submitted with the planning application, prior to the occupation of any of the plots identified as requiring treatment to the elevations with noise mitigation measures (as identified in the approved Nose Impact Assessment), the following details shall be submitted to and approved in writing by the Local Planning Authority:-
 - A scaled plan showing the exact location of the elevations to be treated with the particular noise mitigation measures; and
 - A manufacturer's specification of the mitigation measures to be submitted and approved, including acoustic fence.

The approved mitigation measures shall be installed in each of the affected plots prior to the first occupation of that dwelling and shall be retained as such thereafter.

- 15. Notwithstanding the details shown on the approved plans, no development associated with the conversion of the existing building in the eastern portion of the site shall commence until scaled plans showing the extent of the recess to be applied to all external window and door openings within the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 16. Prior to the first occupation of the bungalow to be situated in the north western corner of the site as part of the development hereby approved, all of the windows in the western elevation of that dwelling shall be fitted with obscured glazing (meeting Pilkington Level 3 in obscurity as a minimum) and shall be fixed shut below a height of 1.7 metres above the internal floor level of the room that they serve. The development shall be retained as such thereafter.
- 17. Notwithstanding the details shown on the approved plans, prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatments to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans of the treatments and details

of the construction material and the finish to be applied. The boundary treatments for each dwelling shall be installed in accordance with the approved details prior to the first occupation of that dwelling.

- 18. 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.
- 19. Prior to the first occupation of any part of the development hereby approved, details of a scheme for external lighting to serve the development (including both within the highway and to serve private driveways) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
- 20. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.
- 21. A clear view shall be provided on both sides of any driveway or vehicular access as it meets the back of footway. It shall measure 2.4 metres along the edge of the site access and 2.4 metres along the back of footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
- 22. The car parking spaces to serve the development hereby approved shall be installed in accordance with the details shown on the approved site plan prior to the first occupation of any of the dwellings and shall be retained free from obstruction for their intended purposes thereafter.
- 23. The development shall be carried out in accordance with the mitigation measures detailed within the Preliminary Bat Report and Bat Presence Survey submitted with the planning application.



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Application Number: 20/00559/FUL

Photo 1 – view looking northwards down Eastwood Street towards the entrance to the application site



Photo 2 – view of eastern gable of the neighbouring property immediately to the west of Eastwood Street



Photo 3 – view of existing buildings on the site from northern end of Eastwood Street



Photo 4 – view of northern boundary of the site on High Ash Grove



Photo 5 – view of properties to the north of the site on High Ash Grove



Photo 6 – aerial view of the existing properties to the north west of the site on High Ash Grove



Photo 7 – view of existing access onto Williamson Lane from within the site





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NOTES

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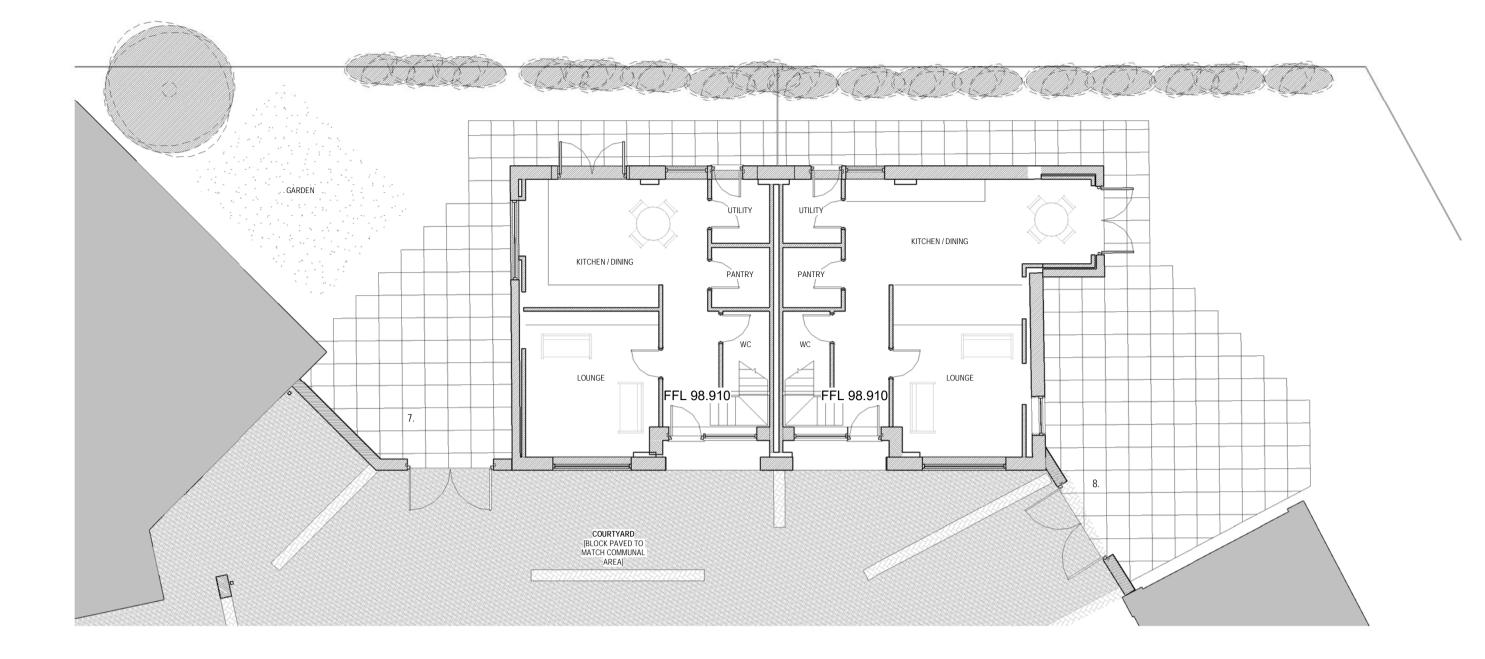
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Mr D Ross				



Proposed Bungalow Plan & Elevations

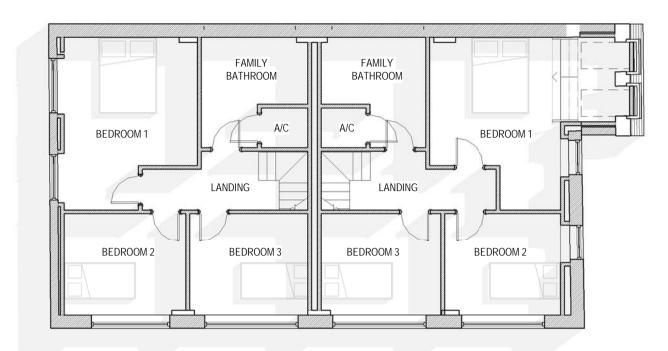
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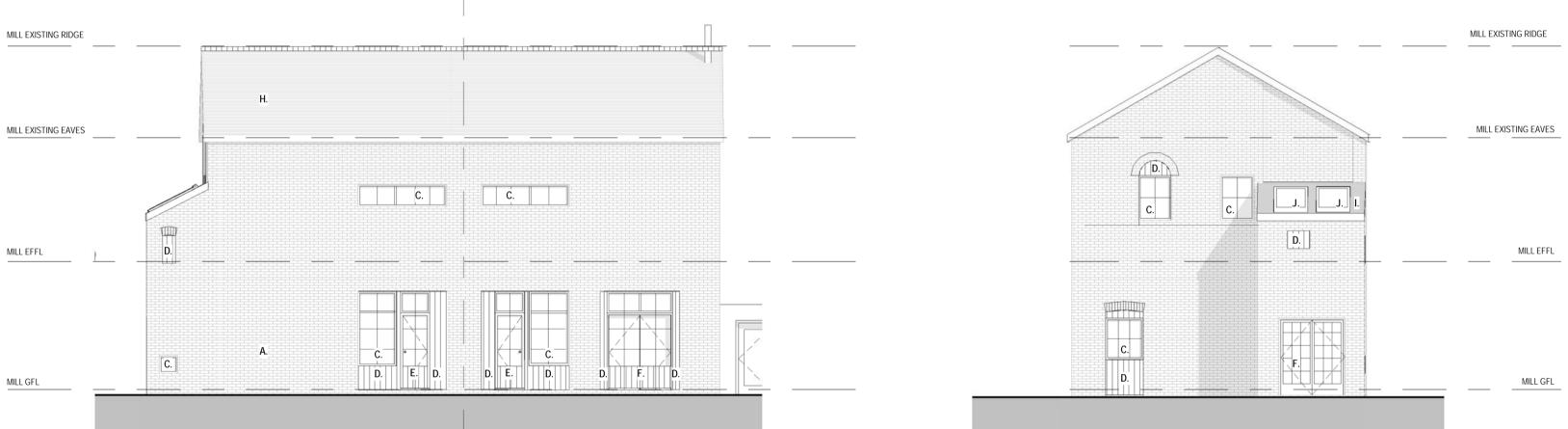


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А.	EXISTING BRICKWORK TO BE CLEANED MADE GOOD AND REPOINTED AS NECESSARY	
B.	NEW BRICKWORK IBSTOCK A4009A BEXHILL DARK ENGLISH BOND	
C.	NEW TIMBER WINDOW DOUBLE/TRIPLE GLAZED UNITS [SPEC AS ACOUSTIC REPORT] PAINTED TO RAL 6005	MILL EFFL
D.	NEW EXTERNAL WALL INFILL PANEL INSULATED CAVITY BLOCKWORK WITH VERTICAL TIMBER CLADDING PAINTED TO RAL 6005	
E.	NEW ENTRANCE DOOR SOLID CORE VERTICAL PANEL TIMBER [HOUSES WITH DOUBLE GLAZED FANLIGHT] PAINTED TO RAL 6005	MILL GFL
F.	NEW FRENCH DOORS PAINTED HARDWOOD WITH DOUBLE/TRIPLE GLAZED UNITS [SPEC AS ACOUSTIC REPORT] TO RAL 6005	
G.	NEW CARPORT DOORS PAINTED HARDWOOD TO RAL 6005	
H.	EXISTING ROOF MADE GOOD AS REQUIRED	
l.	NEW ROOF MARLEY PLAIN ROOF TILE IN ANTIQUE BROWN	
J.	NEW ROOFLIGHTS CONSERVATION GRADE VELUX	
К.	TARMAC SURFACING	
L.	BLOCK PAVING	
Μ.	CONCRETE PAVING	
		MILL EXIST

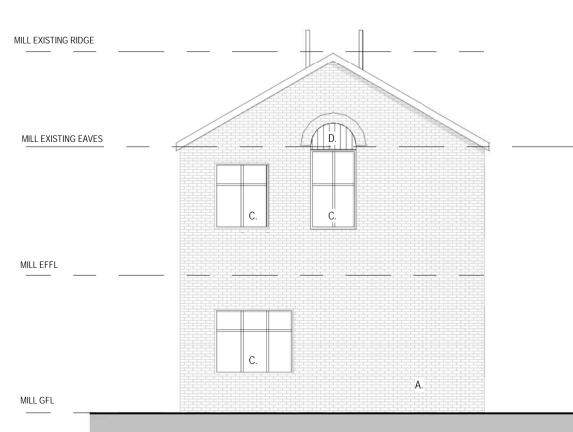


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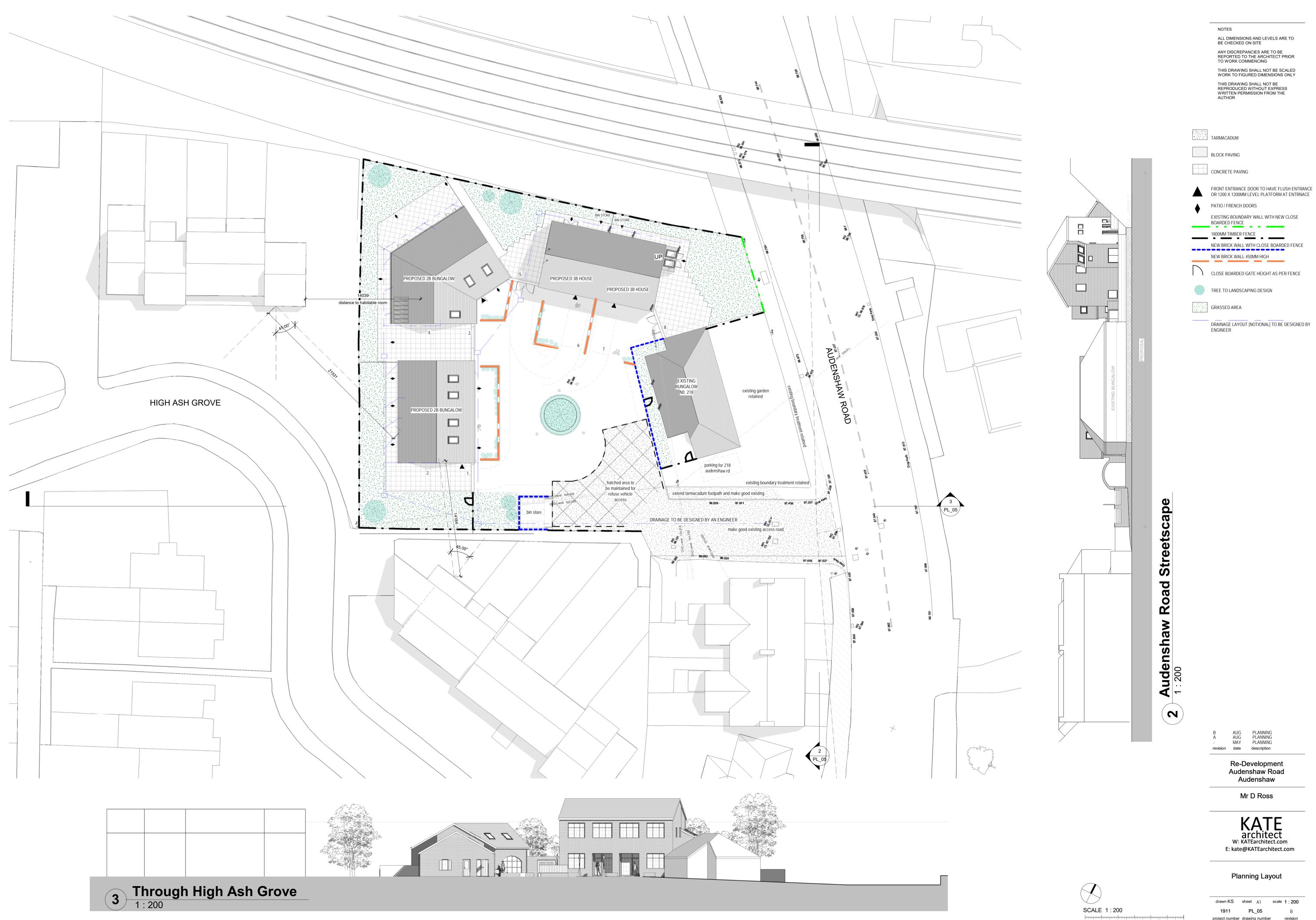
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Agenda Item 6.c)

Application Number:	20/00585/FUL
Proposal:	Demolition of existing conservatory and construction of single storey / two storey rear extension and new first floor balcony to side of property.
Site:	4 Miller Hey, Mossley, Tameside, OL5 9PP
Applicant:	Mr Mark Crane
Recommendation:	REFUSE
Reason for report:	Councillor Homer has requested that delegated powers are not exercised by the Head of Planning and that the application should be considered by the Speakers Panel (Planning). This is on the basis that the applicant considers the recommendation to be inconsistent with other planning applications that have been approved in the same area and that the proposed extension would not be detrimental to the area or exceed the requirements for building in the area.

1. APPLICATION DESCRIPTION

1.1 Planning permission is sought for the demolition of the existing conservatory extension to the rear elevation of No. 4 Miller Hey and the construction of a part two storey, part single storey rear extension. The application also seeks permission for the creation of a new Juliet balcony to the side elevation of the existing two storey side extension. The extension would be constructed using materials to match the existing.

2. SITE & SURROUNDINGS

- 2.1 The application site relates to a two storey semi-detached property situated on Miller Hey, which comprises a small cluster of 6 dwellings located off Regent Drive in Mossley. The site lies wholly within the designated Green Belt. To the rear (east) of the property there is an enclosed garden and to the south east of the dwelling is a detached garage, beyond which are surrounding open fields.
- 2.2 The dwelling itself is constructed with coursed natural stone elevations with a pitched roof. The dwelling has been extended with the addition of a two storey side extension and a single storey conservatory extension to the east facing rear elevation. An open wooden balcony platform is situated to the rear of the two storey extension.

3. PLANNING HISTORY

- 3.1 02/00288/FUL Single storey side extension Approved April 2002.
- 3.2 03/00926/FUL Two storey side extension Approved August 2003.
- 3.3 04/00126/FUL Detached garage Approved March 2004.

4. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP).

4.2 UDP Allocation – Designated Green Belt.

4.3 **Part 1 Policies:**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.10 Protecting and Enhancing the Natural Environment

4.4 **Part 2 Policies:**

- H10 Detailed Design of Housing Developments
- OL2 Existing Buildings in the Green Belt
- OL10 Landscape Quality and Character

4.5 Other Policies

Tameside Residential Design Supplementary Planning Document (2010) (SPD).

4.6 National Planning Policy Framework (NPPF)

- Section 2 Achieving Sustainable Development
- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land

Section 15 Conserving and Enhancing the Natural Environment

4.7 **Planning Practice Guidance (PPG)**

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

5. PUBLICITY CARRIED OUT

5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. A site notice was also displayed on 7th August 2020.

6. **RESPONSES FROM CONSULTEES**

6.1 None.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 A letter of support has been received with the signatures of the neighbours of four neighbouring properties. The comments received have been summarised below:-
 - Proposal would be of a benefit to the area by re-developing already developed land to be in keeping with the surroundings.
 - No concerns that the proposal would have more impact on the openness of the Green Belt land in which we live.
 - The land in question currently has no 'openness' having been built on a decade ago.
 - The proposed re-development represents only a very small amount of additional floor space for the existing building utilising already developed land in a different way and cannot be harmful to openness in any way
 - No effect on Green Belt.

• A number of very special circumstances apply: shortage of more 4 bed houses in Mossley; development proposed is clearly significantly less injurious to the Green Belt than the numerous development, which are available to owners of No.4 Miller Hey under permitted development rights; inconsistent with decision taken at No.8 Miller Hey.

8. ANALYSIS

- 8.1 In accordance with the revised NPPF and the Tameside UDP, the main issues raised by the application relate to the following:-
 - Principle of the development.
 - Impact of the development on the character and appearance of the surrounding area.
 - Impact on residential amenity.
 - Impact on highway safety.
- 8.2 The above matters, and other considerations, are considered in more detail below.

9. PRINCIPLE OF DEVELOPMENT

Whether the proposal would amount to inappropriate development in the Green Belt

- 9.1 The site lies within the designated Green Belt to which the Government attaches great importance. As detailed in paragraph 133 of the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.2 The Framework states that 'inappropriate development' is, <u>by definition</u>, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 145, the Framework explains that a Local Planning Authority should regard the construction of new buildings as inappropriate development within the Green Belt, with an exception being, amongst other things, an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.3 Locally, Policy OL2 of the Tameside UDP, which relates to the development of existing buildings within the Green Belt, is in line with the Framework and states that approval will only be given for the extension, alteration or replacement of existing buildings within the Green Belt, where:-

"(b) any extension of the building does not result in disproportionate additions over and above the size of the original building (or in the case of a replacement dwelling, the new building is not materially larger than the one it replaces)...

(e) the form, bulk, general design and external materials of the building is in keeping with its surroundings and retains the inherent character and scale of the original building."

- 9.4 The UDP does not define the term 'disproportionate', nor does the Framework. It is therefore a matter of planning judgement on a case-by-case basis.
- 9.5 The original dwelling comprised a two-bedroom, two-storey semi-detached dwellinghouse and so was modest in its size and appearance. The property was subsequently enlarged

with a two storey side extension and single storey conservatory extension to the rear that now form the existing dwelling.

9.6 To understand the general increase in the scale and proportions of the dwelling, officers calculated the approximate volume of the original building, the volume of the existing two storey side extension (which is to be retained), and the approximate volume of the proposed two storey and single storey rear extension. This is outlined below:-

Original Volume = approximately 309m³ (One third of original volume = 103m³) Existing two storey side extension = 130m³ Proposed part two storey / part single storey rear extension = 131m³ (96m³ two storey + 35m³ single storey) Original Volume (309m³) + Existing and proposed volume (261m³) = 570m³ = approximately 84% increase in volume.

9.7 The above calculations clearly indicate that the extensions now proposed, in addition to those already constructed, would have an overall volume and floor area that would near double the size of the original building. It is considered that the proposed extension would amount to a disproportionate addition to the original building, which fails to meet the exception listed under paragraph 145 (c) of the Framework. On this basis, the scheme would represent 'inappropriate development' in the Green Belt and would conflict with the Framework and UDP Policy OL2. It is therefore harmful to the Green Belt by definition and substantial weight must be attached to the harm arising due to the inappropriate nature of the development.

Effect on Openness

- 9.8 Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework.
- 9.9 The application site forms part of a small cluster of six properties known as Miller Hey. No.4 Miller Hey sits on the southern edge of this cluster of development adjacent to the open fields to the south, where the openness of the Green Belt can be widely appreciated. The rear of the application property (where the development is proposed) is not particularly visible from within the immediate public realm and surrounding public footpaths as the rear of the site is largely screened by the changing ground levels and trees / hedgerows to the site boundaries.
- 9.10 In a recent appeal decision (APP/R0660/W/18/3193413), a Planning Inspector made reference to 'openness' as having both a visual and spatial dimension and that the absence of visual intrusion does not, in itself, mean there is no impact on the openness of the Green Belt.
- 9.11 The proposal would increase the mass and bulk of the building both at first floor level and at ground floor level. The resultant building would be deeper and the overall scale, footprint and proportions of the dwelling would be increased. As a result of the increase in built form, it is considered that the enlarged building would heighten the urbanised nature of the existing site and, as a result, would harm the openness of the Green Belt in spatial terms.
- 9.12 Given that the rear of the property would be largely screened from view and only prominently visible from the south and elevated ground from afar, it can be accepted that in visual terms, the effect on openness would be more limited than would otherwise be the case. Nevertheless, harm still arises to the Green Belt.
- 9.13 Although the application must be considered in the context of existing circumstances the mature hedgerows and trees are not protected from future removal. If these were removed,

which cannot be assumed, this would exacerbate the impact of the proposals on openness. Therefore, although a concern, only very limited weight can be given to this.

9.14 To conclude, although the loss of openness that would be directly attributable to the application scheme would not be substantial in visual terms, it would add to the overall bulk of the property in spatial terms. Therefore for the above reasons the proposal would cause moderate / limited harm to the openness of the Green Belt in addition to the harm attributed by reason of its inappropriateness, of which is attached substantial weight.

10. CHARACTER OF THE SURROUNDING AREA

- 10.1 Part 1 Policy 1.3 and Policy OL10 of the UDP state that all development, including within the countryside, must achieve a high quality design, which is sensitive to the character of the local area and surroundings. High standards of siting, design, materials and landscaping will be expected.
- 10.2 Policy OL2(e) of the UDP requires the form, bulk, general design and external materials of extensions to be in keeping with its surroundings and retain the inherent character and scale of the original building. In more detail, Policy RED1 of the Residential Design SPD states that an extension should apply an architectural style that reflects the existing dwelling and that the scale and mass of the dwelling must not be significantly altered:-*"Extensions should be subordinate to the original building and not result in the significant external remodelling of a dwelling".*
- 10.3 The proposal is for a part two storey, part single storey extension to the rear of the existing dwelling. With regard to RED1 and RED4 of the SPD, Officers acknowledge that proposal would replicate existing design features (materials, fenestration, and roof design) and so would generally appear in keeping with the architectural style of the existing house and surrounding properties. In terms of overall scale, it can be noted that viewed in combination with the existing side extension, the proposal would completely enclose the side and rear elevations of the original dwelling and so would represent a large addition to the original building; however this would not be considered detrimental to the character and appearance of the existing dwelling.
- 10.4 Overall, the proposed extension is considered compliant with Policies 1.3 and H10 of the UDP and the Residential Design Supplementary Planning Document in respect of visual amenity.

11. **RESIDENTIAL AMENITY**

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised National Planning Policy Framework states that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. Policy H10 of the UDP also states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic.
- 11.2 In order to prevent overshadowing and / or a reduced outlook for neighbours, the Council limits the size of single storey rear extensions using a 60 degree line rule and two storey rear extensions using a 45 degree line rule. If a neighbour has an existing extension and this is the nearest habitable room window, the rule should be applied from the extension. To further protect the privacy of neighbours, Policy RED2 requires minimum separation distances between two directly facing habitable room windows (18m) and an existing window and a blank wall (10m single storey height / 14 two storey height).

- 11.3 In this instance, the proposed single storey rear extension would not conflict with the 60 degree angle rule when measured from the nearest rear facing habitable room windows to No.3 Miller Hey, compliant with Policy RED3.
- 11.4 No properties are situated within close proximity to the rear of No.4 Miller Hey, or to the side of the property. As a result, the proposal complies with the requirements of Policy RED2.
- 11.5 In light of the above, Officers are satisfied that the proposal would not result in harm to the residential amenities of the neighbouring occupiers in respect of light, outlook or privacy compliant with Policy H10 of the UDP and the Residential Design SPD.

12. HIGHWAY SAFETY

12.1 The scheme would not result in the loss of parking. As such the scheme is considered to be acceptable in relation to Highway Safety, compliant with Policy RED12 of the SPD.

13. OTHER CONSIDERATIONS

Application of the relevant section of the National Planning Policy Framework

13.1 The applicant has argued that when considering the principle of the development, Tameside Metropolitan Borough Council (TMBC) has mischaracterised the proposed development and is incorrect to consider the proposal as 'the extension or alteration of a building' under paragraph 145(c) and should rather be considering the proposal under the exception detailed within paragraph 145 (g) since the proposal utilises land which has already been developed into a conservatory, patio and 'second storey balcony'. Therefore, the proposal "simply amounts to redevelopment of previously developed land within one residential plot where any 'openness' has long ceased". For reference, Paragraph 145(g) relates to:-

"limited infilling or the partial or complete re-development of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- Not have a greater impact on the openness of the Green Belt than the existing development; or
- Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority"
- 13.2 Officers consider the assessment of the proposal against 145(g) to be incorrect. In the view of Officers, the proposal clearly represents an extension to an existing building and so should therefore be assessed against 145(c). Whilst Officers acknowledge the argument presented, the application should be considered on the basis of 145(c).

A case for Very Special Circumstances (VSCs)

13.3 As stated in paragraph 144 of the Framework, VSCs will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The applicant has put forward the following as other considerations:-

13.4 Previous decisions (inconsistency)

It has been argued that if planning permission were to be refused for this application, it would be inconsistent with TMBCs decision in 2017 to retrospectively approve an application at No.8 Miller Hey (neighbouring property) to split the one dwelling into two separate residential units, in addition to its previous extensions.

- 13.5 Officers acknowledge the previous development, which the applicant has cited above. However, each application is assessed on its own merits and based on its own site specific circumstances. Since the approval of development to No.8 Miller Hey (2009-2011), National planning policy has evolved – the Residential Design SPD has also been introduced, which now provides clear guidance as to scale, mass etc. The previous was considered subservient and not dominant, so it was concluded not to be a disproportionate addition.
- 13.6 In this particular case, the current extension now proposed in addition to those already constructed, would in the view of Officers comprise a disproportionate addition to the original house. Paragraph 145(c) is clear in stating that the size of an extension or alteration should be considered against the size of the original building, as opposed to the existing building. As a result, the proposal is by definition inappropriate development in the Green Belt, which should not be approved except in very special circumstances. In this instance, the previous extension and subdivision of No.8 Miller Hey does not clearly outweigh the harm identified.
- 13.7 In the view of Officers, it is important to note that whilst the scale of the development would not be detrimental to the appearance of the dwellinghouse (in terms of character and visual amenity), it would result in moderate harm to the openness of the Green Belt, by reason of the additional bulk and mass heightening the density and urbanised nature of the site, which would be visible from longer ranging views.

13.8 **Permitted development as a fall-back position**

The applicant has outlined that the following development, should the current application be refused, could / will be constructed under permitted development:-

- "The construction of a large additional garage building up to 4 m in height and larger in floor space than the incremental parts of the Proposed Re-Development.
- The conversion of the existing garage for incidental use as a playroom or office space.
- From Monday 31 August 2020 the addition of an additional storey of up to 3.5m above the original Property, which would consist of significantly more floor space and volume (likely two additional bedrooms and a bathroom) than the Proposed Re-Development (subject only to the prior notification procedure which, having taken advice, the Applicant is confident no issues should arise under).
- The construction of additional outbuildings in the garden of the Property including for leisure use.
- The construction of a porch at the rear of the Property underneath the existing balcony structure (but over the existing patio area)."
- 13.9 It is correct that Schedule 2 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) makes provision for some types of development without requiring planning permission. Part 1 enables "*Development within the curtilage of a dwellinghouse*" and includes development such as minor extensions and the erection of outbuildings.
- 13.10 However, the site location plan submitted with the application suggests the curtilage is only of a size that would allow for very limited opportunities for further extensions under these provisions. Whilst it is noted that other adjacent land is owned by the applicant it is questionable whether this constitutes part of the dwelling's curtilage because it is edged in blue. This therefore places some doubt as to whether some of the potential fall-back positions referred to above can actually be carried out without planning permission.
- 13.11 In any case, the degree of weight to be given to a fall-back position depends on whether or not these would be equally or more harmful than the scheme proposed.

- 13.12 In consideration of the above, the outcome of the following appeal decisions are considered to be material:-
 - Referring back to a recent appeal decision (APP/R0660/W/18/3193413), a Planning Inspector made reference to 'openness' as having both a visual and spatial dimension and that the absence of visual intrusion does not, in itself, mean there is no impact on the openness of the Green Belt. Though the application related to a replacement dwelling (and therefore subject to a different exception under paragraph 145 of the Framework), the test on the openness of the Green Belt is considered to be broadly similar. In the above appeal decision it was found that whilst the material fall-back development, which broadly comprised of single storey extensions with a modest increase at first floor, had a greater impact on the spatial dimension of the openness of the Green Belt (through having a greater volume and occupying more three dimensional space / footprint than the proposed dwelling), the impact it would have on the visual dimension would be significantly less. This is for the reason that much of the development would be single-storey and therefore would appear less intrusive and prominent within the landscape. By reason of their height and overall size, the fall-back extensions also appeared subsidiary to the main dwelling - reducing the overall bulk and dominance. As a result, despite the greater volume and greater footprint, the fallback position was considered to be less harmful than that of the proposed replacement dwelling, which comprised a greater proportion of first floor development.
 - Similarly, as found in appeal decision APP/G4240/D/19/3235237, the appellant had secured a Certificate of Lawful Development for single storey side and rear extensions to the building, an alteration to the roof and the erection of an outbuilding for use as a home gym and store. This was in addition to a recently expired 'Prior Notification for a Larger Home Extension'. These matters were therefore considered to be viable fall-back positions by the Planning Inspector. The Inspector concluded, however, that the fall-back position differed from the appeal proposal in that the form of development would be restricted to single storey elements, with some limited alteration to the roof. Though the outbuildings and extensions proposed under permitted development would be of a lesser combined volume and would be more sprawling than the proposed scheme, they would be subordinate in size and would not add to the bulk of the original property. For these reasons the proposal seeking planning permission was concluded to have a greater impact on openness.
 - In appeal decision APP/L3245/D/19/3222553 (which relates to the erection of a two storey side extension to a dwelling house), the Planning Inspector found the fall-back proposal to be less harmful to the openness of the Green Belt than the proposed development. Evidence submitted referred to potential fall-back options in the form of development that might be implemented without seeking planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) to construct a different form of development at the appeal site. However, the Planning Inspector considered there to be limited information within the evidence regarding the detail of such permitted development. In any event, it was concluded by the Planning Inspector that even if the construction of an extension under permitted development was possible in the location of the appeal scheme, the resultant structure would be much smaller than the appeal scheme, due to the single storey restriction specified in the GPDO, resulting in a reduced height and volume. Therefore, the Planning Inspector gave limited weight to the potential permitted development fall-back.
- 13.13 Reflecting on the above, it can be understood that permitted development as a fall-back position is a material consideration. However, the nature and form of the fall-back development and the relationship it bears with the main dwelling, when considering the proposal under paragraph 145(c) and on the openness and permanence of the Green Belt, is very important.

13.14 In the view of Officers, having regard to the above, the identified fall-back position is considered to be less harmful to the openness and permanence of the Green Belt than the proposed combined two storey and single storey rear extension, due to the single storey and subordinate nature of the development. The bulk, depth and mass of the existing dwelling would be significantly increased by the current proposal and due to the wrap-around form of the development it would engulf the form and proportions of the original dwelling. Though not overly prominent, the dominance of the proposal would be appreciable from outside of the site, which would result in harm to the openness of Green Belt, as identified earlier in the report. Officers are unconvinced that the permitted development fall-back position would cause significantly greater harm to the character and appearance of the dwelling or surrounding area than the current proposal. Consequently, for these reasons considered cumulatively, the fall-back position carries limited weight in favour of the proposal.

13.15 Lack of larger housing in the Borough

The application proposed is for an extension to existing development within the Green Belt. Whilst there are some positives in creating one larger dwelling it would represent a very limited contribution to larger housing in the Borough. It is therefore afforded limited weight and fails to independently, or in combination with the fall-back positions referred to above, clearly outweigh the identified harm.

14. CONCLUSION

- 14.1 The development constitutes inappropriate development and would cause harm to openness of the Green Belt. Paragraph 144 of the Framework states that substantial weight should be given to this identified harm.
- 14.2 As set out above, other considerations put forward in support of the proposal attract limited weight, and does not clearly outweigh the harm identified to the Green Belt by reason of its inappropriateness and the harm identified to its openness. As such, the very special circumstances required to justify inappropriate development do not exist. In conclusion, proposals would conflict with the overarching aims and objectives of the Framework, and Policy OL2 of the Tameside Unitary Development Plan (2004).

15. **RECOMMENDATION**:

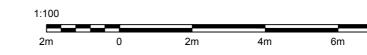
15.1 Refuse, for the following reason:-

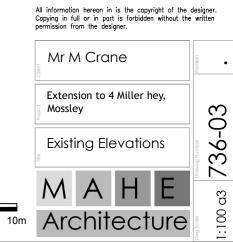
By reason of its scale, bulk and massing, the proposed extension represents a disproportionate addition over and above the size of the original building. It therefore comprises inappropriate development within the Green Belt which is, by definition, harmful and should not be approved except in very special circumstances. It has not been demonstrated that the harm to the Green Belt caused by its inappropriateness is clearly outweighed by other considerations. The proposal is therefore contrary to UDP Policy OL2 and the National Planning Policy Framework, in particular paragraphs 133, 134, 143, 144 and 145.

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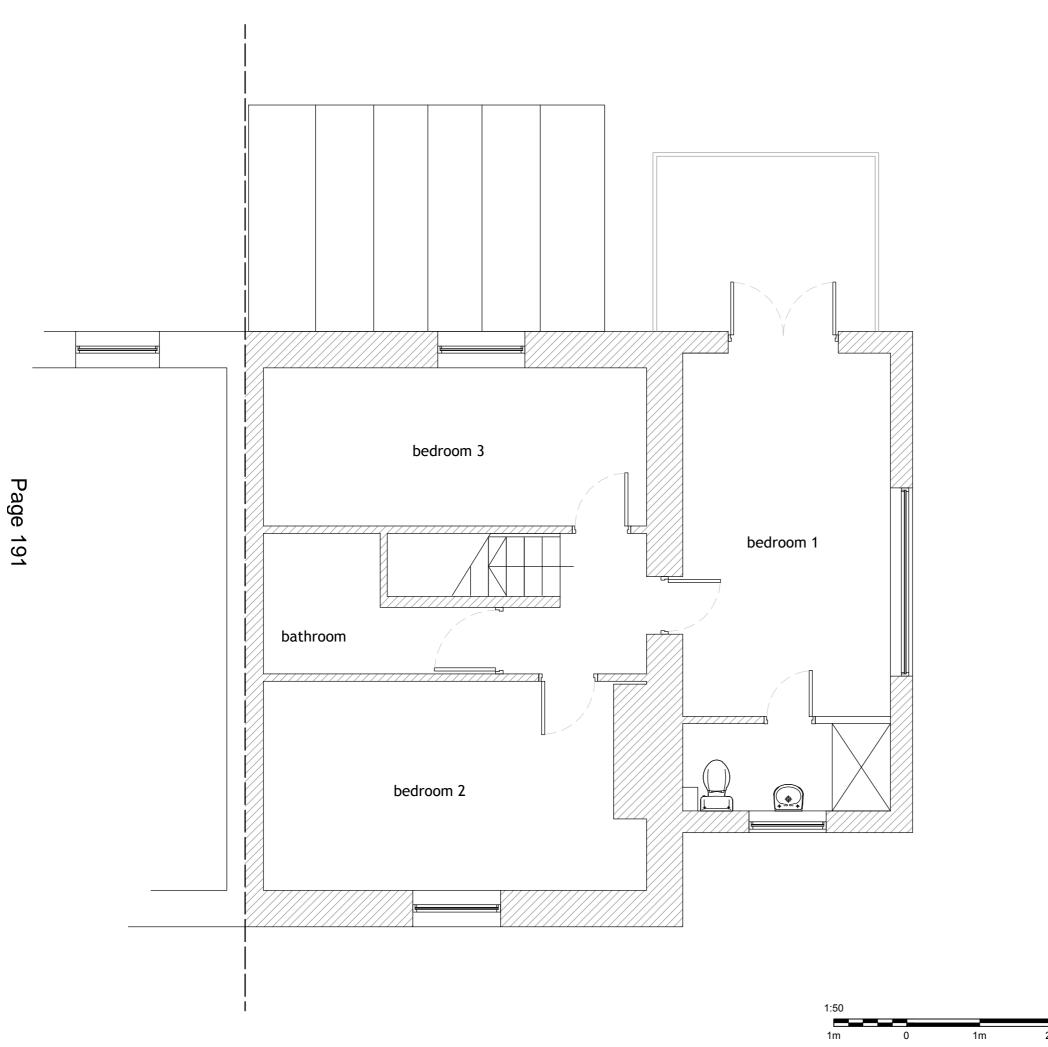




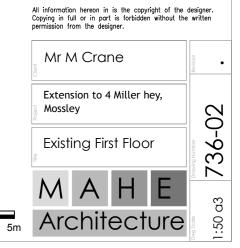




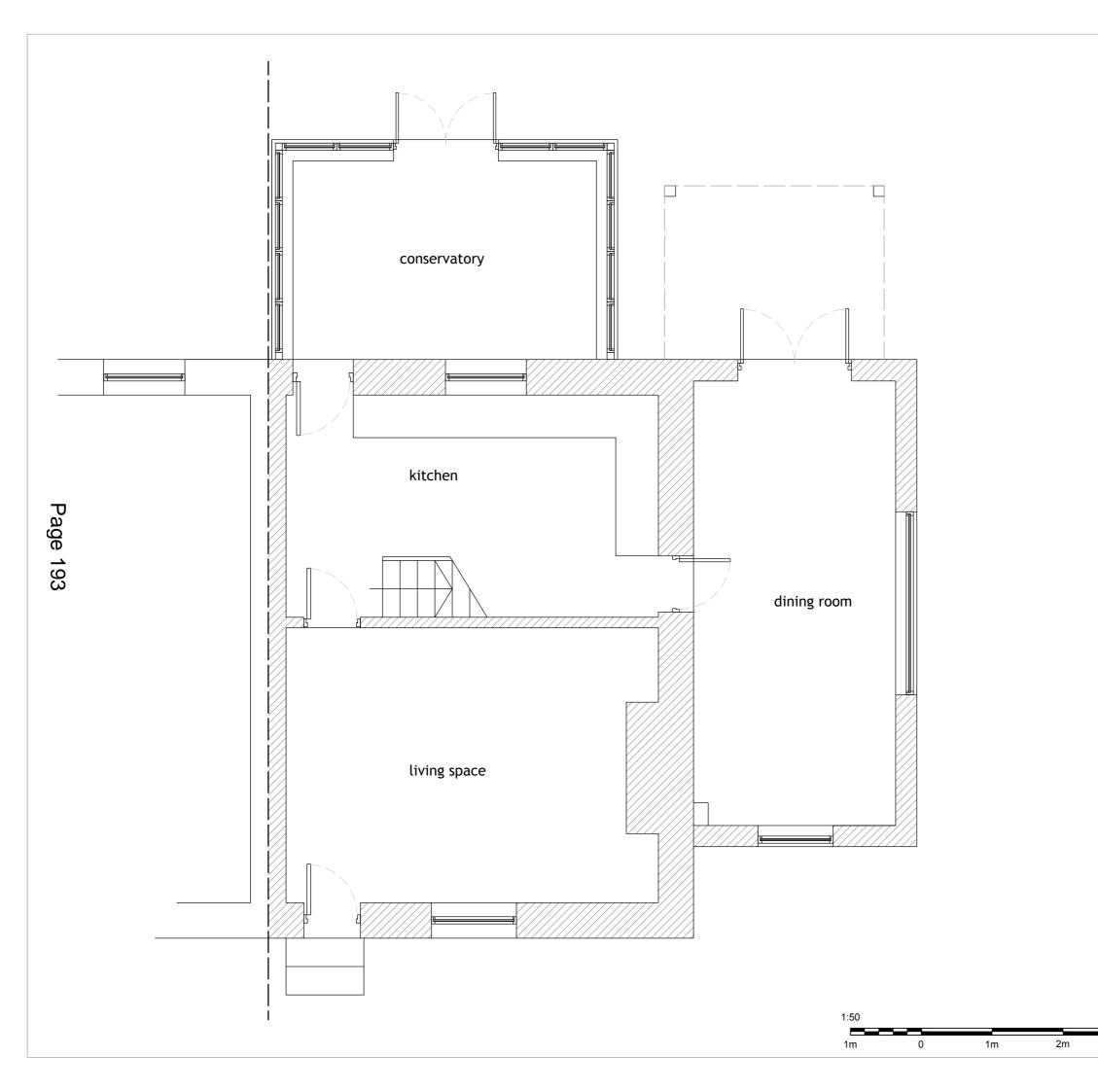
All levels and dimensions must be checked on site by contractor prior to commencemt of works. Any variations must be reported to the client.

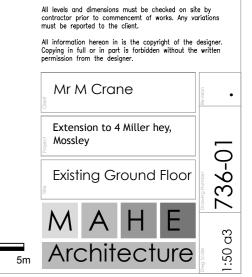


3m 2m



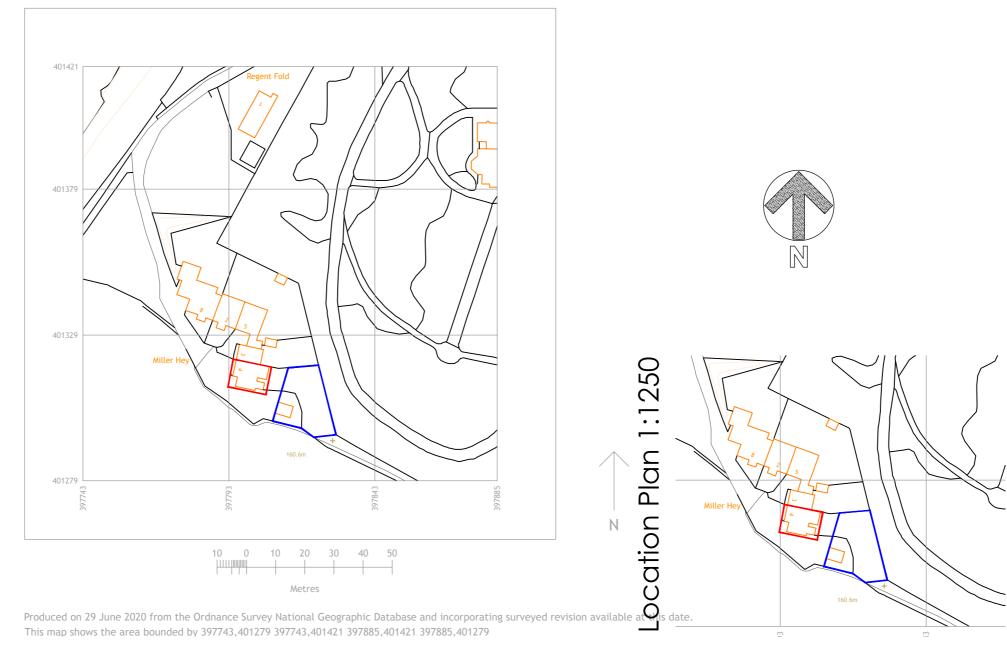
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3m

UKPlanningMaps.com



Location Plan 1:200

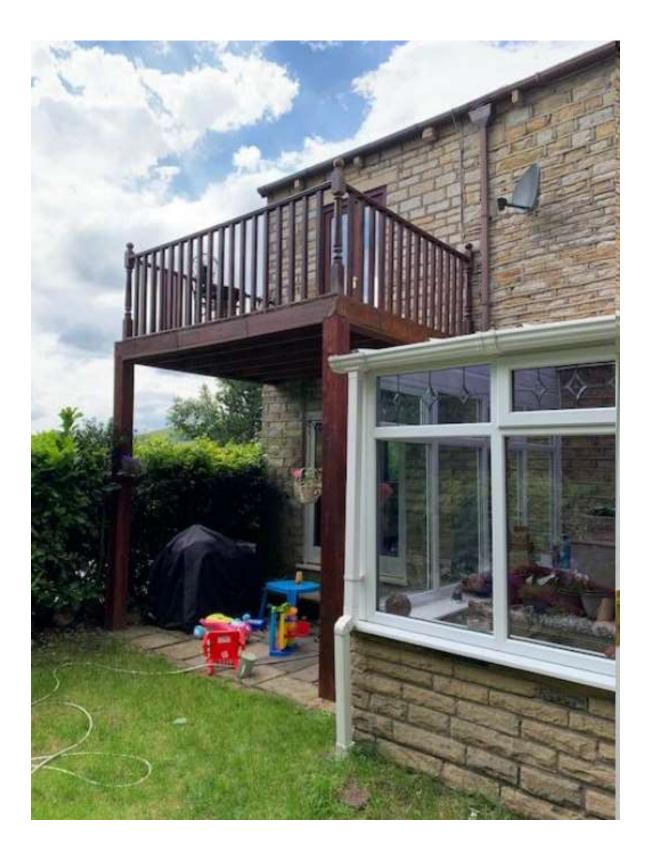
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Photograph 1 – Existing rear elevation showing conservatory and garden area

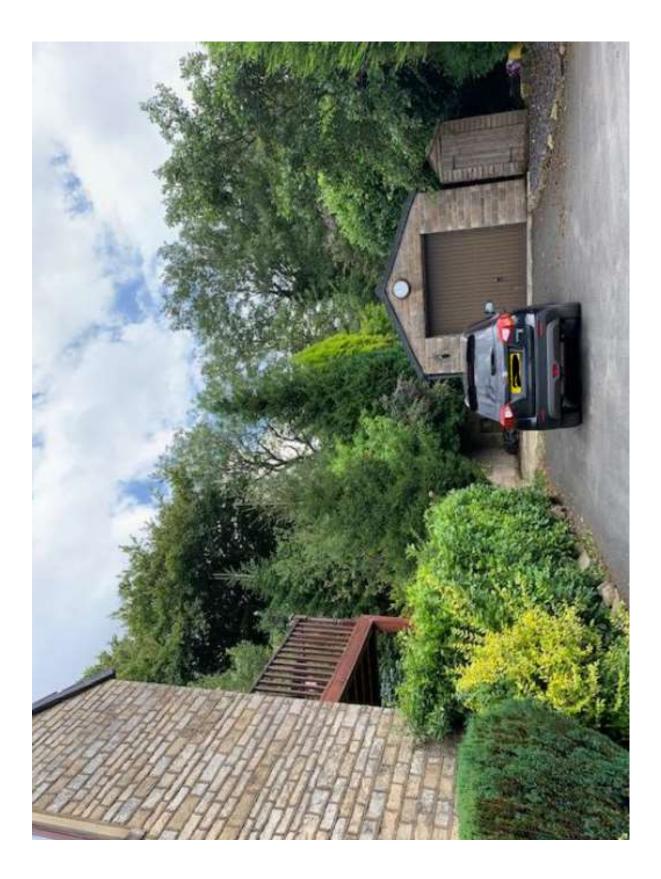


Photograph 2 – Existing rear elevation showing suspended rear balcony and conservatory



Photograph 3 – Side gable elevation of existing house showing existing two storey side extension and associated projecting balcony

Photograph 4 – side gable of No.4 Miller Hey, side driveway and detached garage

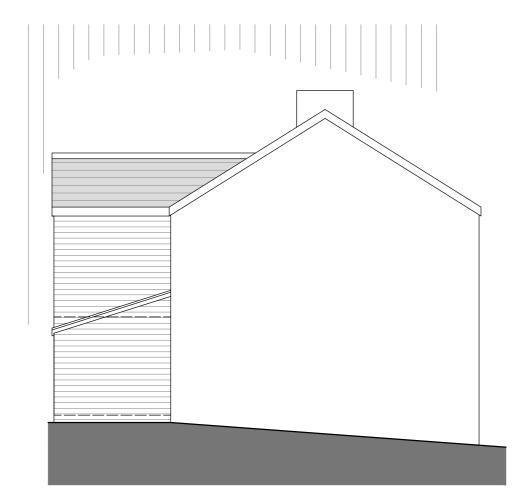


Photograph 5 – Front of adjoining property (No.3 Miller Hey) and No.4 Miller Hey (showing side extension)









Materials:-

walls and roof to match existing;

doors out of the playroom would be timber

The bi-folds are TBC -

windows will all be timber coloured and grained $\ensuremath{\mathsf{UPVC}}$

black rainwater goods

1:100 2m 0 2m 4m 6m

Gable

n	8m	10m

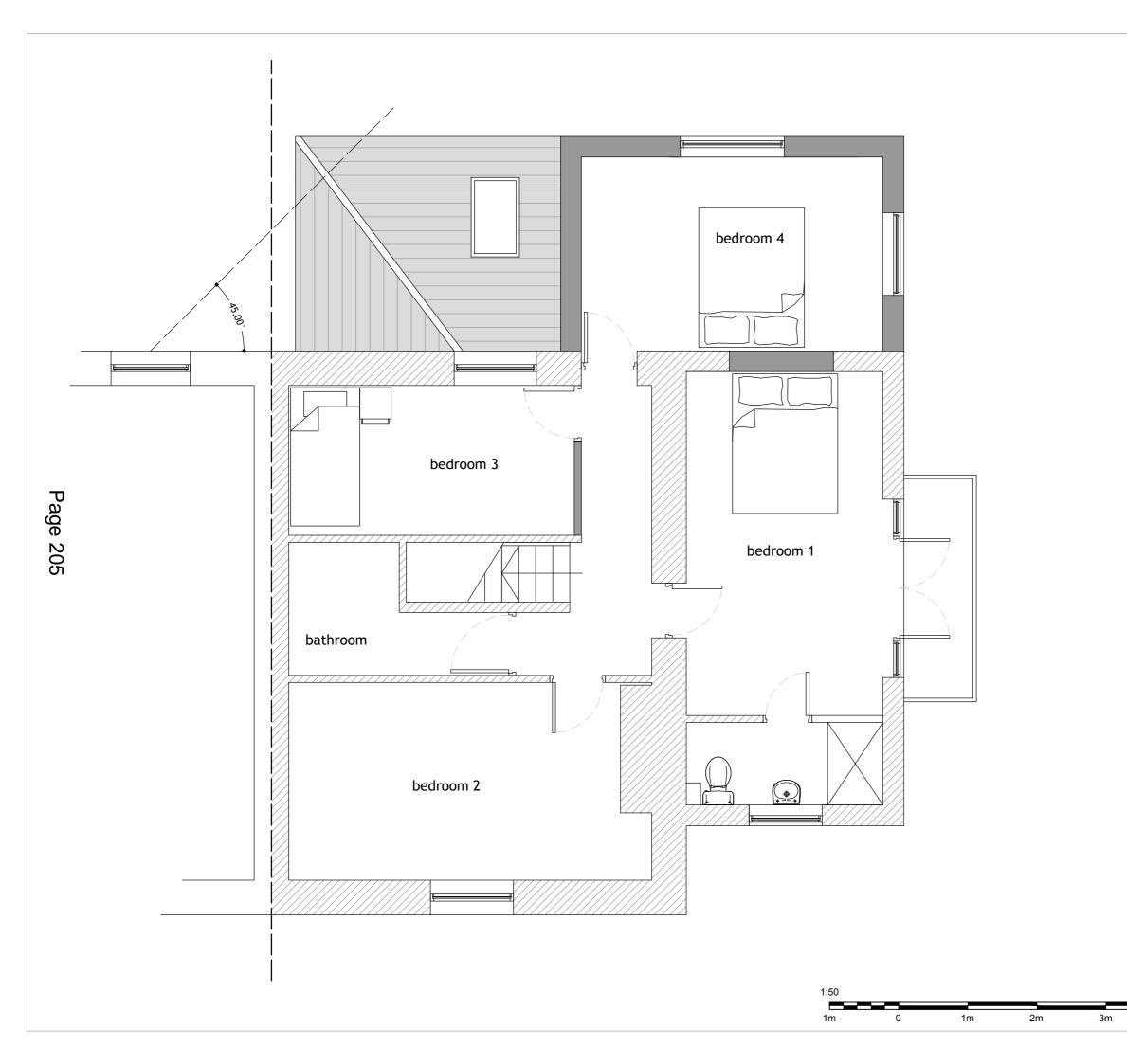
Extension to 4 Miller hey, Mossley 1:100 a3 736-06 Proposed Elevations Ε MAH Architecture

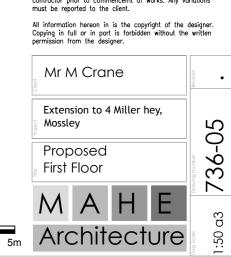
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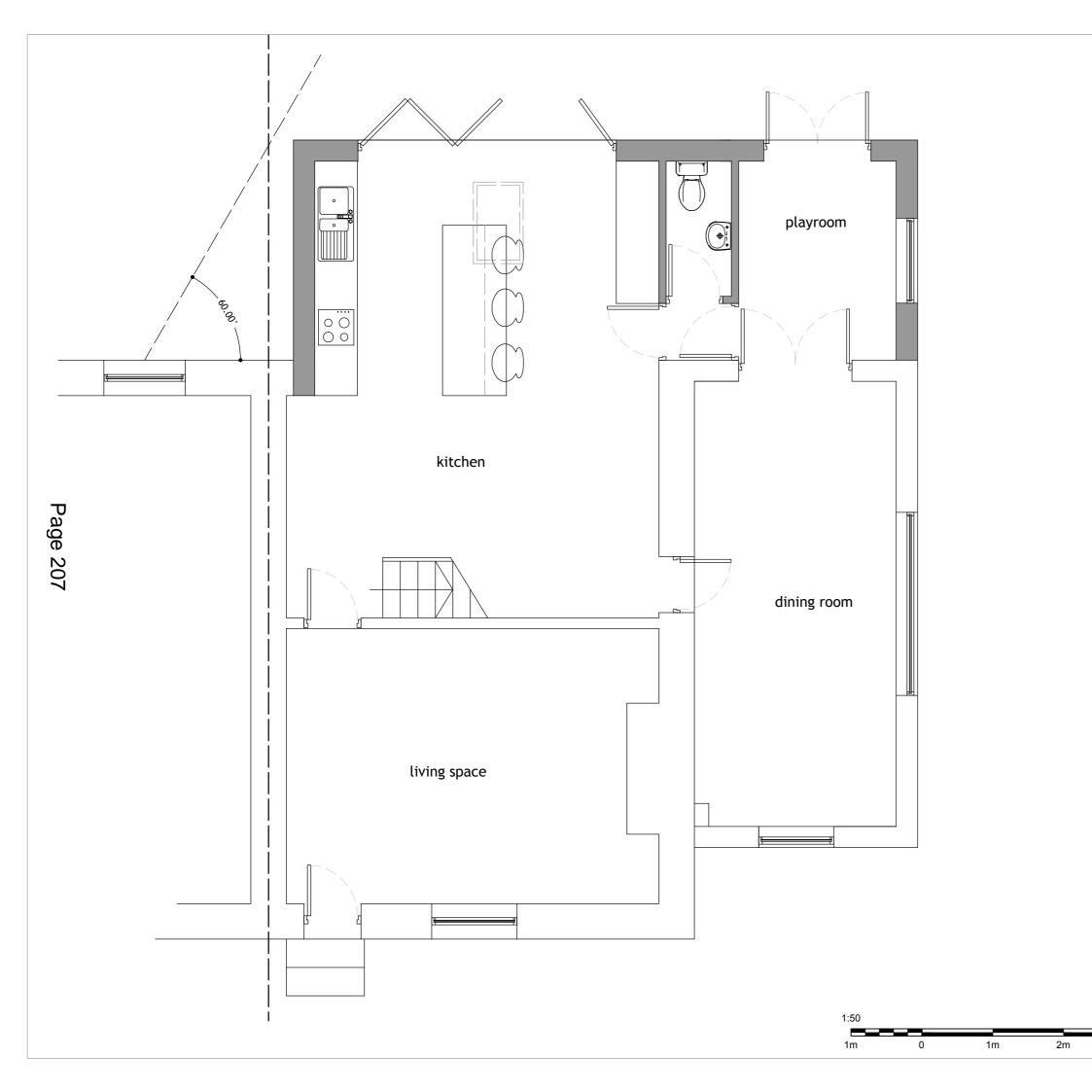
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Mr M Crane

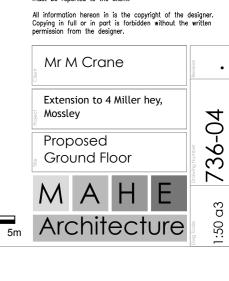




All levels and dimensions must be checked on site by contractor prior to commencemt of works. Any variations must be reported to the client.



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All levels and dimensions must be checked on site by contractor prior to commencemt of works. Any variations must be reported to the client.





Appeal Decision

Site visit made on 4 June 2020

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/TPO/G4240/7652 18 Water Gate, Audenshaw, M34 5QP

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mrs S Lennox against the decision of Tameside Metropolitan Borough Council.
- The application Ref: 19/00065/TPO, dated 2 September 2019, was refused by notice dated 26 September 2019.
- The work proposed is the felling of a beech tree (T3).
- The relevant Tree Preservation Order (TPO) is the Tameside Metropolitan Borough Council, Slate Lane, Audenshaw (B5) TPO 2001 which was confirmed on 2 March 2001.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are the impact of the removal of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed felling.

Reasons

- 3. The property is set back from the Watergate and is close to Slate Lane. The tree in question is located within the garden of the property, close to Slate Lane.
- 4. The tree is a mature specimen, which makes a significant contribution to the mature and verdant streetscene along Slate Lane. It is visible to those using the Lane on foot or in cars, as well as those other properties which give onto the Lane. Its loss would cause significant harm to the area.
- 5. Given that, any reasons given to justify the removal of the tree need to be convincing. It is to those reasons to which I now turn.
- 6. From my inspection of the tree it appears to appears in good health and there is no sign or decay or damage. It is located a distance for the house and, although I can understand the appellant's concern about the potential effect on

her property, there is no evidence before me that this is a problem at the present or that it may become so in the future.

- 7. I can appreciate the issues related to seeds, nuts and leaves which the appellant has emphasised especially in the particular circumstances in which she finds herself and which she has detailed. However the presence of large trees near to a property is not unusual, and the inconvenience of leaf litter and similar issues, particularly in an area defined by a mature landscape and which provides an attractive place in which to live, is not uncommon. This is not a persuasive reason to allow the appeal.
- 8. I appreciate the replacement planting could be secured by a condition. However it would take many years for any new tree(s) to make anything like a comparable contribution to the amenity of the area.
- 9. I note that another tree has already been felled at the other end of the garden. However this was apparently due to issues caused by that particular tree, and has little bearing on this case.
- 10. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Age and health issues have been raised in this case and the appeal has been made by a person who has a protected characteristic for the purposes of the PSED. But it does not follow from the PSED that the appeal should succeed, although I have taken the equality implications into consideration.
- 11. With any application to fell protected trees a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case there has simply been insufficient evidence put forward to justify the removal of the protected tree.
- 12. Thus, having considered all matters, I find that the loss of the tree would result in significant harm to the character and appearance of the area. Furthermore, insufficient justification has been provided to fell the tree and the appeal should be dismissed.

Phillip Ware

Inspector



Appeal Decision

Site visit made on 15 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2020

Appeal Ref: APP/G4240/D/20/3253884 70 Tennyson Avenue, Dukinfield SK16 5DP

- 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 Hilton against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/00040/FUL, dated 20 January 2020, was refused by notice dated 19 March 2020.
- The development proposed is a two-storey side extension and front porch.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

- 3. The appeal property is a detached two-storey dwelling. It is located in a predominantly residential area where there are various property styles, many of which have been extended.
- 4. The appeal property is prominently positioned on a corner plot at the junction between Tennyson Avenue and Macauley Close. Tennyson Avenue curves round the site and there is a junction with Milton Close to the rear of the site leaving the appeal property highly noticeable at the confluence of three streets. By reason of the siting of the appeal property and the surrounding dwellings, the area around the site has an open and spacious feel which positively contributes to the character and appearance of the area.
- 5. The appeal proposal would be constructed to the side of the property on land that currently forms a side garden. It would result in the removal of a significant proportion of this garden, which I have identified is a positive feature of the area. The size and scale of the extension would intensify the harm that would be caused and leave the resulting dwelling appearing exposed and inharmonious with the makeup of the surrounding area.
- 6. Despite the use of materials to match and the proposal being set-back and stepped-down from the main body of the dwelling, the bulk of the proposal would be dominant and prominent, particularly when viewed from the junctions

between Tennyson Avenue and Macauley Close and Milton Close. Whilst reasonably localised in its extent, the effect of the scheme would be to diminish unacceptably the character and appearance of the host building with consequent harm to the character and appearance of the surrounding area.

- 7. I have been referred to side extensions at 136 Tennyson Avenue, 268 Yew Tree Lane and 16 Laycock Drive which I was able to see on my site visit. Although I do not have full details of these cases, I find that there are different site circumstances to that of the appeal proposal. I have in any event determined the appeal on its own individual merits.
- 8. I therefore conclude that the proposed extension would have a significantly adverse impact on the character and appearance of the area. It would be contrary to Policies C1 and H10 of the Tameside Unitary Development Plan (2004) Collectively, these policies require, amongst other things, that developments pay particular attention to the relationship between buildings and their setting, and be of high quality, complementing or enhancing the character and appearance of the surrounding area.
- 9. The proposal would also be contrary to guidance contained in the Residential Design Supplementary Planning Document (2010) which outlines, amongst other things, that side extensions on corner plots must not detract from the street scene.
- 10. The proposal would conflict with guidance contained in the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and maintain a strong sense of place, using the arrangement of spaces, creating distinctive places to live; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Conclusion

11. For the reasons given above, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR



Site visit made on 13 July 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government Decision date: 29 July 2020

Appeal Ref: APP/G4240/D/20/3249221 22 Sandringham Avenue, Audenshaw M34 5NE

- 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 Gareth Buckley against the decision of Tameside Metropolitan Borough Council.
- The application Ref 19/01071/FUL, dated 11 December 2019, was refused by notice dated 5 February 2020.
- The development proposed is first floor extension over existing rear ground floor extension to enlarge 2 number first floor bedrooms.

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing rear ground floor extension to enlarge 2 number first floor bedrooms at 22 Sandringham Avenue, Audenshaw M34 5NE in accordance with the terms of the application, Ref 19/01071/FUL, dated 11 December 2019, 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: Existing and Proposed Drawings 001 rev B

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

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 24 Sandringham Avenue with particular regard to outlook and light.

Reasons

4. 22 Sandringham Avenue is a situated within a relatively modern residential area with a mix of housing types and styles, although there are predominantly

detached dwellings in the vicinity of the appeal site. The dwellings are set in staggered arrangement such that the host property is set forward of the neighbouring property, 24 Sandringham Ave. The appeal property is a previously extended brick built detached dwelling.

- 5. The proposal is to introduce a first floor rear extension above the existing single storey extension. The Council consider that in design terms the proposal is acceptable and meets the guidance in the Tameside Residential Design Supplementary Planning Document (SPD). From all I have seen and read I have no reason to disagree.
- 6. 24 Sandringham Avenue is a detached split-level property orientated so that windows predominantly face the front and rear. The Council is concerned about the impact of the proposal on a side facing ground floor window fitted with patterned glass which faces the appeal site.
- 7. Policy RED 2 of the SPD sets out distances between windows and buildings which new development is expected to meet in order to maintain an acceptable standard of privacy and sunlight. The policy requires that from a habitable room window to blank wall, the separation distance should be 10 metres where the wall is single storey in height and 14 metres where it is two storeys. In this case it is acknowledged that the separation distance between the habitable window and the existing extension does not currently meet the guidance in the SPD due to the layout, orientation and close proximity of the dwellings. It is also clear that the appeal proposal would not meet the guidance. However, the SPD goes on to state that a reduction in the separation distances would be permitted where it can be demonstrated that there would be no detrimental impact on the neighbouring property.
- 8. There is disagreement between the parties as to whether the obscure glazed window is the sole window in the room it serves. There is no conclusive evidence before the appeal to confirm the use of the room or the ground floor layout of the property. Even so, I noted the presence of a high close boarded fence on the boundary between the properties which the window faces at close distance. Due to the proximity of the fence and the existing ground floor extension of the appeal property it is apparent that there is little outlook from the window. Therefore, the addition of a second storey on the existing single storey extension would not reduce the outlook from the window to a significant degree. In addition, due to its orientation and the proximity of the appeal property, the window is likely to receive little direct sunlight and limited daylight. The addition of a first-floor extension would lead to some reduction in daylight although again, given the existing context, this is likely to be limited.
- 9. On my site visit I noted the presence of what appeared to be a second window on the side elevation of No 24. No objection has been raised by the Council to the impact of the development on this window, which appeared to be fitted with clear glass. Given the proximity of the window to the rear elevation of the dwelling and its relationship with the appeal property, any impact on the window in terms of outlook and light is also likely to be limited.
- 10. Consequently, whilst I acknowledge that the proposal would have a limited effect on the living conditions of the neighbouring occupiers, given the context of the site and the existing relationship between the properties the impact of the proposal would not be unacceptable.

11. The proposal would therefore be consistent with Policies 1.3 and H10 of the Tameside Unitary Development Plan (2004) which seek to ensure that development does not have an unacceptable impact on the living conditions of neighbouring occupiers, as well as with para 127 of the National Planning Policy Framework which seeks to ensure that development provides a high standard of amenity for existing and future users.

Conditions

12. In addition to the standard timescale condition, it is necessary to impose a condition specifying the relevant drawings as this provides certainty. A condition relating to materials is also necessary in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth



Site visit made on 21 July 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/G4240/D/20/3251980 29 Mollets Wood, Denton M34 3TW

- 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 Scott Piddington against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/00094/FUL, dated 17 February 2020, was refused by notice dated 23 April 2020.
- The development proposed is a single-storey rear extension, two-storey rear/side extension.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

- 3. The appeal property is a two-storey semi-detached dwelling located within an area characterised by residential properties. The road, in front of the appeal property, bends slightly towards its junction with Broadhurst. As a result, three detached two storey dwellings to the west of the property are orientated at an angle. This means that the flank boundary of the appeal site is splayed, with the plot widening towards the rear. A driveway is to the side, while there is a modest sized front garden and an enclosed rear garden.
- 4. It is clear from the submitted plans that the proposed side and rear extension would be set back from the front elevation and down from the host dwelling's ridge line. In this regard, the appeal scheme would accord with Policy RED1 of the Tameside Residential Design Supplementary Planning Document (SPD). However, this policy also sets out that: the scale and mass of the dwelling must not be significantly altered by an extension. The width and depth of the proposed side and rear extension would, in my view, be of a significant scale and mass despite the considerable set back proposed from the front elevation.
- 5. Even if I judged the scale and massing of the proposal to be acceptable, SPD Policy RED5 explains that the roof of a side extension should be in the same style as the original house. The proposed roof form would not be the same as the host dwelling's which is characteristic of properties in the area. The

proposal's design and external appearance would not therefore respect the local townscape character. I consider that this, in combination with the scale and massing of the proposed side and rear extension, would lead to a form of development which would contrast sharply with the host dwelling and the surrounding environment. Moreover, the proposed design would unbalance the semi-detached pairing that the appeal property forms part of. The effect of the proposed development would be harmful especially when the appeal property is viewed from the junction of Broadhurst and Mollets Wood. In part this is caused by the bend of the road, but it remains the case that development should be sensitive to the character of the local area. The use of matching materials and landscaping would not overcome the harm that I have identified.

- 6. My attention has been drawn by the appellant to a number of schemes locally. The examples at 30, 31 and 32 Broadhurst are not directly comparable to the appeal scheme as they either have a matching roof form or are to the rear. I do not have full details of the schemes at 16 and 17 Mollets Wood or 33 and 37 Broadhurst before me or the reasons why the Council may have reached the conclusion that they did. Hence, I attach these examples little weight.
- 7. I recognise the design would allow for off-street parking and the appellant's point about the width of the proposal and permitted development rights, but this appeal relates to a scheme that seeks planning permission for development. I have also determined the appeal based on the plans that are before me even if the appellant is willing to amend their scheme.
- 8. As such, I conclude that the proposed development would result in significant harm on the character and appearance of the area. Thus, the proposal would not accord with saved Policies 1.3, C1 and H10 of The Tameside Unitary Development Plan Written Statement, SPD Policies RED1 and RED5 and paragraph 127 of the National Planning Policy Framework. Jointly these seek, among other things, the layout, design and external appearance of proposed housing developments to be of high quality and be of a design that complements or enhances the townscape character and appearance of the surrounding area.

Conclusion

9. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone



Site visit made on 9 June 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/G4240/Z/20/3247345 402 Manchester Road, Droylsden, Manchester M43 6QX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Ben Porte of Clear Channel UK against the decision of Tameside Metropolitan Borough Council.
- The application Ref 19/01075/ADV, dated 12 December 2019, was refused by notice dated 6 February 2020.
- The advertisement proposed is the installation of an illuminated 48-sheet advertisement display (6m by 3m) on gable wall.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the amenity of the area, and on public safety.

Reasons

Amenity

- 3. The appeal site comprises the gable wall of 402 Manchester Road, a two-storey end terrace house. The host property is not a listed building, nor is it located within a conservation area. The proposal is to mount a digital 48-sheet advertisement measuring approximately 6m wide by 3m high on the west-facing flank wall.
- 4. The appeal site's location marks something of a transition from the area around Edge Lane Metrolink station to the west, which includes a range of retail and transport uses, and the part of Manchester Road to the east which is primarily, although not exclusively, residential in character. The advertisement would be mounted on a west-facing gable, and would therefore largely be seen by people travelling eastwards along Manchester Road. While it may be expected that there would be a greater degree of signage, illumination and so on in the area around the Metrolink station, the proposed advertisement would be a large and prominent illuminated feature seen against the end wall of the terrace to which it would be affixed. In this context, it would appear as an incongruous and dominant addition to a group of modestly-sized domestic buildings.

- 5. Given the siting of the proposed advertisement, it would not be seen from within No 402 or the other dwellings on the north side of Manchester Road to the east. While it would be visible from other nearby dwellings, including Nos 385-391 on the south side of Manchester Road, proposed controls on the advertisement's luminance would ensure that unacceptable harm was not caused to the amenity of occupiers of those buildings arising from the illumination of the advertisement. However, this would not mitigate the effect of the proposed advertisement on the residential block to which it would be attached. I therefore conclude that because of its size, siting and illumination the proposed advertisement would adversely affect the visual amenity of the area.
- 6. In accordance with the Regulations I have taken into account the provisions of the development plan so far as they are material, although they have not by themselves been decisive. The proposal conflicts with Policies 1.3, 1.5 and C1 of the 2004 Tameside Unitary Development Plan, which among other things seek to encourage development which enhances the quality of the borough's built environment.

Public safety

- 7. The Planning Practice Guidance (PPG) recognises that advertisements are intended to attract attention, but advises that proposed advertisements at points where drivers need to take more care are more likely to affect public safety, including at junctions, or other places where local conditions present traffic hazards¹. It also lists the main types of advertisement which may cause danger to road users. These include those which because of their size or siting would obstruct or confuse a road-user's view or reduce the clarity or effectiveness of a traffic sign or signal. In addition, it refers to internally illuminated signs (incorporating either flashing or static lights), including those using light emitting diode (LED) technology, those directly visible from any part of the road, and those subject to frequent changes of display².
- 8. This does not, of course, mean that all internally-illuminated or digital displays would be harmful to public safety. However, Manchester Road forms part of the A662 between Manchester city centre and Ashton-Under-Lyne and the evidence before me indicates that it is generally a busy road, although at the time of my site visit many of the 'lockdown' restrictions in respect of Covid-19 were in place and consequently road traffic was somewhat lighter than might usually be the case. The proposed advertisement would be located close to the traffic light controlled junction of Cooper Street and Manchester Road and, while Manchester Road is wide and reasonably straight and level to the west of the appeal site, for eastbound traffic two lanes merge into one in front of the appeal site. The Metrolink tram line also merges into the single traffic lane.
- 9. The combination of merging lanes and, the presence of the tramway, mean that it is a location where drivers are likely to need to pay particular care and attention, especially those who are less familiar with the road layout. The proposed advertisement would be in a position where it would form the backdrop to the traffic signals on the left hand side of Manchester Road in many views over longer and shorter distances. In this context, I consider that, because of its siting, size, illumination and changes of display, the proposed

¹ Paragraph: 067 Reference ID: 18b-067-20140306

² Paragraph: 068 Reference ID: 18b-068-20140306

advertisement would unduly distract or confuse the eye of motorists and would lead to an increased risk of accidents. My particular concern in this respect is the possibility of a driver failing to see or respond to a red light, thereby causing a collision with pedestrian, cyclist, tram or other road vehicle.

10. I acknowledge that evidence before me indicates that the junction does not have anything other than a very minor accident record over the past five years, but of course there is currently no advertisement in place to cause a distraction. Overall, I conclude that the proposal would be harmful to public safety, arising from its unacceptable on highway safety described above. It would therefore be contrary to the provisions of the Framework which seek to control advertisements in the interests of public safety.

Conclusion

11. For the reasons given above the appeal is dismissed.

M Cryan

Inspector



Site visit made on 9 June 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/G4240/D/20/3244243 94 Granada Road, Denton M34 2LA

- 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 Steven Wynne against the decision of Tameside Metropolitan Borough Council.
- The application Ref 19/00650/FUL, dated 19 July 2019, was refused by notice dated 14 October 2019.
- The development proposed is a single storey rear extension and two storey side extension.

Decision

- The appeal is allowed and planning permission is granted for a single storey rear extension and two storey side extension at 94 Granada Road, Denton M34 2LA in accordance with the terms of the application, Ref 19/00650/FUL, dated 19 July 2019, and the plans submitted with it, 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: Proposed Block Plan (Drawing No 17.1670.3), Proposed Details (Drawing No 17.1670.2E).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.

Application for costs

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

Main Issue

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

Reasons

4. The appeal property is a two-storey semi-detached house, brick-built and with a tiled hipped pitched roof, which is typical in appearance of the neat

predominantly residential area in which it sits. It is situated on a plot at the corner of Granada Road and Repton Avenue, with garden areas to the front, side and rear of the property. The shallow front garden is enclosed by a low brick wall with railings above, while the side and rear garden is screened from the street by a wooden fence approximately 1.8m high. A gate provides access from Repton Avenue to an off-street parking space in the rear garden.

- 5. The proposal is to erect a two-storey side extension, which would project around 3.4m from the side elevation and have a length of around 9.2m. The single storey element at the rear would project approximately 3m from the existing rear elevation of the host property. The submitted drawings show a double bay window on the front elevation, a lean-to roof on the single storey part, and a hipped roof on the two-storey side extension to match the roof of the existing property. The proposed materials are brick and tiles to match the existing.
- 6. The extension would complement the style and proportions of the host dwelling, and the houses in the wider area. It would comply with guidance in the Council's March 2010 Residential Design Supplementary Planning Document (the SPD) in that its roof would be of the same style as the original house, and the ridge line would not extend above that of the existing roof.
- 7. In certain other regards, the proposal would not comply with the guidance in the SPD. The side extension would not be setback from the front elevation of the host property, and the side elevation of the extension would sit forward of the front building line of the houses in Repton Avenue to the rear of the appeal site. As a consequence, the extension would read as being subordinate to the host dwelling. However, the well-defined building line on Granada Road would not be broken, and because of the space at the entrance to Repton Avenue there would not be a harmful terracing effect when the development was viewed along Granada Road. Seen from within Repton Avenue, the separation between the rear of the appeal property and the neighbouring house at No 1 is such that the extension would not, in this case, dominate or be harmful to the street scene in that road.
- 8. There are several examples of extensions nearby which are similar to the current proposal in terms of their design, scale and massing. These include No 92 Granada Road, on the opposite corner of Repton Avenue from No 94, and Nos 100 and 102 Granada Road which are on opposite sides of the entrance to Melton Avenue. These are all very close to No 94, and from the street outside the appeal property can be viewed together. They therefore help to define the character and appearance of the area surrounding the appeal site. Although the Council is of the view that these other cases highlight how harmful such extensions can be to the locality, that assertion is not explained or justified in the evidence before me, nor supported by what I observed at the time of my site visit, where they appeared in keeping with the generally neat and orderly character of the area. While the proposed extension does not therefore comply with every element of the guidance within the SPD, it is nonetheless in keeping with, rather than detrimental to, the character and appearance of its immediate surroundings, which is the overall aim of the SPD.
- 9. Taking all the above points together, and notwithstanding the limited conflict with some of the criteria set out in the SPD, I conclude that the extension would not be unduly prominent or harmful to the character and appearance of

the area. The proposal therefore complies with Policy H10 of the November 2004 Tameside Unitary Development Plan, which among other things seeks to ensure that the layout, design and external appearance of housing development complements the character and appearance of the surrounding area. For the same reason it accords with the requirements of the National Planning Policy Framework in respect of design.

Conditions

10. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition requiring materials matching the existing dwelling to be used for the extension.

Conclusion

11. For the reasons given above the appeal is allowed.

M Cryan

Inspector



Site visit made on 4 August 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2020

Appeal Ref: APP/G4240/W/20/3251879 12 Hall Avenue, Heyrod, Stalybridge SK15 3DF

- 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 Anthony Jeffers against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/00056/FUL, dated 18 February 2020, was refused by notice dated 14 April 2020.
- The development proposed is rear decking.

Decision

1. The appeal is dismissed.

Procedural Matters

- 2. The development includes the change in use of the land to residential curtilage and the erection of raised decking to the rear of the property. This is the description of development on the Council's decision notice. It is also referred to in the appellant's appeal form, and more accurately describes the proposal.
- 3. The Council's decision notice refers to the proposal as retrospective. Based on the information provided, supported by my observations during the site visit, I am satisfied that the development that has been carried out is the same as that which has been applied for.

Main Issue

4. The main issue is the effect of the development the living conditions of nearby occupiers with regard to privacy and outlook.

Reasons

- 5. The appeal site is located on Hall Avenue and is within a residential area. Due to the topography of the land, the property is elevated above the dwellings to the rear at 33, 35 and 37 Chamberlain Road. In particular, the private garden at No 35 has a paved seating area directly adjacent to the rear boundary shared with the appeal property.
- 6. The natural level of the rear garden at the appeal site slopes down towards 33 to 37 Chamberlin Road. The garden is landscaped into terraces to take account of the fall in the land and provide level areas. The garden has been extended at the rear, and decking has been constructed at two different levels, that are linked by steps.

- 7. The top and bottom decking meet the natural ground level of the garden nearest the house. Each deck becomes increasingly elevated above the natural level of the ground as they extend out towards the properties on Chamberlain Road, creating two raised platforms.
- 8. The floor level of the decked areas sit above the height of the rear fencing at Nos 33, 35 and 37. Due to their close proximity, standing on the outside edge of both decks causes significant overlooking of these properties and their private gardens. In particular, when stood on the lower deck, occupiers of the appeal property can look directly down into the seating area of No 35. Therefore, the proposal causes loss of privacy to the occupiers of Nos 33, 35 and 37.
- 9. Turning to outlook, a timber fence has been erected on the outside edge of each of the decks, given their height they do not prevent overlooking, but they do provide additional height to the structure which dominates the width of the rear boundary shared with No 35. As a whole the development is overbearing when viewed from the rear gardens of 33 to 37 Chamberlain Road. It is particularly oppressive and encloses the seating area at No 35.
- 10. I acknowledge that the appellant has sought to reduce the impact of the structure by painting it green and covering the outside of the fence panels with camouflage netting. Whilst this tones down the colour of the materials, in my view it does not lessen the harm caused by the scale and form of the structure.
- 11. The appellant states that a 2m gap has been left between the lower deck and the rear fence of No 35, within which he has provided planting. However, based on the evidence provided, supported by my observations onsite, this marginal gap and low level planting would not overcome the harm identified above.
- 12. The appellant has provided photographs taken prior to the development. These show that the rear of the properties on Chamberlain Road could already be seen, albeit at a distance, from the appellant's conservatory and rear garden. However, this is not comparable to the effect of the decking, as it is substantially closer and at a raised level. Therefore, this does not alter my findings above.
- 13. I note that the appellant has tried to find a balance between overlooking and loss of privacy, and that he has suggested increasing the height of the screens. However, this would result in it being more overbearing and greater affecting outlook. Therefore, it would not fully address the above matters.
- 14. Consequently, I conclude that the proposed development would cause loss of privacy and would harm the outlook and subsequent living conditions of occupiers of 33 to 37 Chamberlain Road. It would not accord with Policy 1.3 and H10(a) and (d) of The Tameside Unitary Development Plan (2004), and Policy RD12 of the Tameside Residential Design Guide Supplementary Planning Document (2010) insofar as they relate to ensuring that proposals minimise their impact on the living conditions of neighbouring occupiers.

Other Matters

15. I note the appellant's comments with regards to the ownership of the land, that other gardens have been extended, and whether the application for the change of use was necessary. However, this is a matter for the Local Planning

Authority, and does not affect my findings with regards to the main issue above.

16. I note the other concerns raised by nearby residents regarding noise and disturbance, drainage, storage of materials beneath the decking, the effect on property values, and verbal exchanges between the appellant and neighbouring occupiers. However, these matters do not alter my findings on the main issue.

Conclusion

17. For the reasons given above, the appeal is dismissed.

R Cooper



Site visit made on 12 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2020

Appeal Ref: APP/G4240/W/20/3253590 Land directly adjacent to 6 Green Hollow Fold, Stalybridge SK15 3RP

- 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 Daniel Taylor against the decision of Tameside Metropolitan Borough Council.
- The application Ref 19/00845/FUL, dated 8 October 2019, was refused by notice dated 9 December 2019.
- The development proposed is change of use of land to a private residential garden ancillary to 6 Green Hollow Fold, Stalybridge and associated erection of boundary fence.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of the proposal.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location to form a private garden for the adjacent dwelling having regard to open space provision.

Reasons

- 4. The appeal site comprises an area of open space adjacent to 6 Green Hollow Fold which is a detached residential property. The site forms part of a corridor of open space that runs through the residential area that follows the route of a watercourse. There is a public footpath that runs through the wider open space that is on the opposite side of the watercourse to the appeal site.
- 5. The appeal site is primarily made up of trees, bushes and shrubs, the most notable of which are the trees towards the front of the site that form part of the street-scene of Green Hollow Fold. These landscape features are characteristic of the wider open space corridor which is primarily made up of dense vegetation along the watercourse.
- 6. Due to being located on the opposite side of the watercourse combined with the relatively steep banks on either side, the appeal site is effectively inaccessible to the public. This however does not detract from it playing an important role in relation to its contribution to the amenity and biodiversity

value of the wider area of open space. The trees that are located towards the front of the site are also positive features of the street-scene.

- 7. By changing the use of the land to private residential garden and surrounding it by the fence proposed, this would harmfully erode the value of the site in terms of its contribution to public amenity and biodiversity. I accept the appellants worthy intentions in terms of promoting wildlife in the area, however I do not consider that this justifies removal of an area of public space into private residential garden, and such enhancements are likely to be achievable without the necessity to change the use of the appeal site. I am also mindful that such a change of use would be in perpetuity where any future occupants of the property may not hold the same aspirations and seek to clear the site of its landscape features, which would cause further harm in terms of amenity and biodiversity.
- 8. I do not consider that the proposed fence, which would be the same as those used to surrounding residential properties, overcomes the harm I have identified with the proposal.
- 9. Whilst each application and appeal must be treated on its individual merits, allowing the appeal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the shared characteristics with similar properties in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that their cumulative effect would contribute to an overall harm to the wider area which I have described above.
- 10. The proposal would therefore be an unsuitable location to form a private garden for the adjacent dwelling having regard to open space provision. It would not form one of the exceptions as outlined in Policy OL4 of the Tameside Unitary Development Plan (2004) which seeks to protect areas of green space.
- 11. It would also be contrary to Chapters 8 and 15 of the National Planning Policy Framework (2019) which seek, amongst other things, the protection of open space and the conservation and enhancement of the natural environment.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

A M Nilsson