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## SPEAKERS PANEL (PLANNING)

**Day:** Wednesday  
**Date:** 21 July 2021  
**Time:** 10.00 am  
**Place:** Jubilee Hall, Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for absence from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> The Minutes of the meeting of the Speakers Panel (Planning) held on 16 June 2021, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	<b>HIGHWAYS ACT 1980 – APPLICATION TO DIVERT A LENGTH OF DEFINITIVE FOOTPATH MOSSLEY 169</b>	5 - 10
5.	<b>PLANNING APPLICATIONS</b> To consider the schedule of applications:	
a)	<b>16/00659/FUL - LAND AT SANDY LANE, DUKINFIELD</b>	11 - 42
b)	<b>19/00865/FUL - LAND AT ASH ROAD, DROYLSDEN, M43 6QU</b>	43 - 76
c)	<b>20/00264/FUL - 10 SLATE LANE, AUDENSHAW, M34 5GW</b>	77 - 112
d)	<b>20/00795/FUL - ORGAN INN, 61 ACRES LANE, STALYBRIDGE, SK15 2JR</b>	113 - 130
e)	<b>21/00421/FUL - 95 HAUGHTON GREEN ROAD, DENTON, M34 7GR</b>	131 - 150
f)	<b>21/00205/FUL - 4-10 CHURCH STREET, ASHTON-UNDER-LYNE, OL6 6XE</b>	151 - 180
g)	<b>21/00412/FUL - JONATHAN GRANGE NURSING HOME, MICKLEHURST ROAD, MOSSLEY, OL5 9JL</b>	181 - 234
h)	<b>21/00487/FUL - 5 WILSON CRESCENT, ASHTON-UNDER-LYNE, OL6 9SA</b>	235 - 254
6.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>APP/G4240/D/20/3265970 - 6 HOLME STREET, HYDE, SK14 1JF</b>	255 - 258
b)	<b>APP/G4240/W/21/3268575 - TOWN LANE SW, DUKINFIELD, SK16 5PN</b>	259 - 262
c)	<b>APP/G4240/X/21/3267937 - 1 MOUNT PLEASANT, BARMHOUSE LANE,</b>	263 - 268

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

**HYDE, SK14 3BX**

**7. URGENT ITEMS**

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

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



## SPEAKERS PANEL (PLANNING)

16 June 2021

**Present:** Councillor McNally (Chair)  
Councillors: Affleck, Boyle, Choksi, Dickinson, Fitzpatrick  
Glover, Jones, Owen and Ricci

**Apologies:** Councillors Naylor and Ward

### 7. MINUTES

The Minutes of the proceedings of the meeting held on 26 May 2021, having been circulated, were approved and signed by the Chair as a correct record.

### 8. DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

### 9. AMENDMENT TO ORDER OF BUSINESS

In accordance with the Council's constitution, the Chair advised Members of a change in the order of business to the published agenda.

### 10. 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:-**

<b>Name and Application No:</b>	20/00329/FUL Mr Paul Williamson
<b>Proposed Development:</b>	Detached dwelling house – retrospective. Land adjacent to 124 Mottram Old Road, Hyde, SK14 3BA
<b>Decision:</b>	Following deferment at the previous Speakers Panel (Planning) on 26 May 2021, Members resolved to grant planning permission subject to the conditions as detailed within the submitted report.

<b>Name and Application No:</b>	20/01027/FUL Mr Mahmood
<b>Proposed Development:</b>	Demolition of existing detached bungalow and detached garage buildings and construction of 7 no. dwelling houses and associated works on the land.

	<b>164 Mottram Road, Stalybridge, SK15 2RT</b>
<b>Speaker(s)/Late Representations:</b>	<p><b>Mr Gary Tinker and Councillor Patrick addressed the Panel objecting to the application.</b></p> <p><b>Mr Jason Dugdale, on behalf of the applicant, addressed the Panel in relation to the application. The applicant, Mr Akmal Mahmood, also addressed the Panel in relation to the application.</b></p>
<b>Decision:</b>	<b>That planning permission be granted subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<p><b>20/00594/FUL</b></p> <p><b>Parkgate Developments Ltd</b></p>
<b>Proposed Development:</b>	<p><b>Conversion of former café/shop/garden centre into 9 apartments and associated works.</b></p> <p><b>Former Roe Cross Green Café, Roe Cross Road, Mottram, SK14 6SD</b></p>
<b>Speaker(s)/Late Representations:</b>	<p><b>The case officer advised Members that in relation to the Section 106 contributions towards highways, a Mayor's Challenge Fund Scheme was proposed for Roe Cross Road to improve facilities for walking and cycling in the locality.</b></p> <p><b>In addition, Section 106 contributions would go towards investment in public open space facilities in Mottram.</b></p> <p><b>Mr Jason Dugdale, on behalf of the applicant, addressed the Panel in relation to the application.</b></p>
<b>Decision:</b>	<b>That planning permission be granted subject to the prior completion of a Section 106 Agreement and the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<p><b>20/01113/FUL</b></p> <p><b>Jigsaw Homes</b></p>
<b>Proposed Development:</b>	<p><b>Residential development comprising of 31No. 1 bedroom retirement living apartments with associated landscaping and external works including demolition of existing warehouse.</b></p> <p><b>Land at Nield Street/Smith Street, Mossley, OL5 0PF</b></p>
<b>Speaker(s)/Late Representations:</b>	<p><b>Since publication of the report, the case officer advised Members that United Utilities had confirmed that they were satisfied with the level of further investigation into their assets within the site. United Utilities had thus removed their initial concerns and recommended a conditional approval. Consequently, condition no.14 as listed within the report was no longer required.</b></p> <p><b>The case officer also advised Members that further bat surveys had been undertaken at the warehouse, due to be demolished, which confirmed that there were no roosting bats at present. A</b></p>

	<p>report would be submitted to confirm this and a review of this would be undertaken by the GMEU prior to the decision being released.</p> <p>Mr Alec Hall addressed the Panel objecting to the application.</p> <p>Mr Philip Millson, on behalf of the applicant, addressed the Panel in relation to the application.</p>
<b>Decision:</b>	That planning permission be granted subject to the prior completion of a Section 106 Agreement and the conditions as detailed within the submitted report.

## 11. APPEAL / COST DECISIONS

Application Reference/Address of Property	Description	Appeal Decision
APP/G4240/W/21/3269085 Land between Pentire & Springfield, Mottram Road, Hyde, SK14 3AR	Proposed demolition of a redundant BT building and construction of a single detached two-storey dwelling.	Appeal allowed.

## 12. URGENT ITEMS

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

## 13. CHAIR'S CLOSING REMARKS

The Chair and the Development Manager informed Members that David Thompson, Principal Planning Officer, would be leaving Tameside Council later in the month. They extended their thanks to David for his hard work and support at Panel and Members echoed these comments.

**CHAIR**

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# Agenda Item 4

<b>Report To:</b>	<b>SPEAKERS PANEL (PLANNING)</b>
<b>Date:</b>	21 July 2021
<b>Reporting Officer:</b>	Emma Varnam – Assistant Director, Operations and Neighbourhoods
<b>Subject:</b>	<b>HIGHWAYS ACT 1980 – APPLICATION TO DIVERT A LENGTH OF DEFINITIVE FOOTPATH MOSSLEY 169</b>
<b>Report Summary:</b>	An application has been received from a local resident to make an Order to divert a length of Footpath Mossley 169. If approved, the path will be diverted and the changes will be reflected on the definitive map and statement for Tameside.
<b>Recommendations:</b>	It is recommended that the Panel accepts this application on the basis that it is expedient in the interests of the applicant and the public to divert Footpath 169 in Mossley as indicated on the plan appended to this report. It is further recommended that the Borough Solicitor be authorised to make and advertise a public path diversion order and either confirm it as an unopposed order or, should there be any objections to the order, submit it to the Secretary of State for confirmation.
<b>Links to Community Strategy:</b>	It is considered that the proposal could contribute towards the aspirations of the Corporate Plan for Tameside & Glossop and more specifically in the promotion of Living and Aging Well by benefiting the priorities of Infrastructure & Environment as well as Longer & Healthier Lives.
<b>Policy Implications:</b>	It is considered that the proposal could contribute towards the aspirations of the Corporate Plan for Tameside & Glossop and more specifically in the promotion of Living and Aging Well by benefiting the priorities of Infrastructure & Environment as well as Longer & Healthier Lives.
<b>Financial Implications: (Authorised by the Borough Treasurer)</b>	<p>The full costs of the diversion process and route will be borne by the applicant. The financial commitment via the Council will be the provision of gate kits at an estimated cost of £820.</p> <p>The £820 cost will be financed via the Sustainable Travel Capital scheme which is funded by a 2020/21 Highway Maintenance Grant of £40,000 that has been carried forward to 2021/22. Existing commitments on this scheme are £26,500 with the aforementioned new expenditure of £820. A balance of £12,680 will remain against this grant allocation.</p>
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	The Highways Act 1980 details a statutory procedure for the making, publication and confirmation/non-confirmation of orders to divert public footpaths. The Council will adhere to this process in the making of this Order if authorised by the Panel and all costs incurred in doing so will be reimbursed by the applicant. If there are unresolved objections to the Order then the decision as to whether the Order is confirmed or not will rest with a Planning Inspector. The Council will also have the ultimate decision as to whether or not to proceed with the Order if objections are received.

**Risk Management:**

If the order is made and attracts objections then considerable officer time will be required to deal with the appeal, diverting resources away from other projects. The Applicant will meet these costs.

A further risk is that the new paths are not properly constructed by the applicant resulting in a repair bill to the council and/or personal injury claims. To mitigate this risk the Council will ensure that construction is supervised and that the new paths are not brought into use until the Council is satisfied that they have been properly constructed.

**Access to Information:**

The background papers relating to this report can be inspected by contacting Michael Hughes, Sustainable Travel Officer:



Telephone: 0161 342 3704



e-mail: [michael.hughes@tameside.gov.uk](mailto:michael.hughes@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 An application has been received from a local resident to make a Public Path Diversion Order under section 119 of the Highways Act 1980 (the Act) by diverting a length of Footpath Mossley 169.
- 1.2 The applicant has requested the order based on the grounds that it is expedient in the interests of the landowners involved as well as the public enjoyment of the path as a whole.
- 1.3 The applicant has agreed to bear the legal costs associated with the application. The applicant will also cover any expenses incurred in bringing the new path into a fit condition for use by the public.
- 1.4 The applicant does not own the land onto which Footpath 169 would be diverted, however a written agreement and verbal confirmation of the permission to divert the path onto the adjacent land has been provided by the landowner.
- 1.5 This application is made to the Council, as highway authority, under Schedule 6 of the Act. The application seeks a decision on whether the diversion meets the criteria as set out in Section 3 below and whether it will make the route more commodious for users and will therefore be expedient. Under the Council's Constitution, these matters are for determination by the Speakers Panel (Planning).
- 1.6 If the application is rejected, the applicants have no right of appeal. If the application is accepted and the diversion order is made, the order will be advertised. If anyone objects to the order then it cannot be confirmed by the Council. The only way it can be confirmed is if it is referred to the Secretary of State who will decide the matter following a public inquiry or hearing.

## 2. DESCRIPTION OF THE CURRENT AND PROPOSED ROUTES

- 2.1 Footpath MOS/169 starts on Midge Hill, Mossley and runs through the garden area of property number 11 before entering an agricultural field and then running roughly parallel to, and terminating at Stockport Road, Mossley. The current alignment of the footpath runs for a distance of 271 metres (**see Appendix 1**).
- 2.2 The proposed diverted alignment will leave Midge Hill approximately 30m higher up the lane (to the west) before directly entering the agricultural field and running towards Stockport Road and then turning to the south to run adjacent to the road (at the back of the retaining wall). The proposed alignment for the footpath runs for a distance of approximately 252m (**see Appendix 1**).
- 2.3 The diverted route will run on a natural surface throughout with a width of 1.5 metres. The current stile access to and from the agricultural fields will be changed to gated access as part of the proposal.

## 3. CRITERIA FOR DIVERSION

- 3.1 Section 119 of the Highways Act 1980 gives the Council power to make a diversion order if it is satisfied that "... in the interests of the owner, lessee or occupier of land crossed by the path or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted...". Even if the Council is satisfied that it is expedient, the Council has discretion whether or not to make the order.

- 3.2 The order cannot be confirmed unless the Council considers that the diversion will not make the path substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which:
- a) The diversion would have on public enjoyment of the path or way as a whole;
  - b) The coming into operation of the order would have as respects other land served by the existing public right of way; and
  - c) Any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

#### **4. CONSULTATION OVER THE PROPOSED DIVERSION**

- 4.1 An informal consultation exercise was carried out with the local councillors for Mossley as well as with Mossley Town Council.
- 4.2 The Mossley Town Council responded to this consultation on a provisional basis with *“The Town Council acknowledges that the proposed diversion route will provide a more satisfactory surface for footpath users and offers no objection to the diversion proposed on the plan accompanying the consultation.”*
- 4.3 No comments were received from the local councillors during this period.
- 4.4 If the Speakers Panel (Planning) believe that there is merit in proceeding with the proposed diversion then an order to that effect will be made and advertised for formal consultation for a minimum 28-day period in line with the statutory process. Objections to this order would be submitted to the Secretary of State for confirmation/non-confirmation of the proposed diversion order following a hearing held on behalf of the Secretary of State.

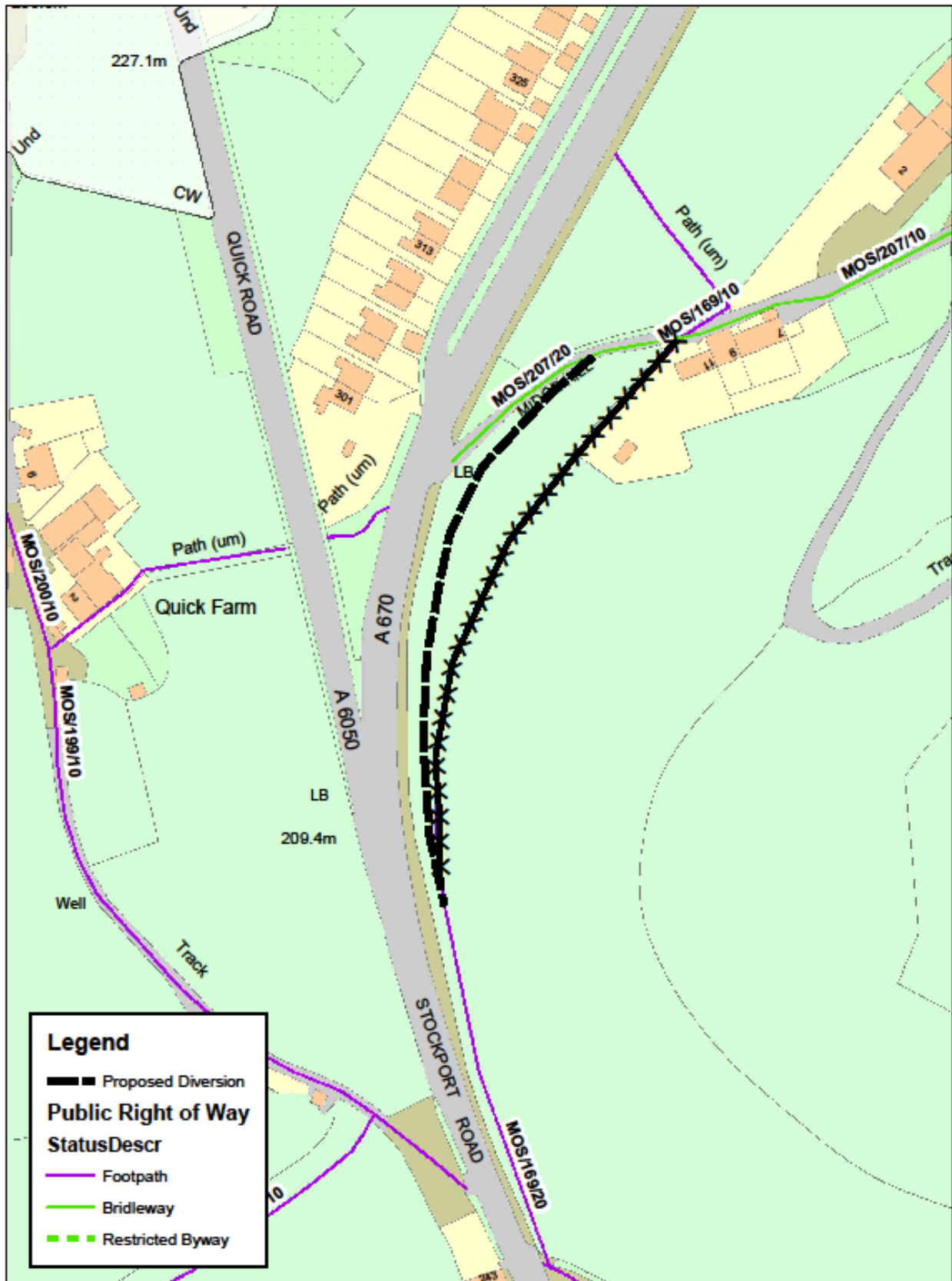
#### **5. COMMENTS OF THE DIRECTOR OF OPERATIONS AND NEIGHBOURHOODS**

- 5.1 The applicant has stated that the diversion request is made for their own interests as one of the landowners, but also provides benefit to the general public. A document submitted in support of the application makes the case that the diverted alignment would provide a route which is flatter, drier and more accessible for walkers with better views. The applicant also asserts that users would no longer have to deal with as steep a climb up the hillside or as significant a cross-slope which can pose problems when the footpath is wet and slippery.
- 5.2 Officers agree with these comments in general and accept that the diversion alignment is of advantage to the applicant / landowner as well as providing some benefits to the walking public.
- 5.3 It is noted that the proposed diversion is slightly more direct meaning that the footpath journey will be approximately 20m shorter to get from Midge Hill to the termination point at Stockport Road.
- 5.4 Officers also consider that the proposed change of access arrangements from stiles to British Standard compliant gates is of benefit to users of Footpath 169.
- 5.5 The applicant identifies that the suggested alignment for the footpath is already the route that many walkers choose to follow and so the diversion will in effect formalise a desire line set out by local users.
- 5.6 Based on the above, it would appear that the criteria as set out in Section 3 to this report are met by the diversion application.



**6. RECOMMENDATION**

6.1 As set out at the front of the report.



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**Application Number** 16/00659/FUL

<b>Proposal</b>	Residential development comprising 10 No. 2 bedroom houses and 9 No. 3 bedroom houses together with new access, landscaping and associated works.
<b>Site</b>	Land at Sandy Lane, Dukinfield, Tameside
<b>Applicant</b>	B.A.K Civil Engineering
<b>Recommendation</b>	Grant planning permission subject to the prior completion of a Section 106 Agreement and conditions.
<b>Reason for Report</b>	A Speakers Panel decision is required because the application constitutes major development and any approval would be subject to a Section 106 Agreement.

## 1.0 APPLICATION DESCRIPTION

1.1 The application, as amended, seeks full planning permission for the erection of 19 dwellings comprising of 10 No. 2 bedroomed houses and 9 No. 3 bedroomed houses together with a new access, landscaping and associated works.

1.2 The applicant has provided the following documents in support of the planning application:

- Arboricultural Impact Assessment & Method Statement prepared by ACS;
- Desk Based Utility Report prepared by RSK;
- Flood Risk Assessment (as amended) prepared by RSK;
- Marketing Report prepared by Matthews & Goodman;
- Noise Assessment prepared by Azymouth Acoustics;
- Phase 1 Ecology Report update letter prepared by RPS;
- Preliminary Risk Assessment update prepared by RSK;
- Coal Mining Risk assessment; and,
- Transport Statement prepared by Local Transport Projects.

## 2.0 SITE & SURROUNDINGS

2.1 The application site extends to approximately 0.4 hectares. It is triangular in shape and located at the junction of Sandy Lane and Park Road, around 1.5km to the east of the centre of Dukinfield.

2.2 The site is currently vacant, containing overgrown vegetation, trees and rubble and is enclosed within a metal security fence. The northern boundary of the site is defined by a low stone wall with security fence above. Beyond Park Road lies the River Tame. On the opposite side of the river are a number of buildings in employment use with the Huddersfield Narrow Canal to the north.

2.3 To the east of the site are existing industrial premises and land occupied by a demolition contractor. There is a steep drop in levels between the two sites with a retaining wall in between. The site adjoins residential properties at Sandy Vale to the south, beyond which lies residential properties on Belvedere Drive. To the west, the site is bound by Sandy Lane, with residential properties on the opposite side of the road. Beyond this lies Dukinfield cemetery and crematorium with a further area of housing beyond.

- 2.4 The site is allocated as an Established Employment Area on the UDP Proposals Map. Part of the site area along the northern boundary is also identified as an 'Area liable to Flooding' on the UDP Proposals Map.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 04/00123/FUL Erection of 4 Industrial Units – Approved with conditions on 29.03.04
- 3.2 09/00016/PLCOND Discharge of Conditions 2, 4, 17 and 20 on Planning Application ref.no. 04/00123/FUL – Approved 05.05.09
- 3.3 14/00627/OUT - Proposed residential development with all matters reserved – OUTLINE – Approved with conditions on 30.03.15

### **4.0 RELEVANT PLANNING POLICIES**

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

Established Employment Area & Area Liable to Flooding

#### **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**

- E3: Established Employment Areas.
- H4: Type, size and affordability of dwellings.
- H5: Open Space Provision.
- H7: Mixed Use and Density (Density being relevant to this proposal).
- H10: Detailed Design of Housing Developments.
- OL4: Protected Green Space.
- OL7: Potential of Water Areas.
- OL10: Landscape Quality and Character.
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- C1: Townscape and Urban Form.
- N5: Trees Within Development Sites.
- N6: Protection and Enhancement of Waterside Areas.
- N7: Protected Species.
- MW11: Contaminated Land.
- MW14 Air Quality.
- U3: Water Services for Developments.
- U4 Flood Prevention.
- U5 Energy Efficiency.

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

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities  
Section 11: Making efficient use of land  
Section 12: Achieving well designed places  
Section 14: Meeting the challenge of climate change, flooding and coastal change.  
Section 15: Conserving and enhancing the Natural Environment

#### **4.5 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016;  
Employment Land Supplementary Planning Document adopted January 2009;  
Residential Design Supplementary Planning Document adopted March 2010; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

#### **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.

#### **5.0 PUBLICITY CARRIED OUT**

5.1 As part of the planning application process neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice posted on Sandy Lane and a press notice.

#### **6.0 RESPONSES FROM CONSULTEES**

6.1 The Head of Environmental Services (Environmental Protection) – Raises no objections to the proposed development subject to the imposition of conditions limiting the hours of works and deliveries during the construction process and the submission and approval of full design details of the proposed mitigation measure referenced in the Noise Report to mitigate any impact of noise associated with the adjacent commercial use and traffic noise on the residential amenity of the future occupants of the development.

6.2 The Head of Environmental Services (Highways) - Raises no objections to the proposals subject to the imposition of conditions requiring details of retaining walls, the laying out (and retention free from obstruction thereafter) of the car parking spaces prior to the first occupation of the development, the retention of pedestrian visibility splays on either side of the proposed access arrangements, the submission of a survey of the condition of the highway and the submission of a Construction Environment Management Plan prior to the commencement of development.

6.3 Borough Contaminated Land Officer - Recommends that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.

6.4 Transport for Greater Manchester – No comments.

- 6.5 The Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

- 6.6 Environment Agency (EA) – Having reviewed the Flood Risk Assessment (FRA) from RSK submitted with the application the EA are satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval.
- 6.7 Lead Local Flood Authority – The amended Flood Risk Assessment and incorporated Drainage Strategy is acceptable. It is considered that the application could be conditioned to reflect the sequencing of investigations/options development discussed in this report.
- 6.8 United Utilities – Consider that there is not sufficient evidence to support the discounting of discharge to watercourse and would expect this to be investigated further, with correspondence from any third party land owners being provided if this is on the basis for discounting this option. It is also noted that infiltration is stated to have potential for this site, and site investigations are to be done. United Utilities confirm that they would expect the investigation into the feasibility of infiltration to be undertaken and evidenced prior to recommending any compliance condition.
- 6.9 HSE – The development does not intersect a pipeline or hazard zone and HSE does not have an interest in the development.
- 6.10 Greater Manchester Ecological Unit (GMEU): No objections to the proposals subject to the imposition of conditions requiring the submission and approval of a Construction Environmental Method Statement giving details of the measures to be taken to prevent any possibility of polluting the nearby river during the course of site clearance and construction. Opportunities to enhance the site for wildlife should also be taken, including new landscaping and the installation of bat roosting and bird nesting boxes.
- 6.11 Borough Tree Officer: Raises no objections to the proposals. The trees to be removed are low value and would not be considered a constraint to development. The proposed layout indicates adequate new planting to mitigate for the losses. Details of the proposed landscaping scheme should be secured by condition.
- 6.12 Greater Manchester Police (Design For Security) - Recommend that a condition to reflect the physical security specifications set out in section four of the Crime Impact Statement should be added, if the application is to be approved.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the publicity undertaken, the following third party representations have been received:

- 4 No. objections
- 4 No. letters of support
- 2 No. neutral representations

7.2 The representations objecting to the proposed development are made on the following (summarised) grounds:

- Parking and Highway Safety;
- Harm to visual amenity;
- Impact of noise, disruption and disturbance during construction works.

7.3 Representations in support of the application are made largely on the grounds that the site is more suitable for housing than for warehousing (employment purposes), the design of the properties are in keeping with existing properties on Sandy lane and proposal will be an improvement and provide more housing.

## **8.0 ANALYSIS**

8.1 The key issues to consider in the determination of this application are:

- 1) The principle of the development;
- 2) Residential amenity;
- 3) Design and integration with local character;
- 4) Impact on highway safety;
- 5) Flood risk/drainage;
- 6) Trees;
- 7) Ecology;
- 8) Contamination and ground conditions;
- 9) Noise; and,
- 10) Other matters.

## **9.0 PRINCIPLE**

9.1 The application site is currently vacant but is designated as an Established Employment Area on the UDP Proposals Map and therefore the provisions of UDP Policy E3 'Established Employment Areas' apply. The policy states that the development 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; and
- d) The opportunity which may be presented for new forms of employment as part of a mixed use scheme.

9.2 In relation to criterion (a) the redevelopment of this site would not result in the loss of the entire Established Employment Area as the presence of the adjoining employment land to the north and east of the site which also lies within the existing Established Employment Areas within close proximity of the site indicates that significant areas of land in this part of Dukinfield are protected as sites for employment use.

- 9.3 It also relevant to consider that the updated version of the NPPF (2019) contains specific guidance on change of use applications. Paragraph 120 states that:
- “Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in the plan*
- a) They should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped), and*
- b) In the interim, prior to updating the pan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”*
- 9.4 The application site has been marketed for an extensive period. The period of marketing for that site began in 2019, including an advertisement board on the site and electronic marketing across multiple platforms. Despite this, no initial interest has materialised into a committed occupier. The results of the marketing campaign are considered to be relevant in assessing the demand for employment sites and premises in the area, as required by criterion (b) of policy E3. The evidence is also relevant in assessing the redevelopment of the site in relation to the requirements of paragraph 120 b) of the NPPF.
- 9.5 The Council cannot currently demonstrate a five year supply of housing land and so in that regard, there is an unmet need for additional housing in the Borough. Alongside this, the vacant nature of the site and extensive marketing of the adjacent land indicate that there is not an unmet need for employment uses in this part of the Borough.
- 9.6 It is also the case that the re-use of the site for a more intrusive employment use is likely to be environmentally unsuitable, given its size, physical characteristics, access, traffic impact, and the sensitivity of surrounding land uses. Having regard to criterion (c) of policy E3 and the long term viability of an employment allocation in this location, as referred to in paragraph 120 of the NPPF, this situation weighs in favour of the redevelopment of the land for an alternative use.
- 9.7 The Employment Land Review of 2013 indicated that the supply of industrial use premises was greater than demand for such premises in the Borough. The surplus of employment land has been reduced through the inclusion of some allocated employment land within the Strategic Housing Land Availability Assessment (SHLAA) (i.e. there is an assumption that some of these sites would be redeveloped for residential use).
- 9.8 Whilst the availability of employment land has reduced since 2013 (as of April 2018, the figure was approximately 41 hectares), this proposal would not result in the loss of the entire designated Established Employment Area within which the site is situated. Requiring the redevelopment of this site to include commercial uses in a mixed use scheme would likely reduce the number of residential units on the site.
- 9.9 It is therefore considered that the benefit of boosting the supply of housing in the Borough would outweigh the retention of part of the site for employment purposes in a mixed use development, addressing the requirements of criteria (d) of policy E3.
- 9.10 Given this situation and the requirement of the NPPF to boost the supply of housing (including on brownfield sites in sustainable location such as this), it is considered that the principle of the loss of employment land is considered to be acceptable.



- 9.11 In relation to density, the scheme proposes 19 dwellings on a site of approximately 0.4 hectares. This equates to a density of approximately 48 dwellings per hectare. Given that the site is considered to be situated in a sustainable location, this density is considered to accord with policy H7 of the UDP. The proposal constitutes the efficient use of land through the redevelopment of a brownfield site, both of which are factors encouraged by the NPPF and weigh heavily in favour of the proposals.
- 9.12 On balance, following the above assessment, it is considered that the harm arising from the loss of the employment site is outweighed by the benefits of boosting the supply of housing in the Borough on a brownfield site in a sustainable location. The principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.
- 9.13 Part of the site lies within Flood Zone 2 which has a medium risk of flooding to certain sections of the site. A Flood Risk Assessment has been submitted with the application which concludes that the flood risk to the proposed development is manageable and development should not be precluded on flood risk grounds. As per the previous planning application where residential development on the site was approved in 2015, the threat of Flood Risk does not preclude the principle of development, and matters of flooding will be addressed later in the report.
- 9.14 Overall, the principle of the proposed residential development at the site remains acceptable. It is noted that the site is located within a highly sustainable location recognising the transport links and amenities on hand within Stalybridge and Dukinfield. The Council's current lack of a 5 year housing supply should also be afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. On this basis, the principle of much needed residential development on a brownfield site, within an accessible and sustainable location is considered acceptable.

## **10.0 RESIDENTIAL AMENITY**

- 10.1 The adopted Residential Development SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties. In this regard in relation to two storey developments, the SPD states that a distance of 21 metres should be achieved between private (rear) elevations and 14 metres between a principle and non-principle elevation.
- 10.2 The layout of the proposed houses generally comply with the Council's guidelines in relation to separation distances, privacy and overlooking in terms of both distances within the new development and to the existing houses surrounding the site on Sandy Lane. The proposed development is also situated at a lower level to adjoining properties on Sandy Vale and would as a result have no undue impact upon their outlook or levels of privacy.
- 10.3 It is considered that the occupants of the proposed dwellings would also be served with a good level of amenity. External noise levels from the traffic and the adjoining industrial use would be controlled by boundary treatments comprising of an acoustic fence along the side and rear boundaries, glazing specification and controlled ventilation. The design of the properties meets technical guidelines for room sizes with good separation between habitable and non-habitable areas. The outside amenity space for the proposed occupiers is also well proportioned and provides secure and private garden space.

- 10.4 The site is within the urban area, and is in an accessible and sustainable location. It is located within a convenient walking distance of Dukinfield and Stalybridge town centres; the amenities of which can serve future residents.
- 10.5 The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site on Sandy Lane, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of UDP policy H10.

## **11.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER**

- 11.1 Policy C1 and H10 in addition to the relevant paragraphs of the NPPF require development that is designed and landscaped to the highest standard, paying high regard to the built and/or natural environment, within which it is sited, will be given positive consideration. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance.
- 11.2 The design and layout of the proposed development has responded well to the constraints of the site which include the existing topography, adjoining industrial development and proposed access arrangements. The development is also comparable in scale and character to that of surrounding properties. The proposal seeks to use high quality materials, including slate roofing and red brick which will complement the neighbouring properties along Sandy Lane.
- 11.3 With regard to parking arrangements the layout identifies that this would be provided mainly to the front dwellings which is somewhat regrettable. However, the dominance/impact would be offset by soft landscaping proposed within front gardens and boundary treatments. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain.
- 11.4 Having full consideration to the design merits of the proposal and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of existing housing within the locality and overall it is considered that the design and layout would have a strong identity and provide good quality starter homes and family housing. It is therefore, considered that the proposal adheres to the objectives of policy C1, H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **12.0 HIGHWAY SAFETY**

- 12.1 With regard to impact on highway and pedestrian safety, a Transport Statement has been submitted with the application. The Transport Statement considers the impact of the proposal on the local highway network in terms of capacity and safety, the site's accessibility by public transport, and the suitability of the site's access and parking arrangements.
- 12.2 Of the 19 dwellings, 10 are to be served via a new simple priority T-junction that is to be provided from the eastern side of Sandy Lane. The remaining 9 dwellings are to be provided with private drive access from Sandy Lane.
- 12.3 The Transport Statement predicts that the proposed residential development could be expected to generate up to 11 two-way vehicle trip movements during the AM peak hour and 8 two-way vehicle trip movements during the PM peak hour. As this is well below the typical

30 two-way trip threshold for assessment, the report considers that the development is not expected to have a significant impact on the local highway network.

- 12.4 A number of conditions are recommended by the Local Highway Authority (LHA). Specific details of the road works and traffic management measures to be put in place to secure safe access to the site would be required as part of a Section 38 or Section 278 Agreement under the Highways Act and it is considered not to be necessary to impose this condition on the planning permission therefore. For the same reason, a condition survey of the highway is considered not to be necessary in planning terms.
- 12.5 However, details of measures to be included within a construction environment management plan to manage the impact of traffic and materials storage during the construction phase of the development is considered to be necessary. A requirement for the parking to be laid out as shown on the approved plans and details of the cycle storage and electric vehicle charging strategy to serve the development are considered to be reasonable. Such details can be secured by condition.
- 12.6 In relation to car parking provision, the scheme makes provision for 1 car parking space per 2 bedroom dwelling and 2 car parking spaces per 3 bedroom dwelling. The Residential Design Guide requires 2 car parking spaces per dwelling for properties over 1 bedroom in this location.
- 12.7 The level of parking provision would fall short of the maximum standards set out in Policy T10 in the Unitary Development Plan and Policy RD7 in the Residential Design Guide. However, these are maximum standards and the NPPF states that any local standards should only be imposed where there is clear evidence that measures are required to manage the impact of traffic on the highway network. In this case, the LHA has not raised any objections to the amended proposals subject to conditions. Given the close proximity of the site to regular bus and train services to larger settlements and the level of services and facilities within Dukinfield, Stalybridge and Ashton, it is considered that the site is in a sustainable location. On the basis of a combination of these factors, it is considered that the level of parking proposed would not result in a severely harmful impact upon highway safety.
- 12.8 The access and parking arrangements have been designed in conjunction with advice given from the LHA and they have raised no objections. Therefore, subject to the recommended conditions, it is considered that the development adheres to the provisions of policies T1 and T10.

### **13.0 FLOOD RISK/DRAINAGE**

- 13.1 The site lies predominately within Flood Zone 1 with a small section of the north easternmost corner of the site in Flood Zone 2 as identified on the Environment Agency's Flood Risk Map. The application has been supported by a Flood Risk Assessment which has been amended to address comments received from the LLFA and United Utilities. The Flood Risk Assessment also provides adequate mitigation to deal with the sites potential to be affected by flooding including established appropriate minimum floor levels. The LLFA are satisfied that on the basis of this revised document, the proposal satisfies the sequential test as set out within the NPPF. There is no objection in principle therefore to the residential development of the site in this regard. It is noted that the EA have raised no objections to the proposal.
- 13.2 The development is still however required to adhere to the hierarchical approach to drainage for the site. In this regard, the proposal seeks to deal with drainage via an attenuated drainage solution at an appropriate flow rate to ensure the sites existing greenfield run off rate is not exceeded including taking account of climate change. United Utilities have yet to agree this solution with their current response requiring a condition to confirm and agree how

the site should be drained with regard to the hierarchical approach. A condition to this effect is therefore recommended as requested by United Utilities and the LLFA.

#### **14.0 TREES**

- 14.1 An updated Arboricultural Impact Assessment has been submitted with the application. The Report notes that the development will result in the loss of a number of individual trees and small 'inconsequential' groups. The Report also confirms that in line with the advice set out in BS5837, the existing trees on site are not of such importance and sensitivity as to be a major constraint on development or justify substantial modification of the proposals. The proposed scheme does however proposed the retention of some of the existing trees at the junction of Sandy Lane and Park Road. The Tree Officer has been consulted on the application and has raised no objections to the proposals subject to conditions requiring specific details of the soft landscaping scheme to be submitted and approved and the implementation of the landscaping scheme prior to occupation of the development. The retention of the existing trees shown as being retained on the submitted plans can also be controlled by a planning condition.
- 14.2 In relation to areas of communal landscaping within the site, it is the intention for all future maintenance of these areas to be addressed by a private management company. The ongoing maintenance and management of such areas can also be secured by a planning condition.

#### **15.0 ECOLOGY**

- 15.1 An Ecology Report, Updated Desk Study (September 2020) and Updated Walkover Survey (September 2020) have been submitted with the application. GMEU has reviewed this information and has not raised any objections to the proposals.
- 15.2 A condition is recommended to secure a management plan detailing measures to be put in place during the construction phase of the development to mitigate any potential adverse impact on the biodiversity value of the River Tame. This is considered to be reasonable and can be attached to any planning permission granted. A condition relating to the management of any invasive species on the site is also attached to the recommendation.
- 15.3 In relation to bat activity, the updated Ecology Surveys confirm that the site provides limited and low suitability for commuting and foraging by roosting bats. This is particularly pertinent given that the lines of trees along the boundaries of the site are largely retained as part of the redevelopment proposals. It is therefore concluded that no bat activity surveys are necessary to inform the proposed development of the Site. However, by way of enhancement, it is recommended that bat boxes are provided on retained trees where safe to do so. Such an enhancement could be secured through a suitably worded planning condition.
- 15.4 Following the above assessment it is considered that any potential adverse impact on protected species and the biodiversity value of the site can be adequately mitigated through measures that can reasonably be secured by condition.

#### **16.0 CONTAMINATION & GROUND CONDITIONS**

- 16.1 A Preliminary Risk Assessment into possible contamination on the site has been carried out and submitted with the application. The report identifies a number of potential land contamination and/or geotechnical constraints to the proposed development and

recommends the need for further investigation and remediation works to demonstrate that the site is suitable for residential development.

- 16.2 The Borough Contaminated Land Officer and the EA have reviewed the information submitted and have not raised any objections to the proposals, subject to securing further investigation work into potential sources of ground contamination on the site by condition. A condition requiring this additional work to be undertaken and that any necessary mitigation measures are agreed and implemented prior to the commencement of development is considered to be reasonable given the former industrial use of the site.
- 16.3 Part of the site lies within a defined Development High Risk Coal Mining Referral Area. A Coal Mining Risk assessment accompanies the application. The Coal Mining Risk Assessment concludes that there is a potential risk to the development from past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. In the event that shallow mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. The findings of the intrusive site investigations should inform any remedial measures which may be required. Such measures can be secured by a planning condition.

## **17.0 NOISE**

- 17.1 A Noise Assessment Report has been submitted with the application which confirms that the site is mainly dominated by traffic noise using Sandy Lane. The application has been assessed in line with recognised guidelines and the noise report proposes mitigation measures comprising of the following:
- A 2.5m high noise barrier along the south east boundary of the site; approx. 14 dB of acoustic attenuation to noise from the adjacent commercial site.
  - A 2m high noise barrier along the park road west boundary of the site; approx. 13dB of acoustic attenuation to road traffic noise.
  - These noise barriers should both be constructed as continuous, imperforate, sealed fence panels at the base, with a surface density of at least 10 kg/m<sup>2</sup> to help achieve optimum attenuation.
  - Acoustic double glazing to rooms on elevations facing outwards from the site.
  - Acoustically rated trickle ventilation (or other suitably rated ventilation) to dwellings in close proximity to the boundary of the site designed to minimise the need to open windows except during the warmest daytime / evening periods.
- 17.2 The EHO is satisfied with this approach and recommends a condition that secures the identified mitigation.

## **18.0 OTHER MATTERS**

- 18.1 In relation to designing out crime, the applicant has submitted a Crime Impact Statement (CIS) with the application. Greater Manchester Police (Secure by Design) have been consulted on the application and have raised no objections subject to a condition to reflect the physical security specifications set out in section four of the Crime Impact Statement to be attached to any planning permission. Detailed crime reduction measures such as material, fixture and fittings specifications can also be secured through suitably worded planning conditions.
- 18.2 The EHO has also recommended conditions limiting the hours of works during the construction phase of the development and details of the refuse storage arrangements be attached to the decision notice. Given that residential properties are located adjacent and

on the opposite side of Sandy Lane the suggested limitation on construction hours is considered to be reasonable.

## **19.0 AFFORDABLE HOUSING**

- 19.1 Paragraph 64 of the NPPF states that ‘where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.’ The latest version of the NPPF came into force in February 2019. Following adoption of the Housing Needs Assessment (HNA) for the Borough in August 2018, the Council now has an up to date evidence base on which to seek affordable housing contributions for developments of this scale. The HNA requires 15% of units on the proposed development to be provided as affordable housing.
- 19.2 Given that the NPPF is significantly more recent than the UDP policy and that the Council has an up to date evidence base to require a level of affordable housing provision at 15% across developments of the scale proposed, it is considered that the 15% affordable housing requirement should apply in this case.

## **20.0 DEVELOPER CONTRIBUTIONS**

- 20.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 56 of the NPPF):
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and,
  - c) Fairly and reasonably related in scale and kind to the development.
- 20.2 In relation to works to mitigate the highway impact of the development, the LHA have requested that the Highway contributions are used towards the following works:
- £16,500 towards footpath improvements including street lighting upgrades around the proposed development. To include paths between Tower Street to Prospect Road and Belvedere Drive and James Close. The improvements will increase permeability through the area for walking and cycling within the immediate vicinity of the development to access local amenities. , i.e. Morrison’s/Local play areas.
  - £1,500 towards lining enhancements on Sandy Lane, to improve highway safety features in the immediate vicinity of the development.
- 20.3 The applicant will be required to make a contribution to the provision of open space within the local area, in accordance with policy H5 of the adopted UDP. A contribution of £15,170.15 is to be secured towards infrastructure improvements in Tower Street Park and Dukinfield Cemetery.
- 20.4 These contributions are considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the limited amenity space to be provided on site and the additional traffic to be generated), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.
- 20.5 The scheme proposes less than 25 dwellings and therefore no education contributions are required, in accordance with the adopted policies of the Unitary Development Plan.

## **21.0 CONCLUSION**

- 21.1 At the heart of the NPPF is a presumption in favour of sustainable development. This requires planning applications that accord with the Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 21.2 Taking into account the relevant development plan policies and other material considerations, and subject to the identified mitigation measures, it is considered that there are no significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

## RECOMMENDATION

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

1. To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - a) Contribution of 15,170.15 towards off site green space improvements to be secured towards infrastructure improvements in Tower Street Park and Dukinfield Cemetery;
  - b) Contribution of £18,000.00 towards used towards identified highway upgrades and improvements; and,
  - c) A minimum of 15% Affordable housing.
2. To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;
3. That Officers are afforded discretion to amend the wording of any conditions;
4. Upon satisfactory completion of the above, GRANT planning permission subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  - 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Existing Site Plan (Drawing No. 18190 (SU) 100);  
Proposed House Type A (Drawing No.18190 (PL) 100 C);  
Proposed House Type B (Drawing No. 18190 (PL) 101 D);  
Proposed Site Plan (Drawing No. 18190 (PL) 050 G);  
Proposed Street Scenes (Drawing No. 18190 (PL) 200 D);  
Tree Retention and Protection (Drawing No. TPP/4229/Y/300);

Arboricultural Impact Assessment & Method Statement prepared by ACS;  
Desk Based Utility Report prepared by RSK;  
Flood Risk Assessment prepared by RSK;

Marketing Report prepared by Matthews & Goodman;  
Noise Assessment prepared by Azymouth Acoustics;  
Phase 1 Ecology Report update letter prepared by RPS;  
Preliminary Risk Assessment update prepared by RSK;  
Coal Mining Risk assessment prepared by GIP Ltd;  
Transport Statement prepared by Local Transport Projects; and,  
Crime Impact Statement (Reference 2016/0356/CIS/01).

- 3) Notwithstanding any description of materials in the application, 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.
- 4) Notwithstanding the details shown on the approved plans, no development other than site clearance and compound set-up shall commence until scaled plans detailing the existing and proposed ground levels on the site, the levels of the proposed access arrangements and the finished floor and ridge levels of the dwellings (including sections and with reference to a fixed datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 5) All of the crime reduction measures detailed in Section 4 of the Crime Impact Statement shall be installed to the specification detailed in the document prior to the first occupation of any of the dwellings that form part of the development hereby approved. The development shall be retained as such thereafter.
- 6) Prior to the commencement of any development:
  - 1) Details of a scheme of intrusive site investigations, including gas monitoring, in order to establish the exact situation regarding coal mining legacy issues on the site shall be submitted to, and approved by, the local planning authority; any approved scheme shall then be undertaken and a report of findings arising from the investigation, including a scheme of any necessary remedial works, shall be submitted to, and approved by, the local planning authority.

The development shall be carried out in accordance with the approved details.

- 7) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
  - 1) A site investigation strategy, based on the RSK Preliminary Risk Assessment dated 15 September 2020 (Reference: 11484 R01 (00)) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
  - 2) The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.



- 3) Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
- 4) A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) have been fully implemented including any requirements for long term monitoring and maintenance.
- 8) Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved. If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the Local Planning Authority (LPA)), shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved. The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.
- 9) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 10) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measure detailed within the FRA:

Finished floor levels are set as shown on proposed site plan drawing.
- 11) Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - 1) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - 2) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

- 3) The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- 12) Foul and surface water shall be drained on separate systems.
  - 13) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
    - 1) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
    - 2) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and,
    - 3) A timetable for its implementation.

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

- 14) 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.
- 15) No development shall commence until full design details of the mitigation measures recommended in Azymuth Acoustics UKs Noise Assessment Report, reference AA0027 Rev G, dated 3rd September 2020, have been submitted to and approved in writing by the Local Planning Authority. The design details shall include:
  - 1) scaled plans showing the exact location and elevations of the acoustic fencing to be installed, the materials to be used and the manufacturers specification of the fencing; and
  - 2) scaled plans showing the location of windows to be treated with high specification glazing and ventilation, the specifications of the glazing to be used and the type and specification of the acoustic ventilation to be fitted.
  - 3) The noise mitigation measures 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. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been installed in accordance with the agreed details.
- 16) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plan shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and shall be retained as such thereafter. Vehicles must be able to enter and leave the site in forward gear at all times.
- 17) 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;

- Any 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.
- 18) A clear view shall be provided at the junction of the proposed with Sandy Lane. Its area shall measure 2.4 metres along the centre of the proposed road and 43 metres along the edge of the roadway in Sandy Lane. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.
- 19) 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. Stage 1 Safety Audit – ‘Completion of preliminary design’ and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit.
  3. Surface and drainage details of all carriageways and footways
  4. 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.
  5. Details of an Approval in Principle must be obtained for proposed retaining walls within the development including temporary retaining structures required for the proposed site be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, (This does not define adoption of the asset but merely the design constraints should they be approved by the LHA).
  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.
  8. Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.
  9. 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.
- 20) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve 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 details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
- 21) Prior to the first occupation of the development hereby approved each house shall be provided with an electric vehicle charging facility. The specification of the charging points installed shall:
- 1) Be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);

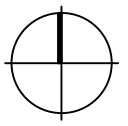
- 2) Have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
  - 3) Be fitted with a universal socket (known as an untethered electric vehicle charge point);
  - 4) Be fitted with a charging equipment status indicator using lights, LEDs or display; and
  - 5) A minimum of Mode 3 or equivalent.
- 22) Notwithstanding the details submitted with the planning application, no above ground development 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:
1. A plan showing the location of all trees/hedges/shrubs to be planted, details of the species mix, the number of specimens to be planted, spacing between them and their height on planting; and
  2. The location and construction material of all hard surfacing.
  3. The landscaping scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development hereby approved.
- 23) 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.
- 24) 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.
- 25) No development above ground shall commence until details of a scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
- 26) No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.
- 27) A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas for shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape management plan shall be carried out in accordance with the approved plan and in accordance with timetable to be agreed in writing with the local planning authority.
- 28) No development shall commence until an Environmental Construction Method Statement detailing how pollution of the River Tame is to be avoided during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include measures relating to the control and

management of dust, surface water runoff, waste and pollution control. The development shall be carried out in accordance with the approved details.

- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined Schedule 2, Part 1, Class A, Class B, Class C and Class E of that Order, shall be erected or undertaken on the site.

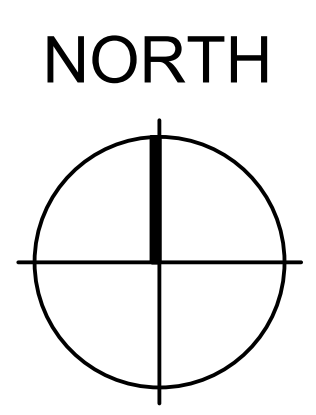
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NORTH



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— Application Boundary  
 - - - Acoustic Fence



Accommodation schedule:  
 10no. Housetype A (2B4P) @ 71sqm / 762sqft  
 9no. Housetype B (3B5P) @ 85sqm / 912sqft  
 Site area: 0.401 Ha / 0.99 acres



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16/00659/FUL

Proposed Residential development comprising 10 No. 2 bedroom houses and 9 No. 3 bedroom houses together with new access, landscaping and associated works at Sandy Lane, Dukinfield, Tameside

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Photo 1 – Junction with Sandy Lane and Park Road



Photo 2 – The boundary of the site from Sandy Lane





**Photo 3 – Sandy Lane**



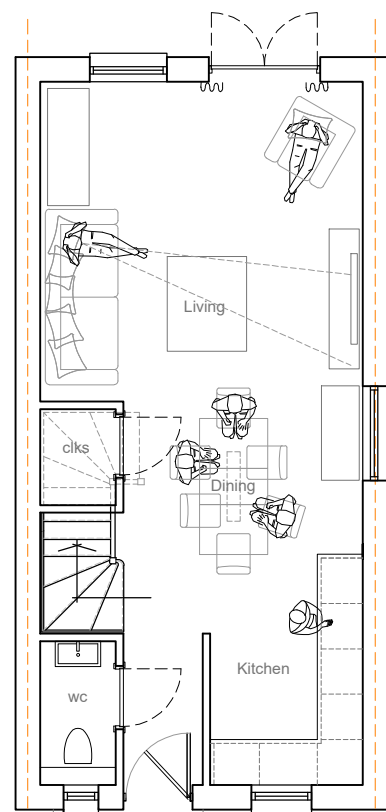
**Photo 4 – Park Road (indicating stone retaining wall with planting above)**



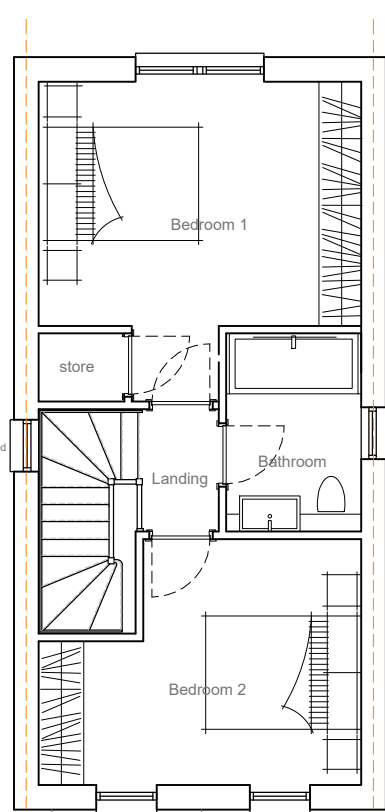
REV	DESCRIPTION	DATE	DRAWN
B	Flat Roof Porch to Entrance	15.10.20	RM
C	House type redesigned to meet space standards	12.01.21	RM

2 bed semi / terraced house - 79sq.m (852sq.ft)

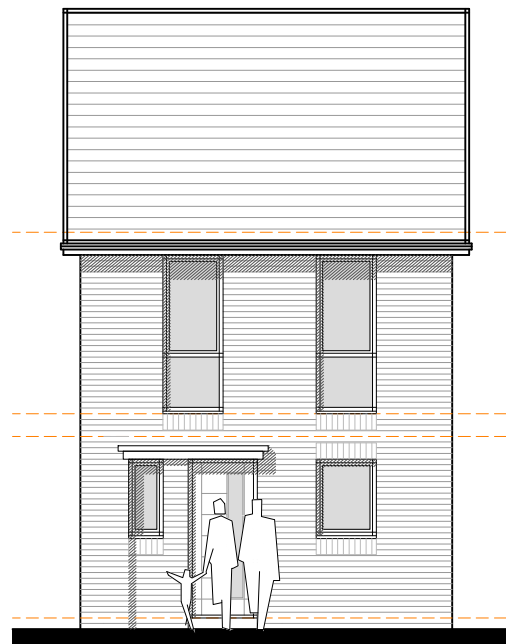
Page 37



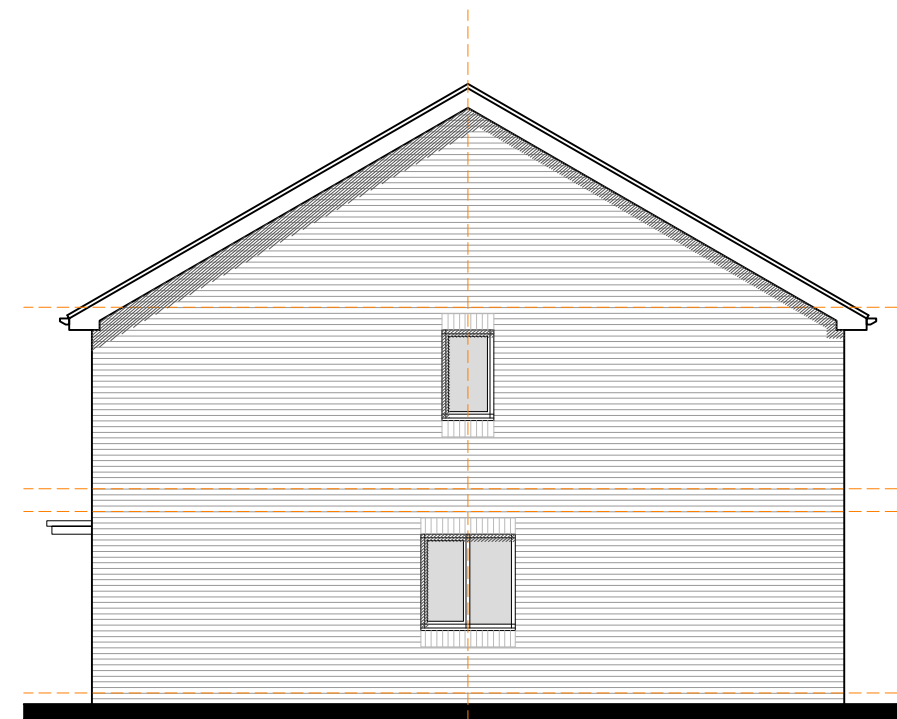
Ground Floor



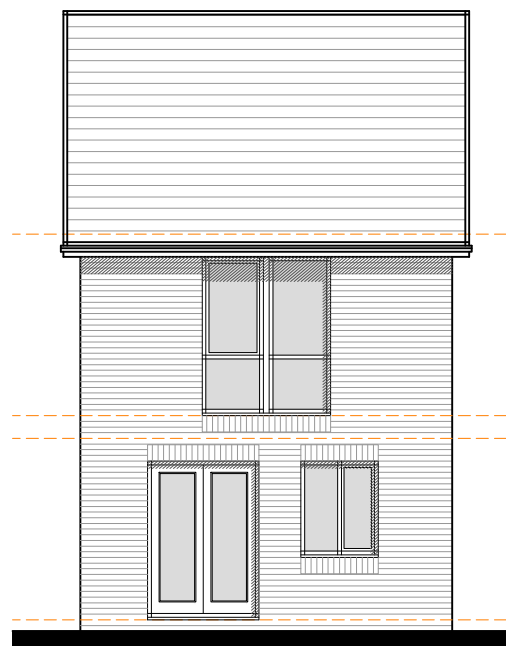
First Floor



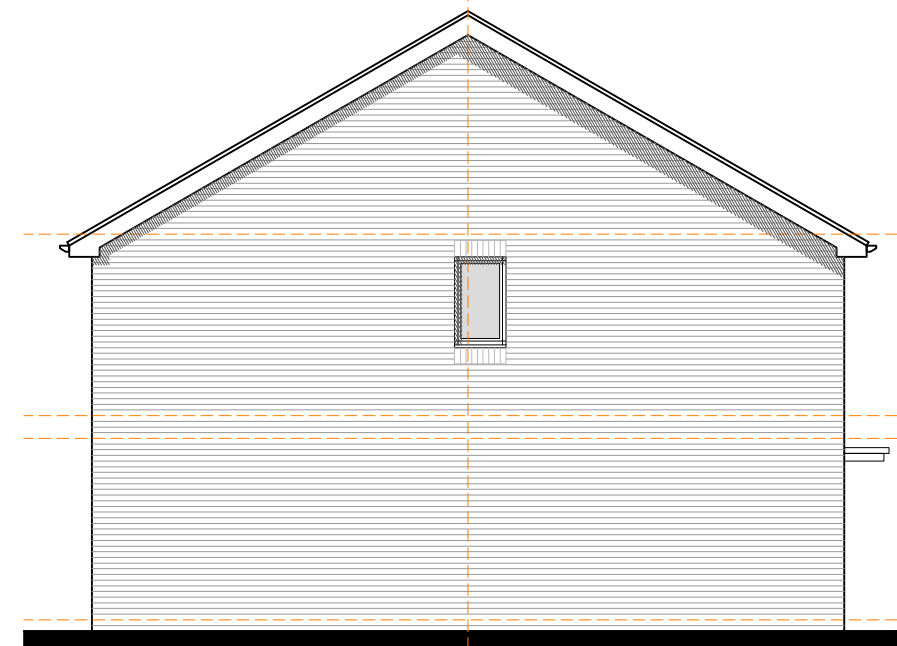
Front



Side



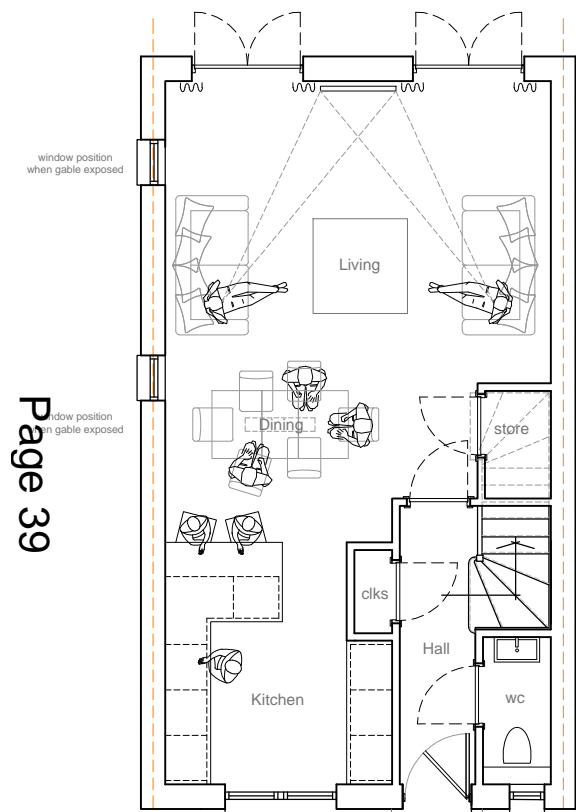
Rear



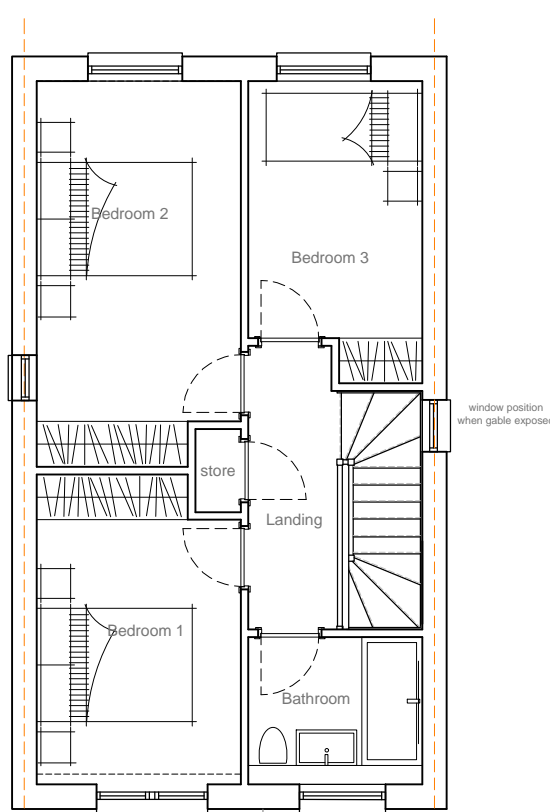
Side

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REV	DESCRIPTION	DATE	DRAWN
B	Flat Roof Porch to Entrance	15.10.20	MM
C	House type redesigned to meet space standards	12.01.21	MM
D	Additional windows to side gable	11.05.21	SFA



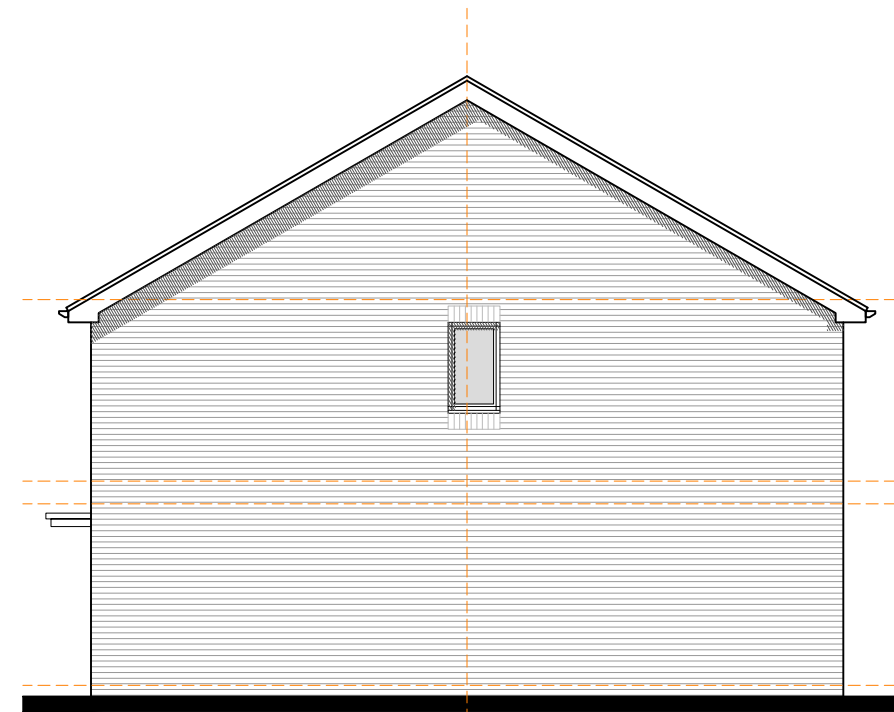
Ground Floor



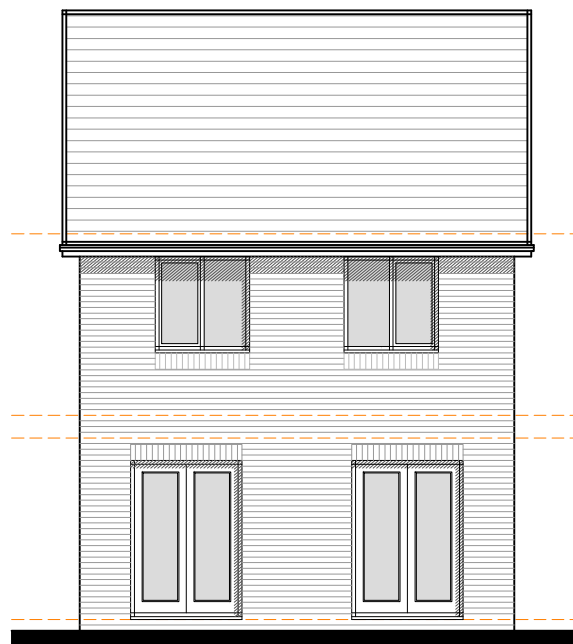
First Floor



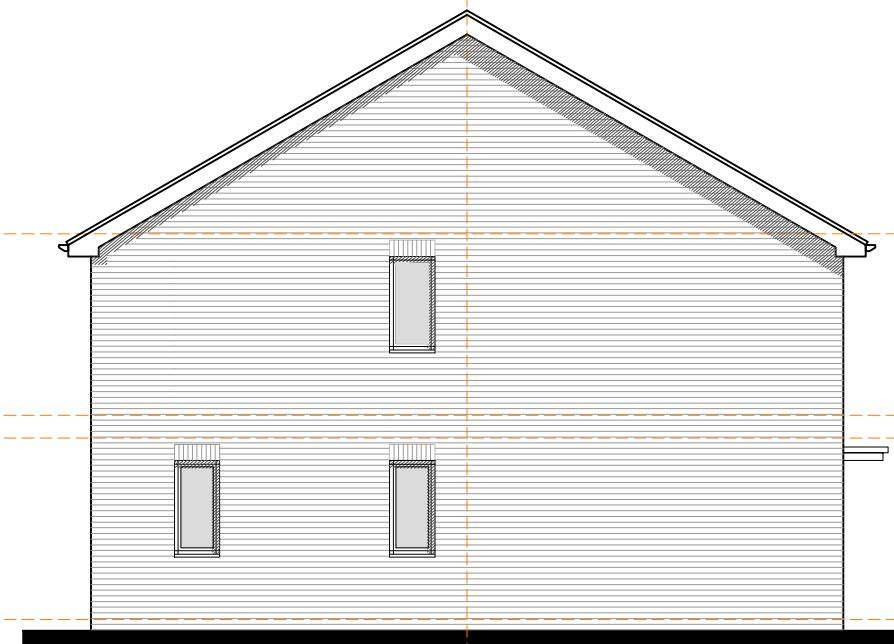
Front



Side



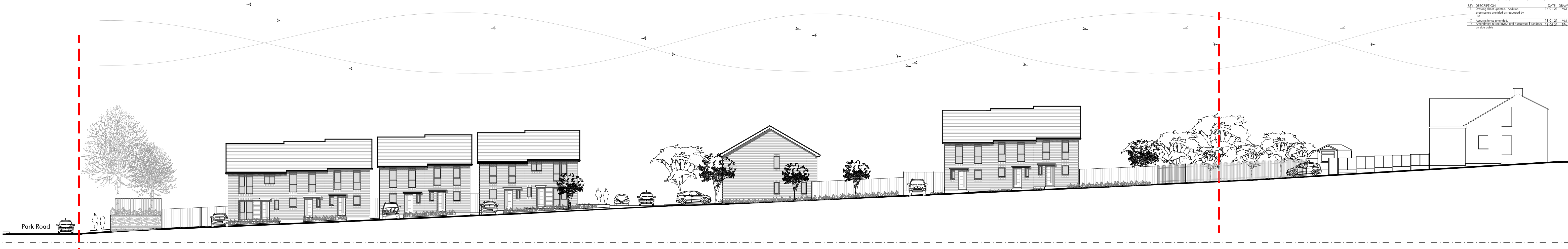
Rear



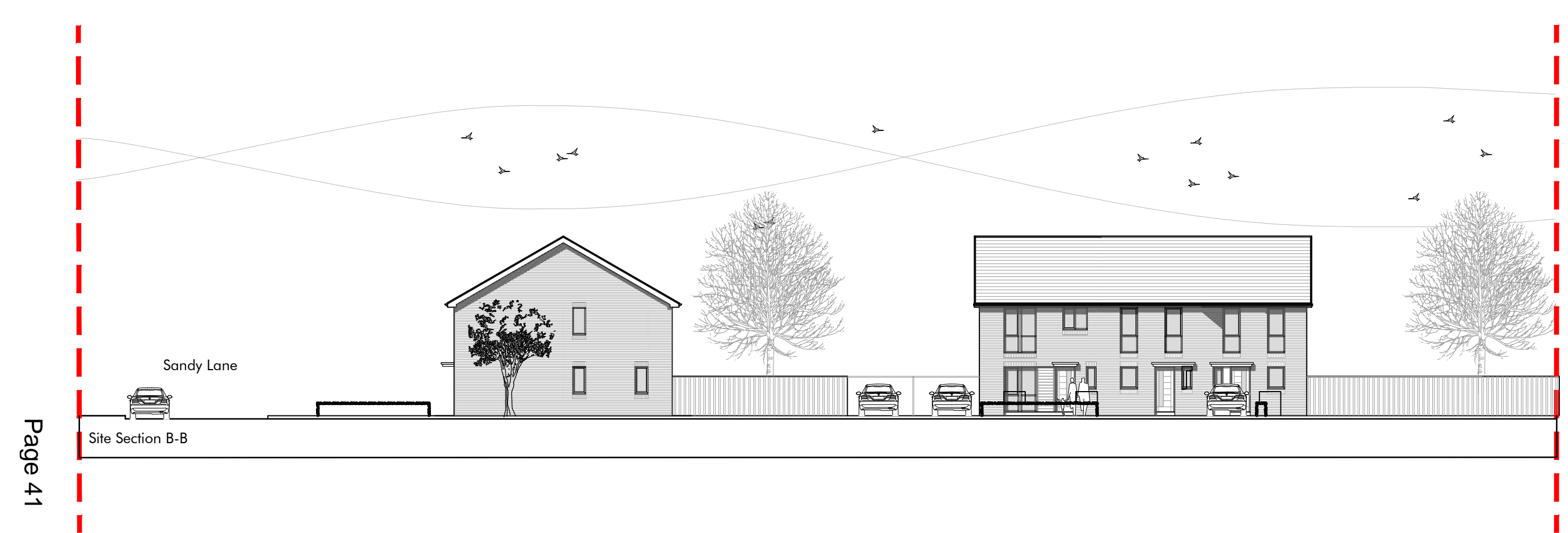
Side

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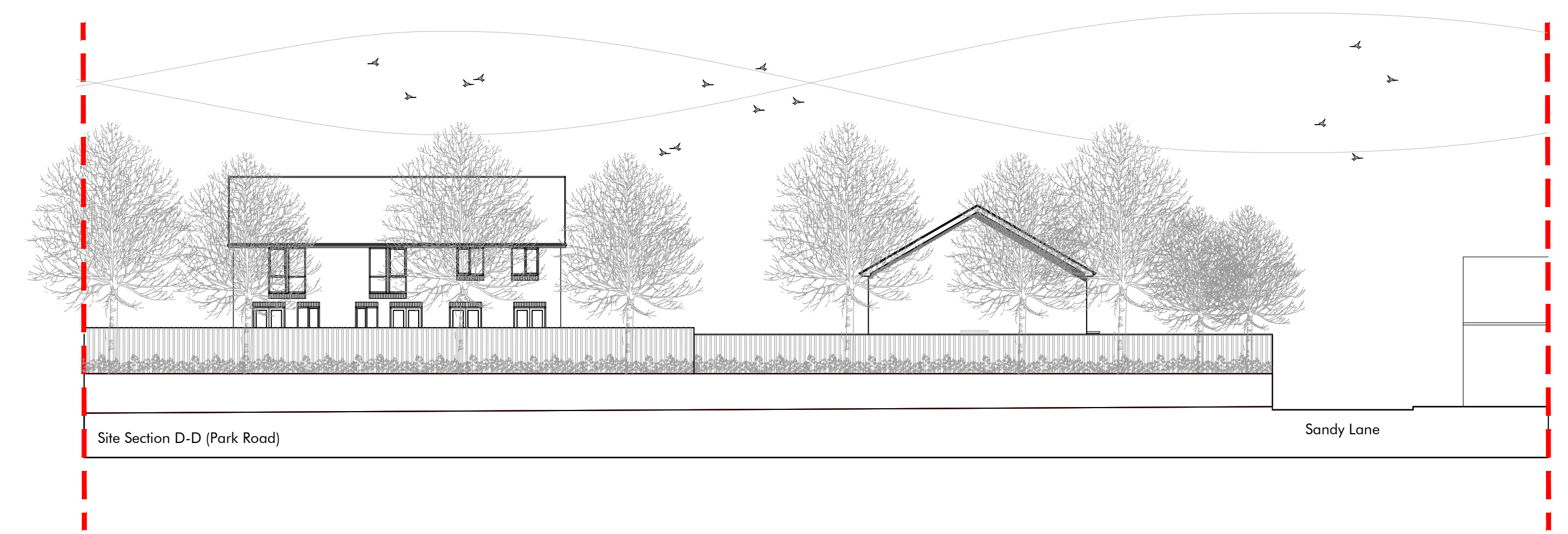
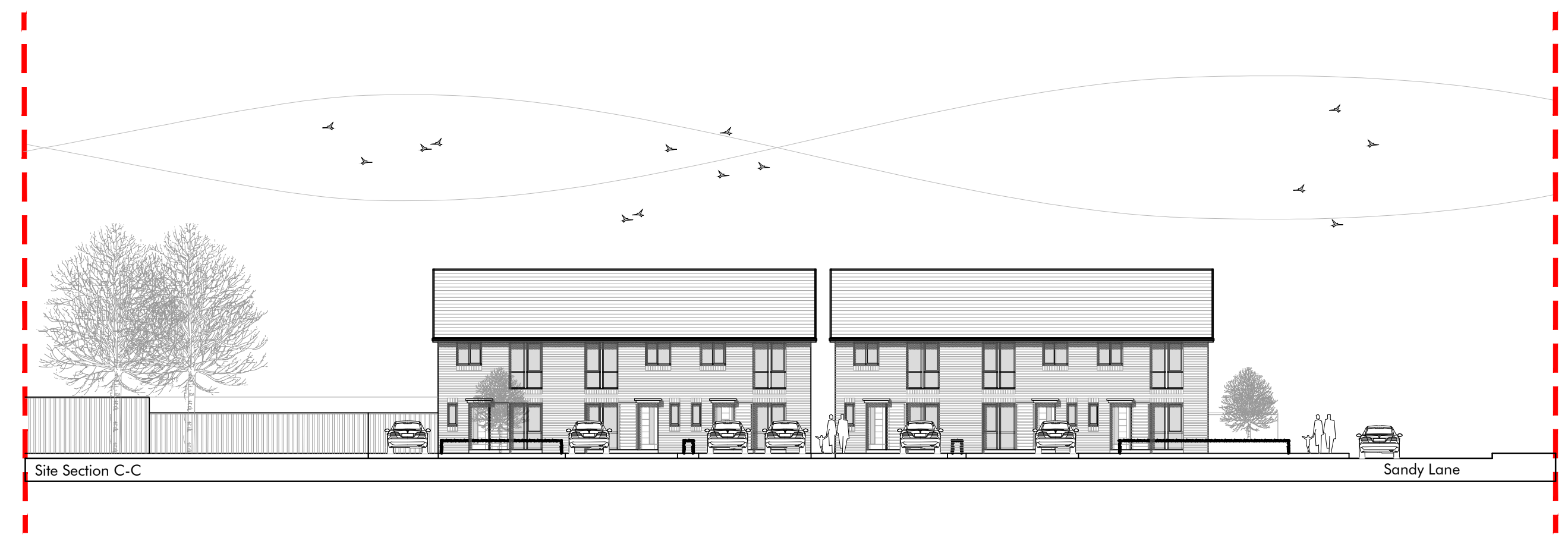




Proposed Streetscene A - A to Sandy Lane



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CHESHIRE	SURREY	SHEFFIELD	MANCHESTER	LIVERPOOL
Market Court 20-24 Church St Altrincham WA14 4DW 0161 929 7622	100 High St Esher Surrey KT10 9GJ 01372 203 335	Electric Works 3 Concourse Way Sheffield S1 2BJ 0114 250 7983	All Work and Social XYZ Building 2 Hardiman Boulevard M3 3AQ 0161 929 7622	AvenueHQ 17 Mann Island Liverpool L3 1BP 0151 662 0122

SANDY LANE, DUKINFIELD  
BAK

PROPOSED STREET SCENES  
DWG: 18190 (PL) 200 D  
DATE: 11.05.2021  
SCALE: 1:200 @ A1  
DRAWN: MM



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**Application Number** 19/00865/FUL

<b>Proposal</b>	Proposed re-development of the site to form New Residential Development (59 dwellings) and associated works. (Amendments to layout and access arrangements).
<b>Site</b>	Land at Ash Road, Droylsden, M43 6QU
<b>Applicant</b>	Mr Paul Lackey
<b>Recommendation</b>	Members resolve to refuse planning permission.
<b>Reason for Report</b>	A Speakers Panel decision is required because the application constitutes a major development.

## 1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for a residential development of 59 dwellings. This would involve the demolition of industrial buildings currently occupying the site. The properties would be a mixture of 2 and 3 storeys in height with the accommodation mix as follows:
- 12 x 2 bed semi-detached / mews
  - 9 x 3 bed semi detached
  - 14 x 3/4 bed semi-detached (3 storey)
  - 4 x 1 bed apartments
  - 20 x 2 bed apartments
- 1.2 The development would comprise of dwellings set along a central access road leading from Ash Road. The properties would be positioned to maintain an active frontage to the highway, parking would be integrated within the development with plots accommodated to the front side and rear of properties to reduce overall dominance. All properties would be served with private gardens which would accommodate rear bin storage. The apartment blocks (x4) would have an area of communal outside space along with dedicated secure bin and cycle storage.
- 1.3 The site borders Ash Road Waste Recycling Centre which is located immediately across the eastern boundary. To mitigate the impacts a (up to) 20m landscape buffer is proposed along with a 2m high acoustic fence. The application has been amended during the course of the assessment, originally the applicant applied for 74 dwellings in addition amendments have been made to improve the sites access. To address access issues from Ash Road an additional queuing lane is proposed from Ash Lane which could accommodate approximately 11 vehicles. This would provide additional capacity for users of the Waste Transfer Station with the aim of creating unrestricted access to the residential development. This area of land required to accommodate the highway improvements is owned by TMBC, agreement with the Council which would be arranged separate of the planning process.
- 1.4 The layout would accommodate an onsite play area and there would also be access provided to playing fields immediately across the western boundary. The layout accommodates a significant level of landscaping with a good proportion of trees to plots frontages.
- 1.5 The proposed accommodation would consist of 5 different house types including apartments. The accommodation would be designed to technical standards. Off Road parking would total 86 spaces through the development. All three bedroom+ units having two dedicated spaces. It is proposed that the dwellings would be constructed of brick with anthracite openings.

1.6 The application has been supported by the following documents;

- Air Quality and Odour Assessment;
- Design and access Statement (includes drainage statement and Crime Impact);
- Noise Assessment;
- Preliminary Site Investigation Report;
- Transport Statement
- Planning Statement

## **2.0 SITE & SURROUNDINGS**

2.1 The site is located at the end of Ash Road, in Droylsden. It is located immediately adjacent to a Household Waste recycling centre having previously been part of its operations. The site measures approximately 1.2ha in area with levels generally flat within the site although there is fall from the entrance in the region of 2.5m, the site is lower than the adjacent Waste Transfer Centre as a consequence. The site borders (separated by a footpath) playing fields belonging to Droylsden academy to the south, across the western boundary is Lewis Park and to the north are allotments.

2.2 The site is occupied by two portal framed warehouse buildings which are located within a fenced compound. There are dedicated parking and storage areas located around the buildings. The site is generally void of any significant vegetation. Access is taken via Ash Road which links to Manor Road to the south. Droylsden Cemetery is located to the east of Ash Road.

2.3 Aside from the Waste Transfer Centre the wider area is residential in character. Droylsden Town centre is located to the southeast and is within walking distance. Manor Road is served with regular bus services and the Metrolink is accessible from Droylsden.

## **3.0 PLANNING HISTORY**

3.1 01/00402/R3D - 1no. single storey building for recycling use. 1no. single storey building for offices, canteen and lecturing facility – Approved

3.2 03/01334/FUL - Erection of fencing and installation of new container – Approved

3.3 07/01127/FUL - Redevelopment and extension of existing household waste recycling centre – Approved

## **4.0 RELEVANT PLANNING POLICIES**

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated

### **4.4 Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment;

1.4: Providing More Choice and Quality Homes;

1.5: Following the Principles of Sustainable Development;

1.6: Securing Urban Regeneration;

1.11: Conserving Built Heritage and Retaining Local Identity;

1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### 4.5 **Part 2 Policies**

H2: Unallocated sites  
H4: Type, size and affordability of dwellings  
H5: Open Space Provision  
H6: Education and Community Facilities  
H7: Mixed Use and Density.  
H10: Detailed Design of Housing Developments  
E3 Established Employment Areas  
OL4: Protected Green Space.  
OL10: Landscape Quality and Character  
T1: Highway Improvement and Traffic Management  
T10: Parking  
T11: Travel Plans.  
C1: Townscape and Urban Form  
N4: Trees and Woodland  
N5: Trees within Development Sites  
N7: Protected Species  
MW9 Control of Minerals and Waste Developments  
MW11: Contaminated Land  
MW14: Air Quality  
U3: Water Services for Developments  
U4: Flood Prevention  
U5: Energy Efficiency

#### 4.6 **Greater Manchester Joint Waste Plan**

Policy 11 - Safeguarding of sites allocated for waste management in the Waste Plan and safeguarding of sites required for the delivery of the Municipal Waste Management Strategies.

*When determining applications for non-waste development on a site specifically identified for waste management, either as part of this Development Plan Document through Policy 4 or as part of an approved Municipal Waste Management Strategy, regard will be had to any potential adverse impact the proposed development might have on the future of the site as a location for waste management and thus on the Waste Plan's aim and objectives.*

*When determining applications for non-waste development within a distance that could affect the potential for waste use on a site, regard will be had to any potential adverse impact the proposed development might have on the future of the site as a location for waste management and thus on the Waste Plan's aim and objectives.*

*If a development is likely to have an unacceptable impact on the future of the site as a location for waste management it will be refused, unless it is demonstrated (by the applicant) that there is no longer a need for the allocated site as a location for waste management or there is an overriding need for the non-waste development in that location.*

*The sites in Table 11 'Sites identified for the purposes of delivering the Greater Manchester Municipal Waste Management Strategy are required for the implementation of the Recycling and Waste Management Contract and will be safeguarded from other types of development.*

*The sites in Table 12 'Sites identified for the purposes of delivering Wigan's Municipal Waste Management Strategy' are required for the delivery of Wigan's Municipal Waste Management Strategy and will be safeguarded from other types of development.*

Table 11:- Map Reference 24 Ash Road, Droylsden – Household Waste Recycling

Policy 12 – Safeguarding Existing Waste Management Capacity.

**4.7 Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016  
Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007.  
Tameside Open Space Review 2018

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

Section 2 Achieving sustainable development  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable travel  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

**4.9 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.

**5.0 PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development:

- Neighbour notification letters to 184 addresses on two occasions
- Display of site notices
- Advertisement in the local press

**6.0 RESPONSES FROM CONSULTEES (SUMMARISED)**

6.1 Affordable housing officer – Would want to see 9 of the units secured on an affordable basis. (3 x 3bed & 3 x 2bed Social rent & 3 x 3bed Shared Ownership). The value of the discount to be around £785K if a commuted sum was to be considered.

6.2 Arboricultural Officer – No objections to the amended layout. Comment that the landscape plan is appropriate to the scale of development.

6.3 Contaminated Land – The site and surrounding area has had a significant and prolonged industrial use and as a result, there is the potential for contamination to be present. The site is also noted as being within close proximity to the former Ash Road Landfill. Recommend that (if approved) contaminated land conditions are attached to the planning permission in order to ensure all risks posed by contamination and landfill gas are appropriately addressed during the development of the site.

6.4 Education – Identify a significant shortage of school places in Droylsden. Comment that Greenside Primary School and Droylsden Academy will be expanding to provide additional

school places. Request a development contribution (above obligation calculation) of £256,988.42.

- 6.5 Environment Agency – Comments that the previous use of the proposed development site as a landfill site on the Western boundary of the site presents a Medium Risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this area since the site is located on a Principal aquifer. Recommend conditions are applied to address environmental issues
- 6.6 Environmental Health Officer – Object to the proposals. Comment that based on the experiences the GMCA have reportedly had at other sites close to residential properties, we (Environmental Health) feel that future occupiers of the site would be subject to noise from activities at the waste site, in particular the top floors of the apartment blocks. This would be particularly the case during the warmer months when windows are likely to be open. While the noise impact assessment states that the suggested mitigation measures would allow the development to meet the necessary noise criteria, we feel that future occupants of the development would be impacted by the noise from the waste transfer station even though it may not necessarily amount to a statutory nuisance. As a result of being made aware of the GMCA concern, the Environmental Services formerly object to the granting of planning permission based on the impact noise from the site will have on both the future occupiers of the housing and also on the operator of the waste site.
- 6.7 Greater Manchester Ecology Unit – The site has limited potential to support protected species. The buildings on the site are pre-fabricated units with very limited potential to support roosting bats. There are some areas of vegetation around the outskirts of the site which could potentially support nesting birds. Work (building demolition and site and vegetation clearance) should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active birds nests are present. No other ecological constraints to the development are considered to be likely. Recommend conditions to secure biodiversity net gain.
- 6.8 GMAAS – Satisfied that the proposed development does not threaten the known or suspected archaeological heritage. On this basis there is no reason to seek to impose any archaeological requirements upon the applicant.
- 6.9 Highway Authority – Recommend approval subject to conditions. Assessment to be covered in the main body of the report. In summary the information and proposed plans supplied for the development would in the LHA's opinion would not have an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe.
- 6.10 Lead local Flood Authority – Recommend that a flood risk assessment should be undertaken also that the site is drained in accordance with the drainage hierarchy.
- 6.11 Police (Secure by Design) – Not reviewed the section of the Design and access Statement on Crime impact. Recommend that a separate Crime Impact Assessment is undertaken of the development.
- 6.12 TFGM – No objections satisfied with the transport statement which has been issued and agree with the trip generation/forecasting which has been identified. Note that the site is within an accessible location with bus services provided on Manor Road. Recommend that Travel Plan condition is attached to any approval.
- 6.13 United Utilities – Have reviewed the submission documents and according to their records the proposed layout shows dwellings would be located on top of/ in close proximity to a critical sewer. This is not considered acceptable to United Utilities and they object to the proposals. They recommend that it is determined prior to determination how the sewer would be affected

with appropriate measures taken to ensure its protection. Should the Council deem it appropriate to grant planning permission they recommend conditions.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 Councillor G. Cooney objects to the proposals. Councillor Cooney does not believe there has been proper or full consultation on the impact of the traffic. The entrance to this site will be down Ash Rd which is already the entrance to the refuse tip. At weekends all year round and during the summer time cars already queue along this road waiting to go into the tip. This development will increase traffic down this Road and is not acceptable to have family housing accessed from it.

7.2 SUEZ (WTS Operator) & Greater Manchester combined Authority (summarised);

In order to ensure that the Local Planning Authority (LPA) and environmental health officers are aware of the current practices (that could be considered noisy) at the site and result in unnecessary complaints from the occupants of the new residential scheme (if permitted), they are detailed as follows:

- The site is open 0800- 2000 BST and 0800-1800 BWT 7 days a week (including bank holidays). All activities on site are carried out at all times of the day.
- A compactor vehicle is used to move waste around the containers to spread it out more evenly. This is an ongoing process, often moving from container to container, throughout the day using a 360 mobile plant.
- All vehicles on site have reversing beepers. The empty containers arrive on site and are then reversed into place within the designated bay and the full container is then removed from site.
- Members of the public, as well as site staff, drop waste (from height) into empty containers which can be considered quite noisy dependant on the type of material. Glass, rubble and metal containers are usually considered the noisiest containers.

Having reviewed the application details and all supporting documentation, whilst accepting the general need to redevelop brownfield sites, SUEZ and the GMCA do not believe the development of residential properties so close to an operational waste management facility is appropriate and therefore object to the proposals. The proximity of housing (or similarly sensitive receptors) can place significant additional operational constraints on such vital, local facilities, and thus prove potentially detrimental to its role. Would have strong concerns that a residential development within close proximity of the boundary of the HWRC could have significant effects of the future operation of the site and would potentially restrict any future changes that we would seek to make to improve the operation of the site and the service we offer the residents of Tameside. Also identify operational concerns with the revised design to the sites access as proposed. Believe that the proposals risk the operational viability of a valuable local amenity but also potentially creates a large number of complainants that both Tameside Council and the GMCA will have to deal with at a cost to the public purse.

7.3 In response to the consultation undertaken there have been 23 letters of objection including a request to speak at the time of writing.

7.4 The following concerns have been raised with the individual object letters which are summarised as follows:

7.5 Highways concerns:

- Manor Road is congested during peak periods when children attend Droylsden Academy. Without improvement to the existing infrastructure the development should be refused as there is insufficient local capacity.



- Development will raise additional safety risks to children.
- Ash Road is frequently blocked by queuing traffic proposals will cause further congestion
- Should not be developed without a separate access
- Manor road is already dangerous with limited crossings
- Inadequate capacity on local roads, development needs to be considered in the context of other developments including the Jam works

#### 7.6 Land Compatibility:

- Not reasonable or suitable to locate housing next to a refuse tip.
- Previous industrial use of the site dictates it is not suitable for residential development. Initial site investigations have identified high levels of contamination.
- Development will appeal to landlords and not homeowners
- Poor quality of life for the future residents
- What consideration has been given to the occupiers of the properties and the impact of Nosing and smell from the tip.
- Development would set a bad precedent

#### 7.7 Social Infrastructure Concerns:

- Local schools are at capacity
- Health Care provision is oversubscribed

#### 7.8 Other:

- Application has not been adequately advertised not all residents on Manor Road were aware.
- Upheaval of additional noise and pollution
- Disturbance from construction impact vermin /rodents
- No need for housing in Droylsden
- Concerns over potential impact upon adjoining Ash Road allotments developer should make necessary infrastructure and security improvements
- Development was sold at auction without planning consent for housing the Council should receive a parachute payment for any uplift.
- Concerns over the closure of the tip
- Site should be developed for community benefits and not housing
- Overdevelopment of Droylsden and lack of supporting services
- Development will add to the areas poor air quality
- This is not sustainable development when people decide to move house due to this development and break up existing communities. Removing this amenity space is not in the best interests of resident's health and wellbeing.
- Gradients are unresolved and completely misleading
- Development will upset the water table resulting in localised flooding

## 8.0 ANALYSIS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
    - o Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - o Specific policies in the Framework indicate development should be restricted.

## **9.0 PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 The site is not allocated on the adopted UDP proposals map and is also not subject to any designations. The site would otherwise be considered as a brownfield / previously developed land. Policy E3 Established Employment Areas applies equally to both allocated and non-allocated functioning employment sites. It states that proposals for residential development will not be permitted unless, after assessment, the Boroughs housing requirements and the regeneration benefits outweigh the potential of the sites employment use. In terms of housing development, the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 11 is clear that where no five-year supply can be demonstrated, the presumption in favour of sustainable development identified in the footnote of paragraph 11 should be applied to the consideration of planning applications.
- 9.4 However, aside from consideration of housing supply the prevailing policy in this instance is considered to be that of policy 11 of the Greater Manchester Joint Waste Development Plan Document. The adjacent Waste Transfer Station operated by Suez is an identified Household recycling centre within the Plan. Policy 11 of the plan states; 'When determining applications for non-waste development within a distance that could affect the potential for waste use on a site, regard will be had to any potential adverse impact the proposed development might have on the future of the site as a location for waste management and thus on the Waste Plan's aim and objectives. If a development is likely to have an unacceptable impact on the future of the site as a location for waste management it will be refused, unless it is demonstrated (by the applicant) that there is no longer a need for the allocated site as a location for waste management, or there is an overriding need for the non-waste development in that location'. Further to this policy 11 is also explicit in preventing changes of use of allocated sites, it states; 'Sites identified for the purposes of delivering the Greater Manchester Municipal Waste Management Strategy' are required for the implementation of the Recycling and Waste Management Contract and will be safeguarded

from other types of development. The purpose of this policy is to safeguard sites allocated for waste uses in the Waste Plan and those sites required for the delivery of the Municipal Waste Management Strategies and to protect against potential future conflict with incompatible uses.

- 9.5 In addition to the protection offered by policy 11 NPPF paragraphs 180 and 182 make specific reference to exercising appropriate caution when considering the suitability of a developments location. Para 180 states; 'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development'. Para 182; 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'.
- 9.6 Objections from the Waste Transfer Station (WTS) operator (Suez) and Greater Manchester Combined Authority are supported by the Environmental Protection Unit, the concerns raised are considered to be significant and persuasive to the planning assessment. Whilst the applicant has sought to address agent of change principles, via mitigation to prevent disturbance occurring to future residential occupiers, it still remains that there is an immediate land compatibility conflict raised by the proposals. The development would introduce sensitive receptors immediately on the boundary to the WTS, this could potentially prejudice current operations as well as any potential expansion at the site. The Ash Road WTS provides a strategic contribution to meeting the City regions recycling targets. The site is one of only two within Tameside which are designated within the Greater Manchester Waste Plan. Policy 11 of the Waste Plan recognises this importance, and sets a high bar for the consideration of alternative developments (land uses) within an influential area of an established WTS, the policy is clear that if a development is likely to have an unacceptable impact on the future of the site as a location for waste management, then planning permission should be refused.
- 9.7 In considering the principle of the development, it is not considered reasonable to site a residential development within an immediate area of influence of an established WTS. The need of the WTS take an overriding priority as a strategic recycling and amenity facility. The site would be located on land previously used for the WTS operations. Whilst it was sold it would appear that employment uses would be the most appropriate. The site would also appear to be being used in an employment capacity at present suggesting that there is demand. Proposals to locate residential properties on the immediate boundary appears to be immediately contrived for the purposes of land use planning policy.
- 9.8 A balancing exercise needs to be undertaken to identify whether there are material considerations that would justify the development against policy 11 of the Waste Plan and the wider advice and guidance of the NPPF. Section 11 Making Effective use of land of the NPPF states in Paragraph 120 (b) that where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
- 9.9 With regard to the broad principle of residential development at the site, it is noted that the residential use would not be readily compatible with adjoining uses, and unless mitigation can be appropriately exercised, the principle is not acceptable. The Council's current lack of a 5 year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

- 9.10 In justifying the proposals the applicant has provided both an Air Quality and Noise Assessment. These have been reviewed by the Environmental Health officer but objections are raised. The nature of the activities at a WTS are difficult to legislate for, more persistent noise includes the use of machinery and compactors, vehicles beepers, crushing and smashing of material as it is dumped within skips. Environmental Health advise that it would be particularly difficult to mitigate the impacts of the development during summer months when residents would reasonably want to have windows open or will be sitting in their gardens. More crucially, the introduction of sensitive receptors to the boundary of the WTS could be prejudicial to any future changes or practices in the operations undertaken by Suez at the site. This point has been raised by Suez in their objection and the point raised is considered to be material.
- 09.11 In balancing the merits of the proposals against the operations of the WTS, it is concluded that the application represents an incompatible land use at a sensitive location. The introduction of residential development would be incompatible to the day-to-day operations of the WTS whose future operations at the Ash Road site could easily be prejudiced. Consideration to this concludes that the WTS should be protected as per the requirements of policy 11 of the Waste Plan and the principle of development is not supported.

## **10.0 DESIGN AND LAYOUT**

- 10.1 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The framework emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 130).
- 10.2 The development has been amended during the assessment of the application and this has also seen a reduction in the total number of units. It remains that the location of the site is somewhat isolated from the established residential area within Droylsden. The access arrangements via Ash Road which is the principal access to the adjacent Waste transfer Station is somewhat contrived. For reasons identified it is considered that the WTS is a negative land use for the purposes of land use planning. Notwithstanding this it is considered that reasonable steps have been taken to reduce the impact of the WTS on the development for the purposes of design and layout. This includes the introduction of a significant landscape buffer and also along the eastern boundary and properties being orientated in the main to not have an outlook on to the WTS.
- 10.3 The housing mix of new 1-4 bed dwellings provides a range of accommodation which would appeal to the housing needs of a cross section of the community. The range of the accommodation meets the policy aspirations of policy H4, the housing mix and requirement for affordability would address local needs.
- 10.4 In responding to the local context the scale, materials and fenestration of the dwellings would assume a refreshing contemporary appearance. Properties fronting the highway would follow established building lines and the height, scale, and features would give a welcoming and modern appearance. The design and scale would frame the highway in a successful manner adding interest and variety to the streetscape. Likewise the internal arrangement of the dwellings means that the layout is not highway dominated and there would be a good provision of landscaping which would add to the quality of the public realm.
- 10.5 With reference to parking arrangements the layout then even with the use of shared parking courts the environment should not appear overly car dominated. Soft landscaping and

structured tree planting provides a welcomed break between the frontage of the properties and the parking spaces serving plots. All of the properties are served with private front to rear access which allow for the storage of bins outside of the public domain.

- 10.6 Notwithstanding concerns with the principle of the sites location and compatibility with the adjoining WTS the individual design and layout of the development is considered to be acceptable. If it was not the case that the site did not adjoin a WTS then there would be no immediate issues with design or layout of the individual units. However, owing to locational and environmental circumstances it is considered that the proposals would be contrary to policy H10 in that it does not suitably meet the needs of the potential occupiers given the potential of noise and disturbance which could occur to the future occupants.

## **11.0 DESIGN AND RESIDENTIAL AMENITY**

- 11.1 The policies of the adopted Residential Design Guide strive to raise design standards; they should be applied along with the criteria of Building For Life (BFL). Good design is aligned to the delivery of high residential amenity standards, this should reflect equally on the environment of existing residents as well as that of future residents. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) and promote Natural Surveillance at street level (policy RD4). Building For Life states that basic principles should be observed when designing layouts, the use of strong perimeter blocks is advocated and specific reference is made to avoiding houses which back on to the street and create what is effectively a 'dead edge'.
- 11.2 The proposed layout of the new housing would meet with technical standards. The design of the properties is such that they have well-proportioned room sizes in line with housing technical standards. Rear gardens are also of a size which is suited to family occupation.
- 11.3 Whilst isolated from the established residential areas within the Droylsden it is nonetheless reasonably accessible to services and Manor Road (nearby) is served by a bus service.
- 11.4 As reiterated through this report the fundamental objection relates to the compatibility of the site with its adjoining uses. A site for residential development immediately next to a WTS is not considered to be a neighbourly use which is conducive to an acceptable residential environment. The associated activities with the WTS are not favourable to achieving an appropriate residential environment. Residents are likely to be directly impacted on from noise and odour associated with the recycling processes, it is also considered that there is a high probability of inconvenience occurring from disruptions associated with the access arrangements at the site. Despite attempts to improve capacity it is likely that during Peak Periods any queuing of vehicles outside of the WTS would infringe and inconvenience access for the residential properties. This is one of a cumulative number of issues taken with the proposals which dictates that the application is contrary policy 11 and would not be suitable residential environment.

## **12.0 HIGHWAYS AND ACCESS**

- 12.1 The development would take its primary pedestrian and vehicle access from Ash Road which is shared with adjacent WTS. Amendments submitted during the course of the application have included an improvement to the site access to accommodate a dedicated filter lane and parking spaces for the WTS. This access would be accommodated on land owned by the Council, due notice has been served on the Council. It is understood that the developer has

been in consultation with the Council Estates department and has reached agreement in principle to access Council land as per details shown on the submitted site plan. The application has been assessed on the merits of these proposals. Conversations between the developer and the Council as landowner are independent of the planning process.

- 12.2 It is noted that the majority of objections received have centred upon highway related concerns, this includes local capacity and safety particularly relating to Ash Road and Manor Road.
- 12.3 The LHA are satisfied that the access/egress from the development onto Ash Road and Manor Road is satisfactory and meets the LHA requirements for max gradients/minimum and the visibility splays comply with Manual for Streets/LHA requirements. All types of vehicles can safely manoeuvre within the site using the turning heads and egress the development in a forward gear. The LHA has required the applicant to amend the white lining and road layout on the approach to the Waste Transfer Station to accommodate for extra queuing capacity at peak times to allow uninterrupted traffic flow into the development
- 12.4 Assessment by both the LHA and TfGM confirms that they are satisfied with the trip generation which has been forecast from the development. The vehicle trips generated by the proposed redevelopment of the site is expected to generate an additional 257 vehicular trips over the course of an entire day. This is expected to result in an additional 26 trips in the AM and PM peak hours (approximately 1 additional vehicle trip on Ash Road every 2.3 minutes), Highways are of the opinion the additional traffic generated by the proposed residential development should be accommodated on the local highway network without any significant detrimental impact.
- 12.5 Within the site the development proposes a minimum of 86 No. off Street vehicle parking spaces for the 59 unit residential development. This equates to an overall rate of approximately 1.5 car parking spaces per residential unit across the entire site. This is considered acceptable by Highways and adheres to the standards within the TMBC SPD. Secure/covered cycles storage would be provided within the development and electric vehicle charging will be conditioned to promote sustainable vehicle trips by the residents.
- 12.6 Accident data for the junction of Ash Road/Manor Road is required for a 5-year period with a Safety Audit to be undertaken on approval. The internal layout of the development has been designed to promote low traffic speeds and create a safe environment for pedestrians and other road user's, incorporating various traffic calming measures within the site including speed tables and 20 mph zones.
- 12.7 The Local Highway Authority recommend approval of the development subject to recommend conditions and monies being secured within a section 106 agreement to secure local highway improvements.

### **13.0 LANDSCAPING & TREES**

- 13.1 As identified previously Paragraph 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The site currently has a low ecological value with a limited level of tree and vegetation cover.
- 13.2 The applicant states that the hard and soft landscaping in this scheme is designed to be sympathetic to the surrounding area. A number of mature trees would be need to be removed adjacent to the entrance to recycling centre to accommodate highway improvements. No updated Arboricultural report has been provided to assess this impact but the Arboricultural Officer and GMEU have been consulted.

- 13.3 An indicative Landscape plan has been submitted with the application setting out the overall strategy for the site. This would include the provision of a dedicated area of open space and landscape buffer to the adjacent WTS. Throughout the development there would be a good degree of tree cover which would enhance the setting of dwellings and secure Biodiversity Net Gain.
- 13.4 The proposals have been considered by the Council's Tree Officer along with GEMU who are supportive with the strategy and the overall level of planting which is proposed. The proposals are considered to be in accordance with the requirements of policy N4, N5 and NPPF paragraph 170.
- 13.5 The level of retained onsite open space is well proportioned to the scale of the development. The landscaping strategy makes appropriate provision for a suitable level of wildlife habitat. Whilst comments have been received regarding the potential impact of the proposals upon wildlife there is no evidence of any adverse effect upon protected species and the proposals are in accordance with policy N7: Protected Species.

#### **14.0 DRAINAGE**

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. There are a number of public sewers on the site, and United Utilities have confirmed that the layout would encroach upon the alignment of a critical sewer, consequently this is considered to be unacceptable and they object to the proposals. United Utilities request that the applicant confirms the precise location of the sewer prior to the determination of the application. The LLFA also identify that additional drainage details should be provided for assessment. Notwithstanding the concerns raised it is noted that United Utilises have also recommended a series of conditions in the event of planning permission being granted. Ultimately a condition requiring a full drainage strategy to be submitted would meet with the 6 tests. This would require liaison with both the LLFA and UU and would ensure that development is appropriately drained and this may or may not require the diversion of existing apparatus.

#### **15.0 GROUND CONDITIONS**

- 15.1 Consultation with Environmental Protection Unit and the Environment Agency identifies that there could be some onsite contamination associated with the industrial legacy of the site. These matters would not be preventative to development of the site but would require an appropriate level of investigation and on-site remediation to take place. These are relatively standard issues which can be adequately addressed by a way of planning conditions.

#### **16.0 CONTRIBUTIONS**

- 16.1 The scale of the development constitutes a major development which would otherwise be expected to meet thresholds for Affordable Housing, Green Space, Education and Highways contributions. The Council does not currently have an adopted SPD for infrastructure contributions, but financial contributions are identified via the online developer contributions calculator, they would equate as follows:

- Green Space: £70,236.40
- Education: £58, 272.03
- Highways: 29,166.36
- Total: £152,674.80

(NB Education requested a larger amount of £256,988.42. in their consultation)

16.2 The NPPF advises that the affordable housing should be provided on all major developments of 10 units or more unless it would exceed the level of affordable housing required in the area, this is a lower threshold than identified by policy H4 which sets an affordable housing threshold of 25 or more dwellings. The affordable housing officer identifies that a contribution of 9 units (6 x 3 bed and 3 x 2 bed) is required. Affordable housing contributions along with the other developer contributions has been relayed back to the applicant but to date no progress has been made on a section 106 agreement. Recognising the fundamental land use issues associated with the redevelopment of a safeguarded Waste Site, and the evident compatibility issues with ongoing WTS operations, further advancement on the section 106 would be abortive, given that planning permission is not deemed to be acceptable. Therefore had the scheme been considered acceptable in all regards officers would be seeking contributions to mitigate the impact of the development in relation to highways, education and open space requirements. This would be secured through a section 106 agreement but this has not been progressed.

## **17.0 CONCLUSION**

17.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

17.2 The Council has tried to work proactively with developer. Initial objections raised on highways grounds have been resolved and improvements have been sought to the design and layout. However, it remains that there is an overriding objection to the land use and its compatibility with the adjoin Waste Transfer Station.

17.3 In reaching a conclusion a balanced assessment has been undertaken of the proposals including the contribution to housing supply. However, Policy 11 of the Greater Manchester Joint Waste Development Plan seeks to safeguard allocated waste management sites within the Waste plan. The introduction of residential development in such close proximity with the Waste Transfer station would be contrary to the objective of this policy, which, amongst other things that any development which is likely to have an unacceptable impact on the operations of a waste site should be refused. The objections raised by Suez and the Greater Manchester Combined Authority, and which are supported by the Council Environmental Health Officer are persuasive, and confirm that there is no reasonable justification to depart from the policy whilst there remains an operational Waste Transfer Station at Ash Road. To permit development would prejudice a strategic facility and vital environmental and community service. It is therefore not considered that the proposals pass the sustainability test laid out within the NPPF

## **RECOMMENDATION**

Refuse for the following reasons:

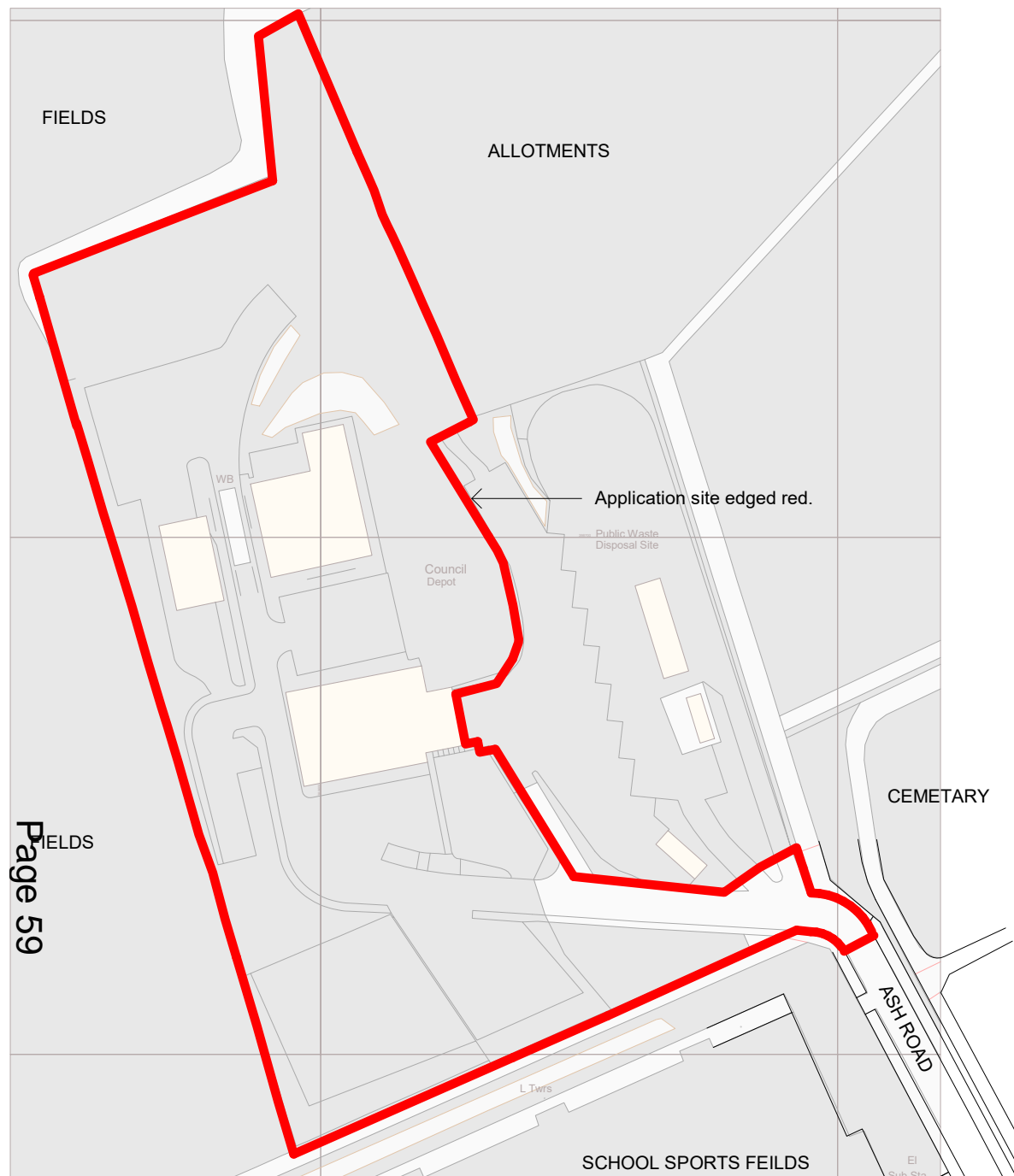
1. The proposal would not be compliant with the sites allocation as a Waste Management Site within the Greater Manchester Joint Waste Development Plan Document. The application would be contrary to the advice of Policy 11 of the Waste Plan Document which explicitly states that applications for non-waste development within a distance that could affect the potential for waste use on a site, will be refused where it is likely that it would have an unacceptable impact on the future of the site, as a location for waste management operations. The site borders one of only 2 allocated sites within Tameside which are identified for the purposes of delivering the Greater Manchester Waste Management Strategy, the location of residential units within such close proximity could give rise to



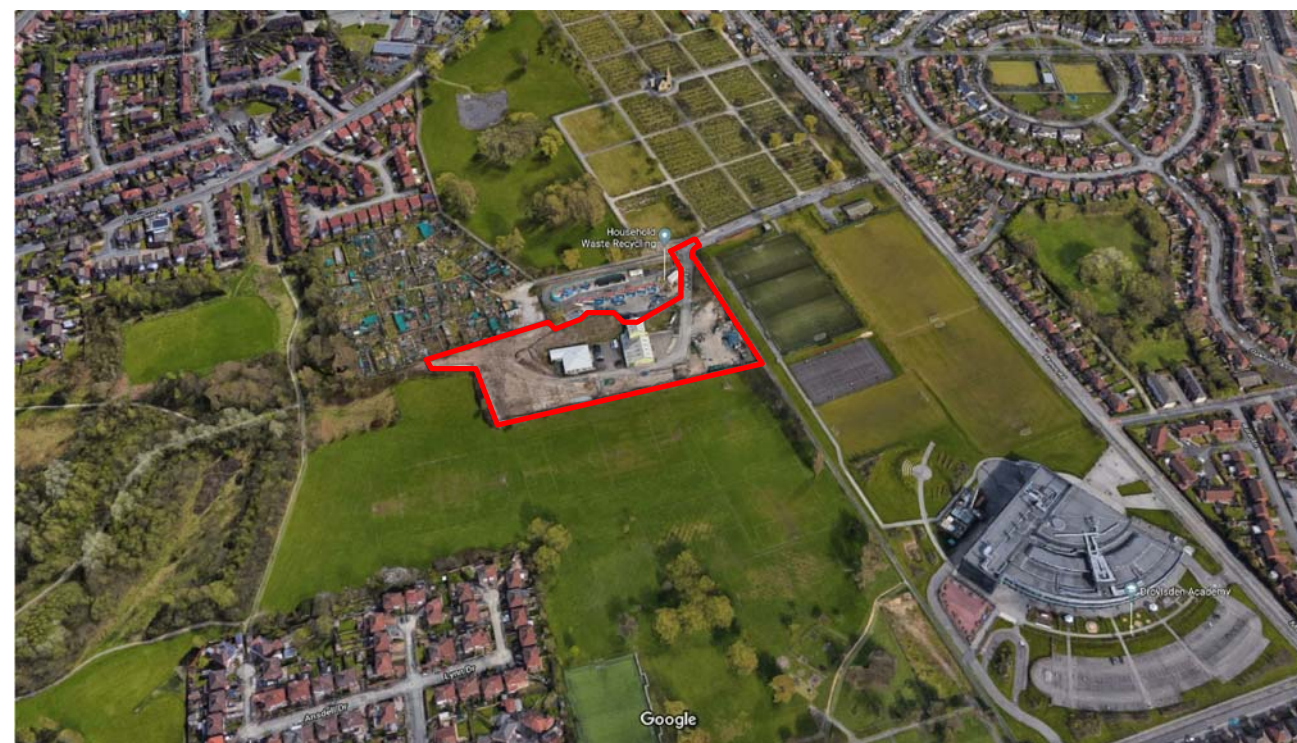
complaints which could be prejudicial to existing operations and any expansion of facilities at the site. The proposals would be directly contrary to Policy 11 of Greater Manchester Joint Waste Development Plan Document and paragraphs 180 and 182 of the NPPF whereby the development would not integrate effectively with the operations of the established Waste Transfer Station at Ash Road and consequently is deemed to be an inappropriate land use.

2. The developments location next to an operational Waste Transfer Station is not considered conducive to creating a reasonable residential environment for future occupants. The close proximity to an active Waste Transfer Site is likely to give rise to an accumulation of issues relevant to recycling operations taking place at the site but particularly from noise complaints. Further to this there is a likelihood that, vehicle movements associated with the waste transfer station could have a significant and disruptive impact upon the amenity of future residents from congestion during peak time usage. In the absence of adequate mitigation the application is deemed contrary to Policy H10 'Detailed Design of Housing Developments' of the adopted Tameside Unitary Development Plan.

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Page 59



BIRDS EYE VIEW FROM WEST



3D VIEW OF THE SITE FROM SOUTH

**Location Plan**

1 : 1250

**Aerial View**

1 : 5000



job no  
**18.03**

drawing number  
**P1 B**

title  
**Location Plan**

scale  
**As indicated**

notes:  
REV A 24.08.19 Red Line Boundary updated  
REV B 01.03.21 Red Line Boundary updated

project  
**Residential Development  
Ash Road, Droylsden**

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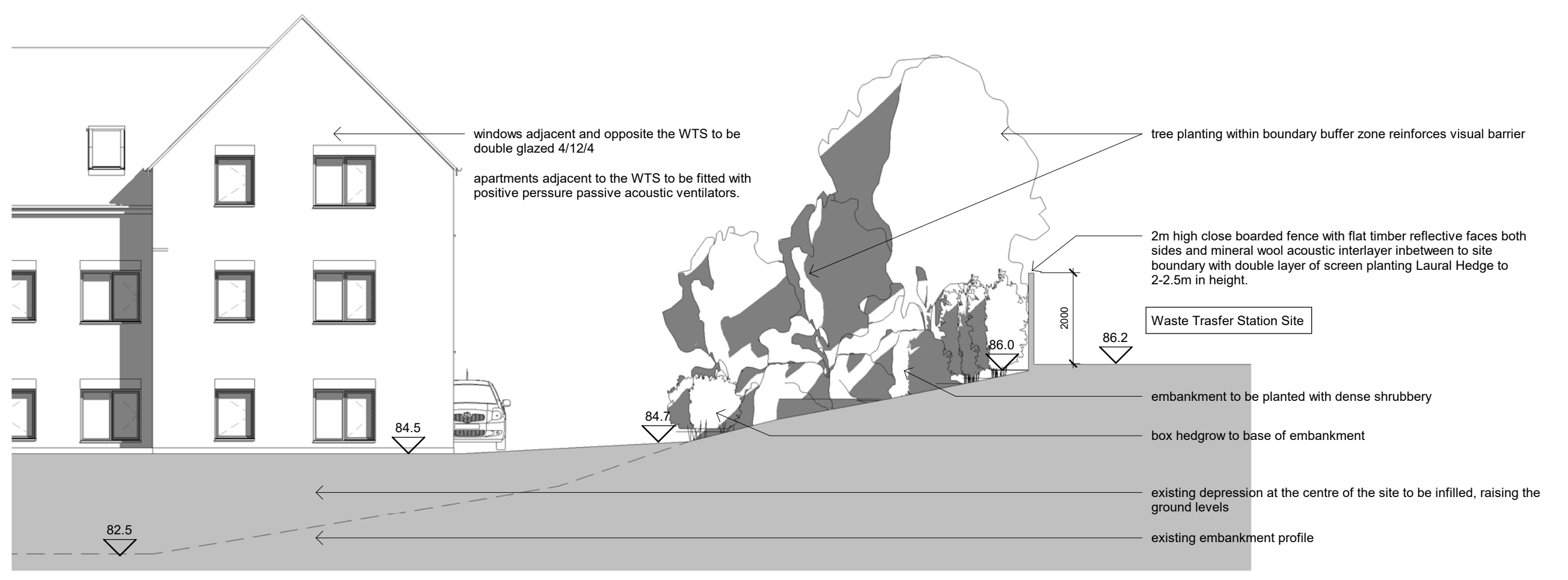
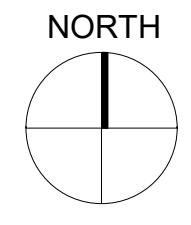
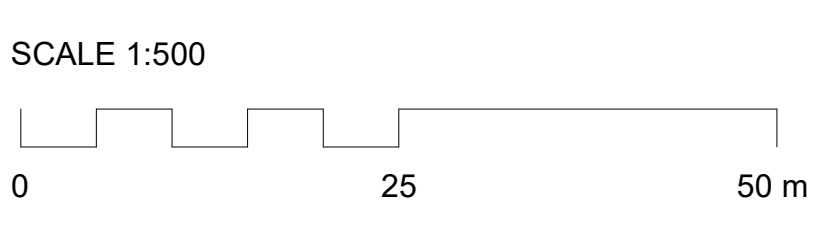
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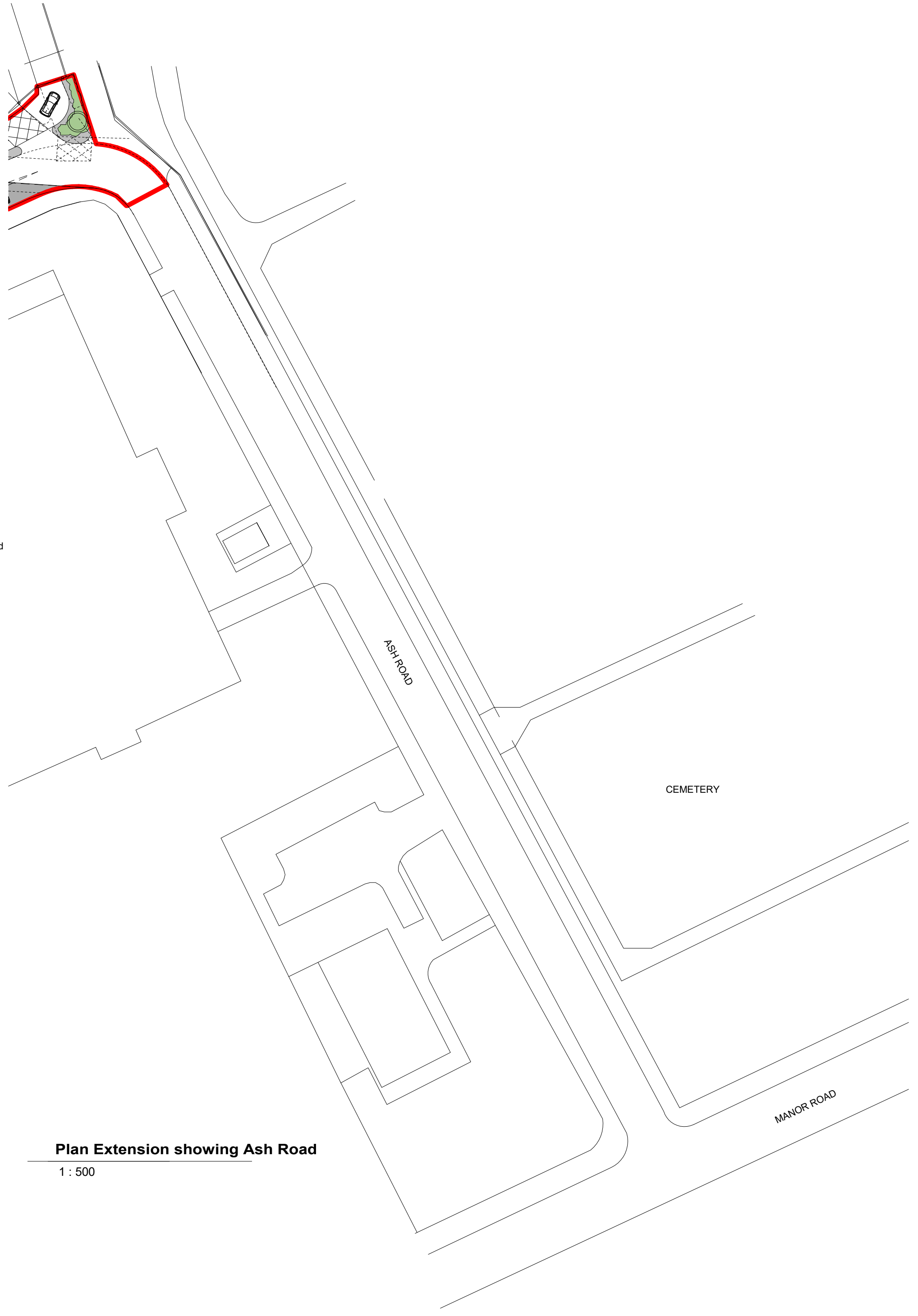




**SITE PLAN**  
1 : 500



**Section 5**  
1 : 100



**Plan Extension showing Ash Road**  
1 : 500

job no  
**18.03**

drawing number  
**P2 REV L**

title  
**Proposed Site Plan**

scale  
**As indicated**

notes:  
REV H 12.10.20 Site Layout re-designed, buffer to adjacent site increased in depth, access road re-aligned to provide queuing right turn for WTS and queuing lane on the existing roadway with minimal impact to the WTS. Turn phase added to cut-de side. 1. Distribution of unit types redesigned to work with new access point and road layout.  
REV J 14.12.20 Site plan extended along Ash Road  
REV K 14.01.21 Red Line boundary extended to the adopted highway on Ash Road  
REV L 01.03.21 sub station relocated, turning head increased to first cut-de side, unit 9 moved forward flat 48-53 window setting out amended, extent of road adoption indicated. Acoustic fence specification updated.

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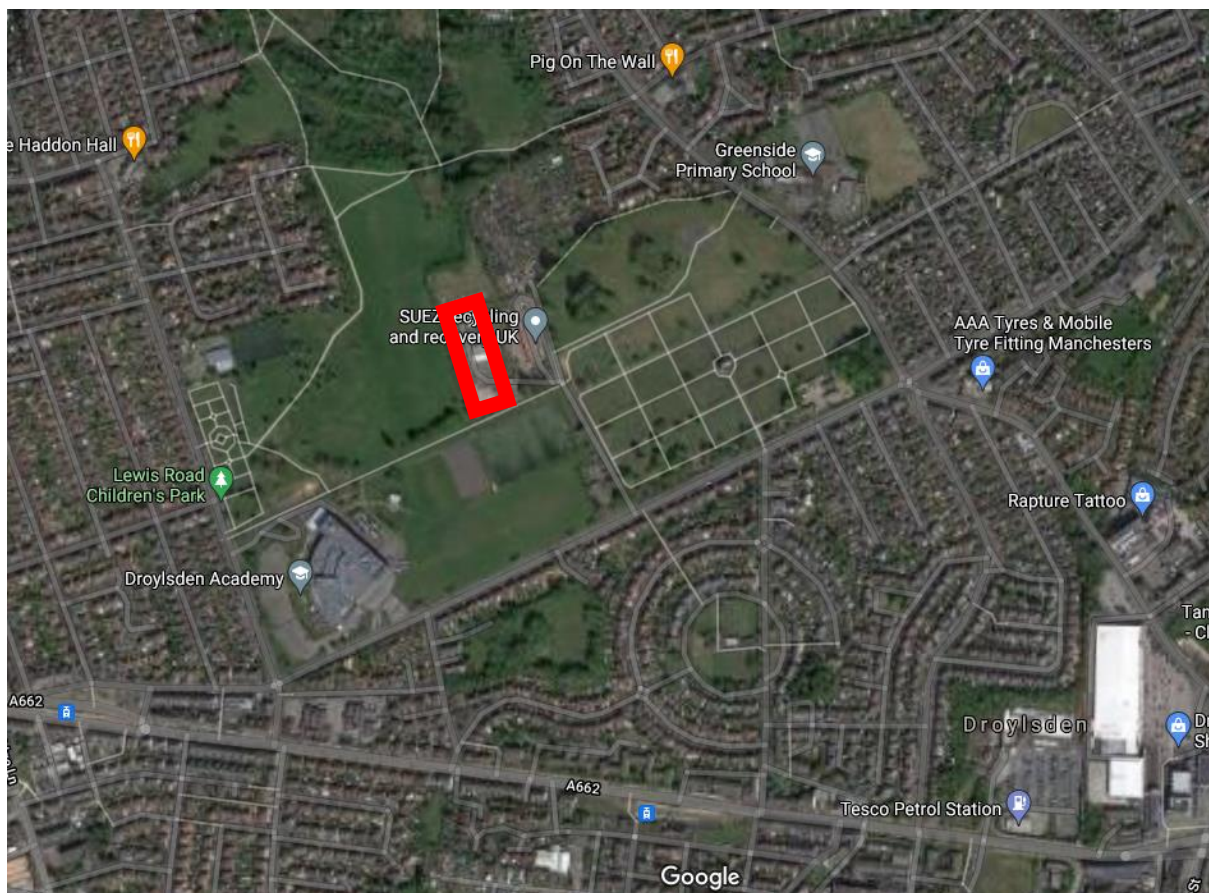


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Application Number 19/00865/FUL

Proposed re-development of the site to form New Residential Development (59 dwellings) and associated works. (Amendments to layout and access arrangements).

Photo 1: Aerial view of site



**Photo 2: Entrance to Waste transfer Station site access to the left-hand side**



**Photo 3: Direct view toward the entrance. Trees would be removed to accommodate access improvements.**





**Photo 4: Current View within the site**



**Photo 5: View towards southern site boundary**



**Photo 6: View down Ash Road**



**Photo 7: 3D view of the site taken from Google**





3.0 CGI's



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3.0 House Type Cgi's



Type A



Type B



Type C/D



Type E

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job no  
**18.03**

drawing number  
**P6**

title  
**House Type A  
2 bedroom**

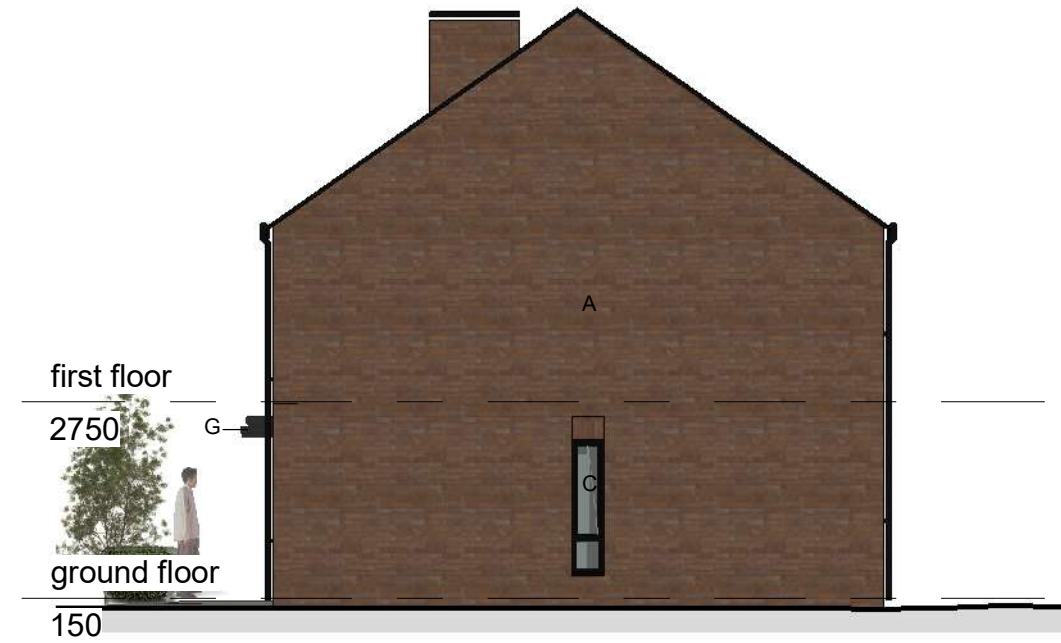
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**1 : 100**

notes:



**Front Elevation**

1 : 100



**Side Elevation (right)**

1 : 100

Page 71



**Rear Elevation**

1 : 100



**Side Elevation (left)**

1 : 100

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**KEY TO MATERIALS**

- A - Brickwork to LA approval
- B - Grey Roof Tiles to LA approval
- C - Grey Double glazed window frames/doors
- D - Timber cladding
- E - Grey Glazed entrance door.
- F - Grey pvc rainwater goods and fascias
- G - Grey Fascias to flat roof canopy

SCALE 1:100



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job no  
**18.03**

drawing number  
**P9**

title  
**House Type B  
2/3 bedroom**

scale  
**1 : 100**

notes:



**Front Elevation**

1 : 100



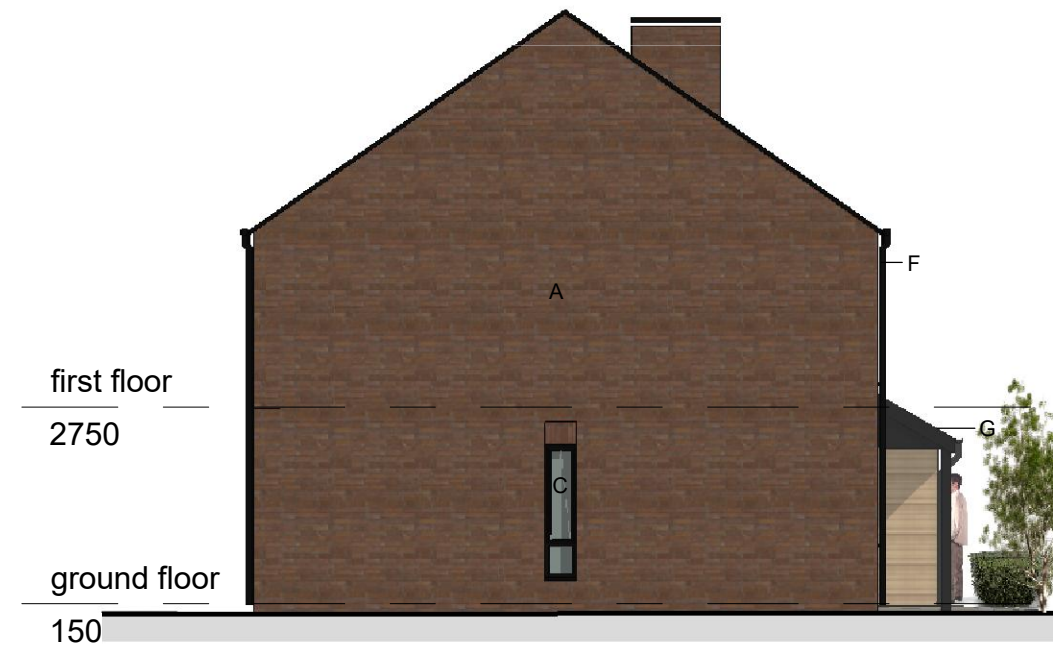
**Side Elevation (right)**

1 : 100



**Rear Elevation**

1 : 100



**Side Elevation (left)**

1 : 100

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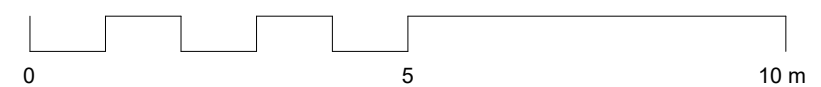
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- G - Grey Fascias to pitched roof canopy

SCALE 1:100



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job no  
**18.03**

drawing number  
**P12**

title  
**House Type C/D  
3 bedroom**

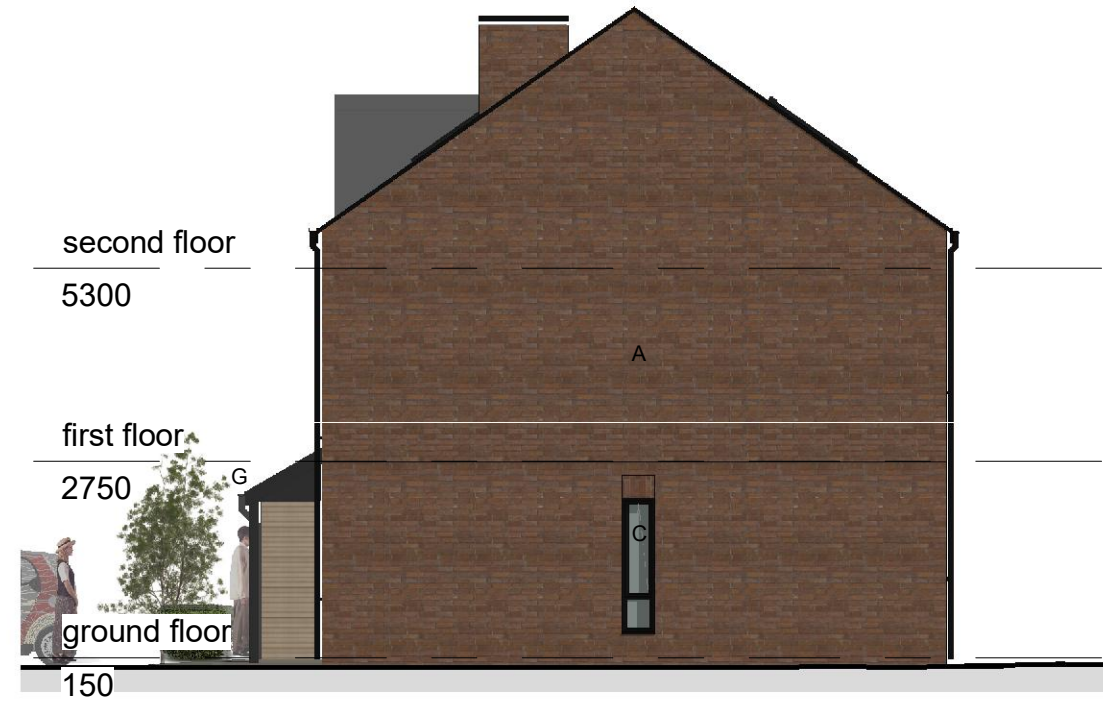
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notes:



**Front Elevation**

1 : 100



**Side Elevation (right)**

1 : 100

Page 75



**Rear Elevation**

1 : 100



**Side Elevation (left)**

1 : 100

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**Residential  
Development  
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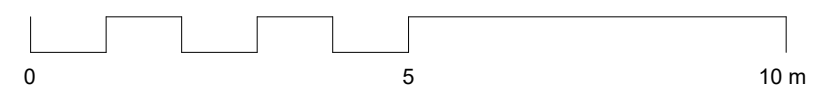
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- F - Grey pvc rainwater goods and fascias
- G - Grey Fascias to pitched roof canopy

SCALE 1:100



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**Application Number** 20/00264/FUL

**Proposal** Demolition of existing bungalow and redevelopment of site to support 5no. detached dwellings and associated works (AMENDMENTS TO INITIAL SUBMISSION)

**Site** 10 Slate Lane, Audenshaw, Tameside, M34 5GW

**Applicant** Mr Steve Dobie

**Recommendation** Members resolve to grant planning permission subject to recommended conditions.

**Reason for Report** A Speakers Panel decision is required as the application has been called in at the request of Councillor Teresa Smith.

## 1.0 APPLICATION DESCRIPTION

1.1 The application seeks full planning permission for a residential development comprising of 5 x 4 bedroom detached dwellings and associated works following the demolition of no. 10 Slate lane, Audenshaw.

1.2 The application was originally submitted for 6 dwellings in Spring 2020. To address officer comments amendments were submitted May 2021. The amendments are summarised by the applicant as follows:

- Reduction from 6 dwellings to 5.
- Reduction in the scale of plot 5, including the massing of the side elevation.
- Rooms on ground floor level facing the street to increase overlooking and interaction with streetscene.
- Redesign of elevations for increased vertical emphasis.
- High quality detailing to brickwork / fenestration and window recesses.
- Tree planting incorporated to the site frontage and landscaping to the side of plot 5.
- Incorporation of a cobbled hard-strip in front of the dwellings to separate parking from the highway, with adequate visibility splays provided. The previous highways objection has been addressed.
- Two external parking spaces per dwelling plus a garage.

1.3 Four of the proposed units would stand at 3 storeys in height and one of the dwellings being 2 storeys. The dwellings would be constructed from brick with a tiled roof. The elevations exhibit a contemporary appearance which is reflective of other properties constructed by the applicant on Slate Lane.

1.4 The application has been supported by the following reports;

- Full Plans Package
- Planning Supporting statement (updated cover letter)
- Ecological Assessment
- Arboricultural Statement

## 2.0 SITE & SURROUNDINGS

2.1 The application relates to land occupied by no. 10 Slate Lane which is a detached bungalow set within a generous curtilage. Slate Lane is a residential street within Audenshaw which

runs Parallel to the Ashton Canal, the street is of mixed character supporting dwellings of different scales, ages and design. There is evidence of infill development having taken place over the years and this also includes developments undertaken by the applicant (Loxley Homes).

- 2.2 The bungalow (no. 10) is constructed from a buff brick with a hipped roof design, there are open views through the site towards the Ashton Canal. Neighbouring properties include a Bungalow (no.12) which faces into the site at a slightly elevated level, trees located on the boundary offer some screening between the two properties. The other neighbouring property (no.8) is a large stone built 2 storey detached. Levels within the site are generally flat and the rear of the properties garden abuts the Ashton Canal. Historically there was a large degree of tree cover within the site but tree clearance works has seen the majority of these removed.
- 2.3 Slate Lane is not adopted and is recorded as an ancient highway, it is not served with any dedicated footways. It is part of the Manchester Cycle Network with signage in place confirming this. Opposite to the site there is rear vehicle access to garages which serve properties on Watergate, a residential street that runs parallel to Slate Lane.
- 2.4 There are a number of amenities within the local area and Snipe Retail Park is located immediately to the east and Ryecroft Hall to the north.

### **3.0 PLANNING HISTORY**

- 3.1 No previous applications

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Site is unallocated, adjacent Ashton Canal is identified as a site of Biological importance.
- 4.4 **Part 1 Policies**
- 1.3: Creating a Cleaner and Greener Environment;
  - 1.4: Providing More Choice and Quality Homes;
  - 1.5: Following the Principles of Sustainable Development;
  - 1.6: Securing Urban Regeneration;
  - 1.11: Conserving Built Heritage and Retaining Local Identity;
  - 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### **4.5 Part 2 Policies**

- H2: Unallocated sites
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- OL4: Protected Green Space.
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T10: Parking

T11: Travel Plans.  
C1: Townscape and Urban Form  
N4: Trees and Woodland  
N5: Trees within Development Sites  
N7: Protected Species  
MW11: Contaminated Land  
U3: Water Services for Developments  
U4: Flood Prevention  
U5: Energy Efficiency

#### 4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016  
Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007.  
Tameside Open Space Review 2018

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

Section 2 Achieving sustainable development  
Section 6 Delivering a sufficient supply of homes  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable travel  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

#### 4.8 **Planning Practice Guidance (PPG)**

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

### 5.0 **PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as follows:

- Neighbour notification letters on 2 occasions.
- Display of site notice.

### 6.0 **RESPONSES FROM CONSULTEES (SUMMARISED)**

6.1 Arboricultural Officer – No objections. Comment that trees identified as T1, T2 and G1 are to be retained within the plans and the proposal will not affect any other significant vegetation on site. Shrub group S1 is low value and removal will not have a negative impact on the amenity value of the area. Recommend that retained trees should be protected according to the methods recommended in the Arboricultural Method Statement and BS5837 during all works.

6.2 Canal & Rivers Trust – No objections. Identify that based on the layout the properties would appear to be a sufficient distance so as not to impact upon the structure integrity of the canal infrastructure. Recommend a condition to ensure the protection of the canal.

- 6.3 Contaminated Land – No objections. Recommend condition for further investigation and remediation if deemed necessary.
- 6.4 Environment Health Officer – No objections subject to conditions relating to working hours and details of refuse storage arrangements.
- 6.5 Greater Manchester Ecology Unit – No objection. Reviewed the preliminary bat survey which included an adequate survey of the building. Satisfied that the building has negligible potential to support roosting bats. The site is located adjacent to Ashton Canal, which is selected as a Site of Biological Importance. The report identifies that safeguards will be required to protect the canal from any adverse impacts of the proposed development. Recommend that a condition is used to ensure a CEMP is produced to ensure no negative impacts on the SBI. Biodiversity opportunities should be provided through the planning process, in line with the NPPF. These could include the provision of bat or bird boxes within the new houses, or use of native or wildlife friendly planting within the landscaping of the scheme.
- 6.6 Highway Authority – Comments to be presented in detail later in the report but recommend a conditional approval. The development would not in the LHA's opinion have an unacceptable impact on highway safety or capacity of the highway network.
- 6.7 Lead local Flood Authority – No objections. Site is not prone to flood risk and identify that further investigation is required to identify whether surface water can be addressed via infiltration.
- 6.8 United Utilities – Identify that there are high pressure mains in the vicinity the exact location of which is unknown. Recommend that this is identified before the determination of the application but also suggest that pre-commencement conditions would ensure that infrastructure is protected. Conditions would also ensure that the site is drained in accordance with the drainage hierarchy.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the consultation undertaken there have been 23 letters of objection from separate addresses (some residents have commented on two occasions to reflect amendments) in addition also received two petitions one of 60 signatures (May 2020) and one for 49 (June 2021):
- 7.2 Objection from Councillor Smith on behalf of Councillors Ryan and Martin. Requested that the application is presented at Speakers Panel.
- 7.3 The following concerns have been raised within the individual objection letters, these are summarised as follows:
- Of all the objections you will receive, this development will have the biggest impact on 12 Slate Lane the front elevation i.e. living room and main bedroom which is downstairs, face what will be the gable end of Plot 5. Windows in this gable end which will impose considerably on our privacy.
  - Not in keeping with the area;
  - Overdevelopment of the site
  - Spoil the street scene
  - Highways safety Slate being too narrow and heavily used by users of Manchester Cycle Network ;
  - Adverse impact on the amenity of the occupiers of neighbouring properties;



- Failure of the development to have regard to bio-diversity and to secure net ecological benefit;
- Adverse impact on the character and appearance of the area having regard to the scale and form of the development;
- Threat to highway safety by virtue of the level of proposed car parking and the nature of the highway in the vicinity of the application site.
- Parking capacity;
- Scale of the development is too large;
- Noise disturbance;
- Overlooking and loss of privacy;
- Design is overbearing;
- Discrepancies within the planning statement;
- The site is not Brownfield;
- House prices in the area are in region of £200,000, the new development won't fall within the affordable housing definition;
- Loss of trees and wildlife habitat;
- Can't move on Slate during Bin Day when bins obstruct the highway;
- Continuous overdevelopment of Slate lane and its loss of character;
- Concerns about extents of neighbour notification;
- Concerns about the submission of the application during Pandemic;
- Impact of the development on no. 12 Slate which has windows / room overlooking the site the spacing distance is not sufficient;
- Too many houses within the area;
- Loxley have no regard to local residents and have already destroyed the site with the removal of vegetation;
- Concerns about disruption to the Ashton canal;
- Concerns over capacity of local infrastructure;
- Street Scene plans are not accurate and conceal surrounding properties;
- Slate lane has only recently been resurfaced. Associated HGV's movements will damage this;
- Traffic within Audenshaw is horrendous and this will only get worse when Robinsons Jam site is developed;
- Dwellings would not be reflective of the scale and plot width of established properties to the detriment of the street scene;
- Architectural style is at odds with the prevailing character;
- Inadequate parking at the 'Boatyard' development will cause similar problems;
- Increased traffic pollution;
- Development is contrary to policies of the UDP;
- Impact upon heritage – Slate Lane consists predominately of 1930's bungalows which overlook the canal;
- Appearance is unsightly;
- Properties are too large / high and will overlook a number of neighbours;
- Amendments have not addressed previous concerns;
- Dwellings will read as a continuous block of development due to the narrow space between them; and
- Devaluation of properties.

#### 7.4 One letter of support received summarised as follows:

- As a neighbour to the site believe the properties will further enhance the setting of Slate Lane;
- Properties are designed to a high standards;
- Loxley have a proven record of delivering good quality development;
- Development will support local construction jobs;
- Development will contribute to housing need;

## **8.0 ANALYSIS**

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

## **9.0 PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 The land is not allocated on the saved UDP proposals map. The surrounding area has an established residential use and in this regard infill residential development would be compatible with surrounding uses. Residential curtilage is excluded from the definition of previously developed land as identified in the annex of the National Planning Policy framework (NPPF) regardless of a LPA's position on the supply of housing. UDP policy H2 applies to non-allocated sites and permits the redevelopment of previously developed land, its weight is reduced given the definition of Previously Developed Land within the NPPF, policy H9 provides a framework for infill development.
- 9.4 The site is located within an established residential environment. The host property is a single detached which occupies a large curtilage. Within Slate Lane itself there are numerous examples of infill developments which have occurred over the intervening years. The applicant site and neighbouring property are examples of the few remaining bungalows which border the Ashton Canal to the rear, the wider character of the street scene has, and appears to continue, to evolve.
- 9.5 UDP Policy H9 'Backland and Garden Development' states that new residential development within the curtilage of existing dwelling will only be permitted where:

- a) Arrangements can be provided for access and parking for both the existing and proposed dwellings, and
- b) Garden areas can be retained, and
- c) Privacy can be maintained between existing and proposed dwellings; and
- d) No serious detriment will occur to the character of the area enjoyed by other areas.

9.6 Policy RD22: 'Infill & Backland Sites' of the Tameside Residential Design Guide is also of relevance. This advises that:

- Plot and boundary widths should align with the surrounding street.
- Scale and mass of dwellings should align with their surroundings.
- Architectural styles and materials should generally align with the existing.
- Development must follow an existing building line and orientation, particularly at road frontage.
- Ensuring privacy distances are achieved.
- Proposals should not land lock other potential development sites.
- Retaining and providing appropriate outdoor amenity space, parking & access

9.7 In instances where the principle of residential development is considered to be acceptable it is also important that any such development adheres to the requirements of policy H10 and (Detailed Design Of housing Developments) and the adopted Residential Design SPD particularly with reference to design, scale and the relationship to the street scene and existing properties. It is on the latter points that the application raises issues.

## **10.0 DESIGN AND CHARACTER**

10.1 The existing property is a single detached bungalow which occupies a level frontage to the highway, it occupies a marginally lower position to the neighbouring property no. 12 Slate Lane. The front garden extends to the side and rear and previously supported a number of mature trees the majority of which have now been removed, these trees were not subject to any Protection Order but it is understood that they contributed to the character of the locality. Concerns about the loss of these trees are understandable however, these works can't be apportioned weight in the decision making process.

10.2 Amendments have been made to the layout following concerns raised by officers and consultees. The subsequent layout has seen a reduction in units and has also sought to address parking in a more proactive manner and improvement the relationship to the neighbouring property.

10.3 It is clear from the representations that there are strong concerns relevant to the design scale and mass of the proposals. Slate Lane has varied architectural styles and sizes, the developer has also undertaken 3 storey development previously (the boatyard) so there is an established precedent for this scale of the development within the street. The age of properties changes significantly with modern housing sat alongside much older housing stock, this adds a significant degree of interest to the character of the street scene and character as a whole. The range of properties is seen across a variety of plot widths, the prevailing and consistent feature is that properties tend to occupy a relatively consistent building line which engages with the street scene.

10.4 The proposal would provide an active frontage to Slate Lane and parking would be provided for 2 vehicles at each property. The applicant has provided an assessment against the criteria within the Tameside Residential Design SPD, and the conclusions are not disputed, such is the variation of bespoke house styles within the vicinity, there is flexibility to accommodate alterative styles and scales of development. In responding to the local context the scale, materials and fenestration of the dwellings would exhibit a contemporary form.

There would be clear correlations between the proposals at the nearby 'Boatyard' development, but the proposals have better parking provision and amenity space. All of the properties are served with a private front to rear access which allow for the storage of bins outside of the public domain. Had there not been a precedent for 3 storey accommodation within Slate Lane the design concerns raised by residents on the scale/height/mass would carry more weight, however, such is the established bespoke and varied character of dwelling within Slate Lane, it is not possible for Development Management to attribute harm arising from the proposed design and its compatibility with the area.

- 10.5 The existing bungalow which occupies the site is of little architectural interest and has no significant heritage value. The garden area serves no strategic open space function which would otherwise warrant consideration against policy H5. The development would add to the range of modern housing found on Slate Lane, and it is considered that the dwellings would assimilate successfully into the established street scene. Having full consideration to the overall design merits of the proposal, and the layout of the scheme, it is considered that the development would not detract adversely from the area. The development represents another transition in the redevelopment of Slate Lane. It is considered that the design has sufficient regard to the objectives of UDP policies H9, H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11.0 DESIGN AND 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 a habitable room and a corresponding blank elevation directly 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 property to the east (no. 12 Slate Lane) is a bungalow and is the existing dwelling most directly affected by the built form of the proposals. The proposed dwellings would be sited to the west (plot 5 being the nearest) of the property, it would be stepped back to reduce dominance, and also occupy a marginally lower position. At present no,12 Slate Lane has an outlook across the roof of the applicant bungalow from its habitable rooms, correspondence received on the application confirm these to be a living room and bedroom.
- 11.3 The plans indicate that plot 5 would be positioned from approximately the midpoint of no.12, an existing side garden would be retained which could support structured planting. Existing trees located on the boundary provide a degree of screening and these would be retained. The separation distance from the front elevation of no.12 to the side gable of plot 5 would be 14.6m which slightly exceeds the minimum distance recommended within the Tameside Residential Design Guide. It is noted that windows are proposed on the side gables, these includes high level and 'porthole' style ones at ground floor and with larger ones at first floor level. On the provision that all these windows are obscurely glazed (a matter to be conditioned) then it cannot be demonstrated against policy standards that any harmful overlooking could occur into any of the habitable room windows of that dwelling (no.12).
- 11.4 It is noted that the adjacent neighbouring property no.8A has some ground and first floor windows within their eastern Gable. These windows would appear to be secondary and are not offered any protection as per the guidance on infill development.
- 11.5 Properties are located in a manner which would front onto Slate Lane. With reference to concerns about the height and scale then there precedent within the street of large development which includes 3 storey dwelling akin to those being proposed. The separation

distance (across a highway) would meet policy objectives with regard to relationship to the rear of Watergate Properties located opposite to the site some 30 meters away (approx.).

- 11.6 Having regard to the siting of the properties and their distance to existing properties it is considered that the proposals would not result in an adverse impact on the residential amenity of any neighbouring properties which would be contrary to policies of the development plan.
- 11.7 In terms of the amenity of future occupiers of the development, the overall accommodation would meet relevant Technical Housing Standards. There is also good levels of storage accommodated within the design and the dwellings would have the benefit of a well-proportioned rear garden with a southern aspect to the Ashton canal.
- 11.8 Following the above assessment, it is considered that the amended proposed development would not result in an adverse impact on the residential amenity of any of the neighbouring properties, within the context of the existing situation on site, or the residential amenity of the future occupiers of the development.

## **12.0 HIGHWAY SAFETY**

- 12.1 The concerns expressed by objectors to the application in relation to the impact of congestion on the local highway network and additional pressure for on street car parking provision are noted. It is acknowledged that Slate Lane is a Historic highway and not served by dedicated footways, it also serves as part of the designated cycleway. There are pinch points along the highway and on street parking can be at a premium.
- 12.2 The development represents an uplift of 4 properties at the site within an already established residential street. Vehicle journeys generated from the proposed site are considered negligible, and will not in the LHA's opinion have a significant impact on the local highway, or that the residual cumulative impacts on the road network would be severe.
- 12.3 The scheme proposes 2 car parking spaces to the front of the 5 dwellings with an internal garage measuring 2.7m x 5.5m to be accessed directly from Slate Lane. The level of parking provisions meets the standards of the Residential Design Guide and consultation with the Highways Authority confirms acceptance. In addition the LHA are satisfied that the access/egress from the dwellings to the off street car parking spaces onto Slate Lane, each of the spaces complying with gradients and visibility requirements to allow safe and convenient access and egress from vehicles.
- 12.4 It is also the case that the site is within close proximity of regular public transport services and is also located on the cycling network. Secure cycle storage can be accommodated within the garages and provision also made for electric vehicle charging. These factors contribute to the overall sustainable credentials of the development.
- 12.5 To address concerns about any damage to the Slate Lane carriageway from construction traffic it is recommended a highways condition survey can be conditioned to ensure that the developer undertakes any repairs attributed to construction damage.
- 12.6 In conclusion the LHA recommend approval for the application, following their assessment they are of the opinion the Development would not have an unacceptable impact on highway safety and the proposals comply with the Development Plan. On the basis of this assessment Development Management are satisfied that a refusal on highway grounds could not be justified.

12.7 On the basis of the above assessment, it is considered that the proposals would not result in a detrimental impact on highway safety. Subject to the recommended conditions the development would comply with policy T1 of the Development Plan.

### **13.0 TREES AND ECOLOGY**

13.1 Policy N5 seeks to protect trees of a recognised quality which are located within development sites. The tree population consists of 2 individual species and single group which can be retained within the development. There will also be additional tree planting between plots on the frontage. The Tree officer supports the retention of the trees and confirm that the loss of onsite shrub can be tolerated. The detailed planting of landscaping mitigation can be adequately secured by condition, likewise conditions relating to the timing of works can minimise the ecological impacts of the development.

13.2 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include the fixture of bat and bird boxes to all of the dwellings. A Construction Environment Management Plan will ensure that sufficient mitigation is in place to protect the Ashton Canal.

### **14.0 DRAINAGE**

14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. United Utilities have confirmed that the foul water drainage flows from the development can be accommodated into the existing network the apparatus for which is located within the surrounding highway to the site.

14.2 The site would be positively drained and the attenuation of surface water would ensure that greenfield run-off rates can be achieved. Comments from United Utilities are noted, with regard to their infrastructure and the applicant is aware of this. Conditions can ensure further investigation and the site will be drained on separate systems in accordance with the Drainage Hierarchy.

14.3 Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

### **15.0 CONTAMINATION & LAND STABILITY**

15.1 The proposals have reviewed by the contaminated land officer who recommends relevant investigations of the ground conditions are undertaken prior to development, this can suitably be conditioned.

### **16.0 NOISE/DISTURBANCE**

16.1 In response to representations the main sources of noise is likely to be that associated with the construction period. This can be controlled via best practices measures via construction management plan. Consultation with Environmental Health confirms that residents should not be subject to any undue disturbance.

### **17.0 CONCLUSION**

- 17.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 17.2 The site is located within a highly sustainable location as demonstrated by its accessible location and its relationship to services. The redevelopment would be compatible with the established residential environment and that of previous developments within the area. The development would add to and contribute to housing in a period of under supply with is afforded significant weight to the planning assessment.
- 17.3 The design of the dwellings is considered to be of a sufficient quality with a good level of detailing to the elevations. The properties will engage positively with Slate Lane and the existing housing stock. The high quality properties would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 17.4 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient redevelopment of the site in a manner which is consistent with previous developments within the area, the proposal would make an efficient use of the site and contribute to housing supply.

## **RECOMMENDATION:**

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following conditions:

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

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

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

PL 03/20/041A Proposed Plans and Elevations REV H (plots 1-4)

PL 03/20/041B REV H Proposed Plan and Elevation (plot 5)

PL03/20/041C REV B Proposed Street scene

PL 03/20/041D REV F Proposed Site Plan

Reports:

Arboricultural Statement Ref CW/10003-AS January 2021

Ecological Statement ref SL/20-001

Supporting Planning Statement Ref 19-588 March 2020 & Cover Letter 03/06/21

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance

- 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.

Reason: To ensure that the site is suitable for its intended end use and to remove any unacceptable risk to people/buildings/environment from contaminated land as per paragraph 178 of the National Planning Policy Framework.

- 4) 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:
  - a. A preliminary risk assessment and methodology for an investigation to determine the potential for the site to be affected by coal mining legacy issues shall be undertaken and approved by the Local Planning Authority;
  - b. 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.
  - c. Any additional or unforeseen coal mining legacy issues 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.
  - d. 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.

Reason: To ensure that the site is suitable for its intended end use and to remove any unacceptable risk to people/buildings/environment from land stability issues associated with coal mining legacy, as per paragraph 178 of the National Planning Policy Framework.

- 5) 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 (including retaining 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.

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

- 6) As indicated on the approved plan (DWG PL 03/20/041D REV F), prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the Local Planning Authority which complies to the requirements listed below:-  
The specification of the charging points installed shall:
- i. be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
  - ii. have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
  - iii. be fitted with a universal socket (known as an untethered electric vehicle charge point);
  - iv. be fitted with a charging equipment status indicator using lights, LEDs or display; and
  - v. a minimum of Mode 3 or equivalent.

Reason: To ensure that the scheme includes measures to mitigate the air quality impact of additional vehicular traffic that will be generated by the development.

- 7) Notwithstanding the details shown on the approved plans, no development other than site clearance and compound set-up shall commence until scaled plans detailing the existing and proposed ground levels on the site, the levels of the proposed access arrangements and the finished floor and ridge levels of the dwellings (with (including sections and with reference to a fixed datum point) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the appearance of the development respects the character of the surrounding area and preserves the residential amenity of neighbouring properties.

- 8) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with UDP PolicyT1: Highway Improvement and Traffic Management.

- 9) The car parking spaces to serve each dwelling as part of the development hereby approved (Drw.Number PL 03/20/041D REV F) shall be laid out as shown on the approved site plan 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.

Reason: In the interest of highway safety, in accordance with UDP PolicyT1: Highway Improvement and Traffic Management.

- 10) Prior to the first occupation of any part of the development 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 and shall indicate that the southern boundary of the site shall be treated with a natural stone wall. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of any of the dwellings.

Reason: To ensure that the appearance of the development respects the character of the surrounding area and preserves the residential amenity of neighbouring properties.

- 11) 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 (drop off area for materials);
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases;
- Details of on-site storage facilities;
- Deliveries to be made out of peak times (local school opening/closing hours);
- Phasing plan for construction.

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

Reason: To ensure that the impact of the construction phase of the development would be contained within the site and would not have a detrimental impact on highway safety or the residential amenity of neighbouring properties.

- 12) No development shall commence until a survey of the site for invasive species (including but not limited to Japanese Knotweed and Himalayan Balsam) has been undertaken by a suitably qualified professional and submitted to and approved in writing by the Local Planning Authority. The survey shall be accompanied by a remediation strategy for any invasive species recorded on the site. The development shall be carried out in accordance with the approved remediation strategy.

Reason: To ensure that any invasive species on the site are appropriately managed during the construction phase of the development

- 13) 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 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.

Reason: To ensure that the development makes adequate provision for the storage and collection of refuse, in order to preserve the character of the surrounding area and the residential amenity of neighbouring properties.

14) Notwithstanding the details submitted with the planning application, no above ground development 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 be planted, spacing between them and their height on planting;
- 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 part of the development hereby approved.

Reason: To ensure that the development is served by a landscaping scheme that preserves the character of the surrounding area.

15) The approved soft landscaping scheme to serve the development 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 five years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.

Reason: To ensure that the soft landscaping scheme is appropriately maintained.

16) 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 drainage scheme must include:

- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- iii. A timetable for its implementation.

The 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.

Reason: To secure a satisfactory system of drainage and to prevent pollution of the water environment in accordance with the National Planning Policy Framework.

17) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan to protect the Site of Biological Importance has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the scheme incorporates measures to enhance biodiversity and the environmental sustainability of the development.

- 18) 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 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.

Reason: To ensure that the scheme incorporates measures to enhance biodiversity and the environmental sustainability of the development

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

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

- 20) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order 2015) (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected on any of the dwellings without the prior granting of planning permission by the Local Planning Authority.

Reason: To ensure that the appearance of the development respects the character of the surrounding area and preserves the residential amenity of neighbouring properties.

- 21) All windows in the ground and first floor of plot 5's eastern elevation facing no.12 Slate Lane hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

- 22) Notwithstanding the plans hereby approved, no development shall take place within 15m from the edge of the Ashton Canal until cross sections have first been submitted to and approved in writing by the Local Planning Authority. The cross sections shall show the foundation details of the proposed dwellings and raised decking/terraced seating area, relative levels and written dimensions showing the distance to the edge of the canal/water level. The development shall be carried out in full accordance with the approved cross sections.

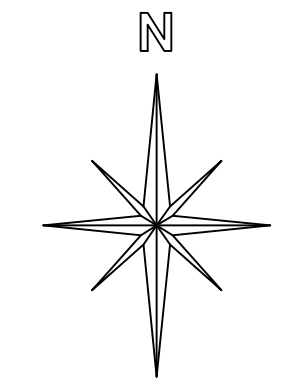
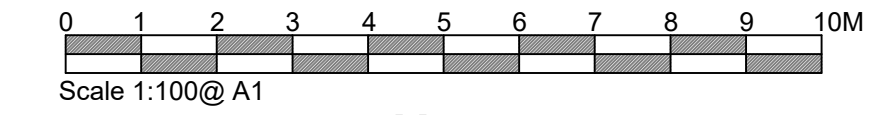
Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land

stability contained in Paragraphs 170 and 178 of the National Planning Policy Framework 2019.

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Permeable Tarmac

Cobbled 800mm Hard Strip

Concrete Pavers

Grassed Areas

Post & Wire Fence With Laurel Hedging

Roof Batten Fencing

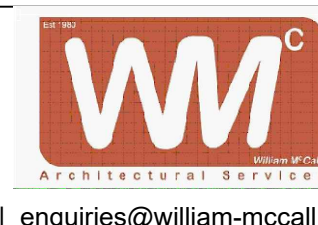
9" Masonry Refuse Store

Page 95



Stage :-	Preliminary Scheme Drawings		
Project Title :-	Proposed 5 Units Housing Scheme		
Drawing Title :-	Proposed Site Plan		
Client :-	Loxley Developments		
Drwg No :-	Date :-	Rev :-	
PL 03/20/041D	Dec '19	REV F	
Scale :-	Drawn:-	Checked :-	
1:100@A1	WMC		
Site Address :-	Site adj, Slate Lane Audenshaw Tameside M34 5QP		

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ASHTON CANAL



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Application Number 20.00264.FUL

Demolition of existing bungalow and redevelopment of site to support 5no. detached dwellings and associated works (AMENDMENTS TO INITIAL SUBMISSION)

Photo 1: Aerial view of site



**Photo 2: No.10 Slate Lane (to be demolished)**



**Photo 3: View from the junction of aprk road to Slate Lane**





**Photo 4: View down Slate Lane site on the lefthand side.**



**Photo 5: View from the Ashton cal to the rear of the site.**



**Photo 7: The 'Boatyard' three storey dwellings fronting Slate Lane**

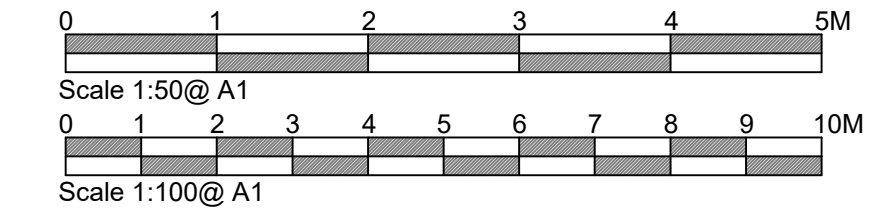


**Photo 8: 3D view of the site taken from Google**



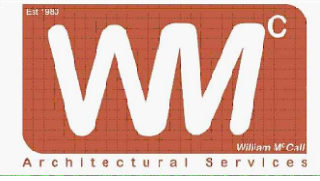



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Stage :- <b>Preliminary Scheme Drawings</b>		
Project Title :- Proposed 5 Units Housing Scheme		
Drawing Title :- Proposed Street Scene		
Client :- Loxley Developments		
Drwg No :- PL 03/20/041C	Date :- Dec '19	Rev :- <b>REV B</b>
Scale :- 1:100@A1	Drawn:- WMC	Checked :-
Site Address :- Site adj, Slate Lane Audenshaw Tameside M34 5QP		

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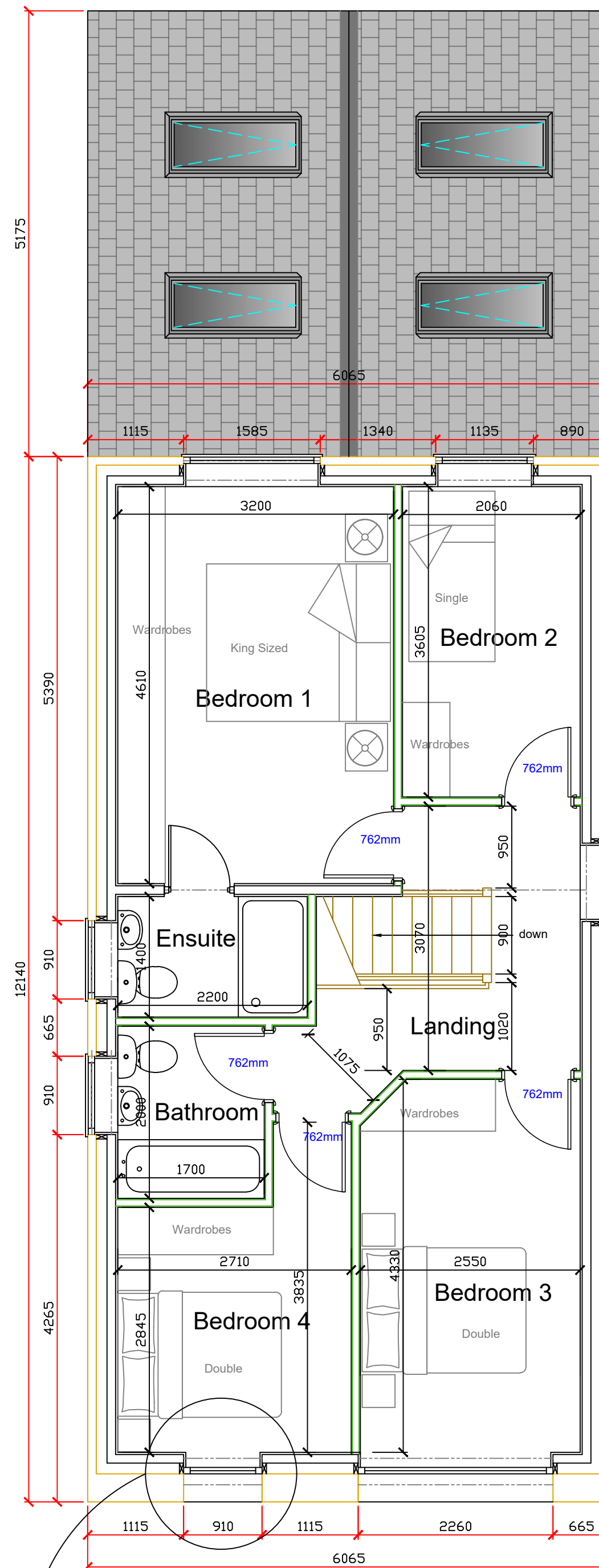
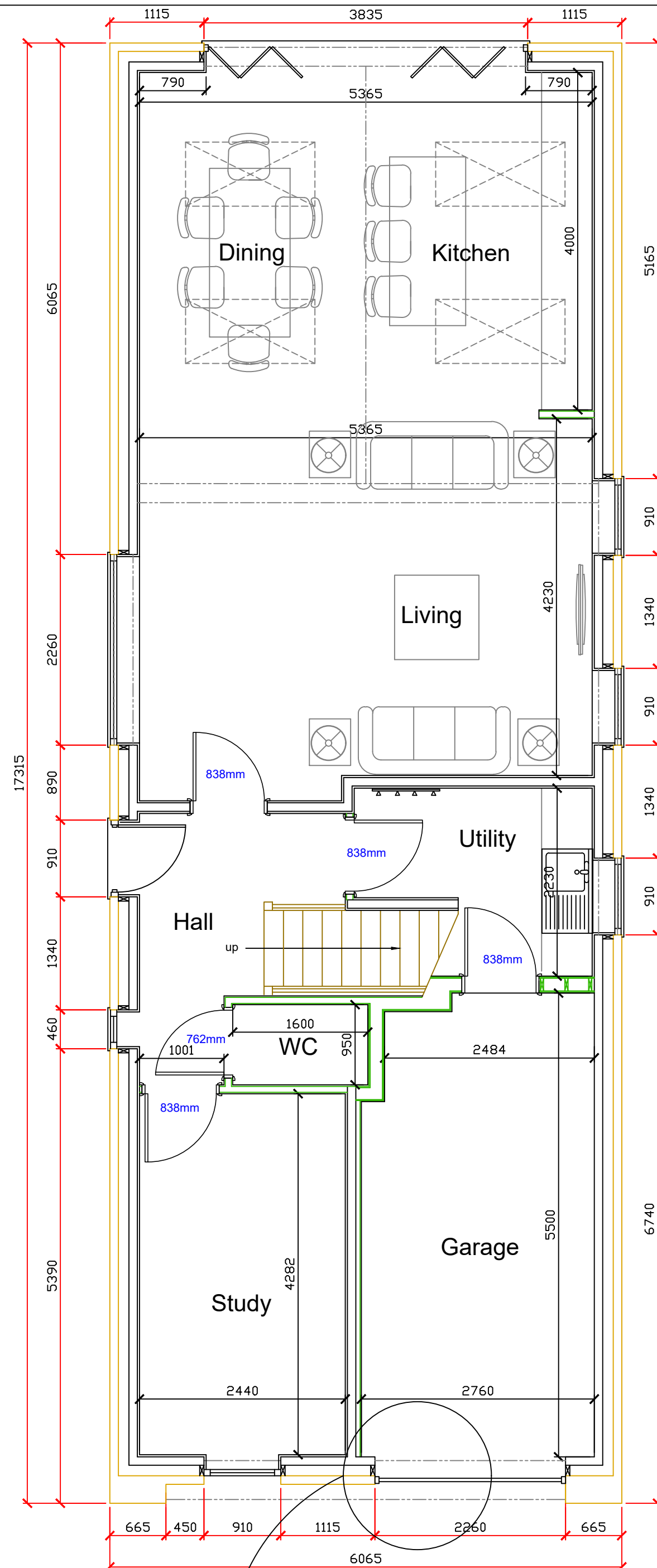
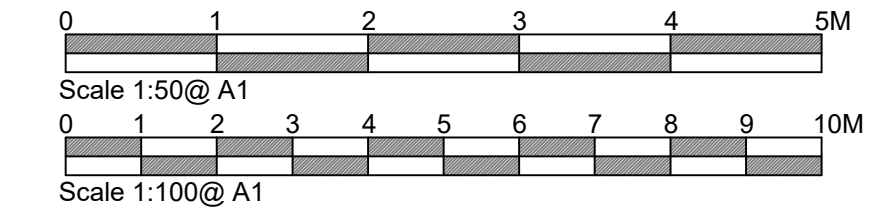



registered  
**LABC**  
Partners Authority Scheme

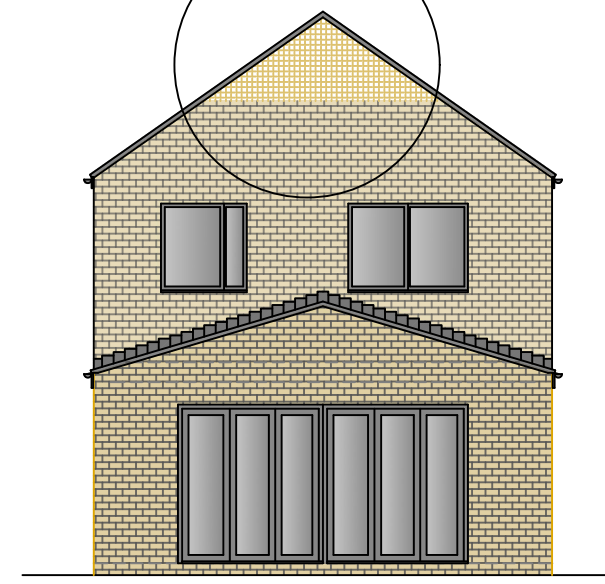
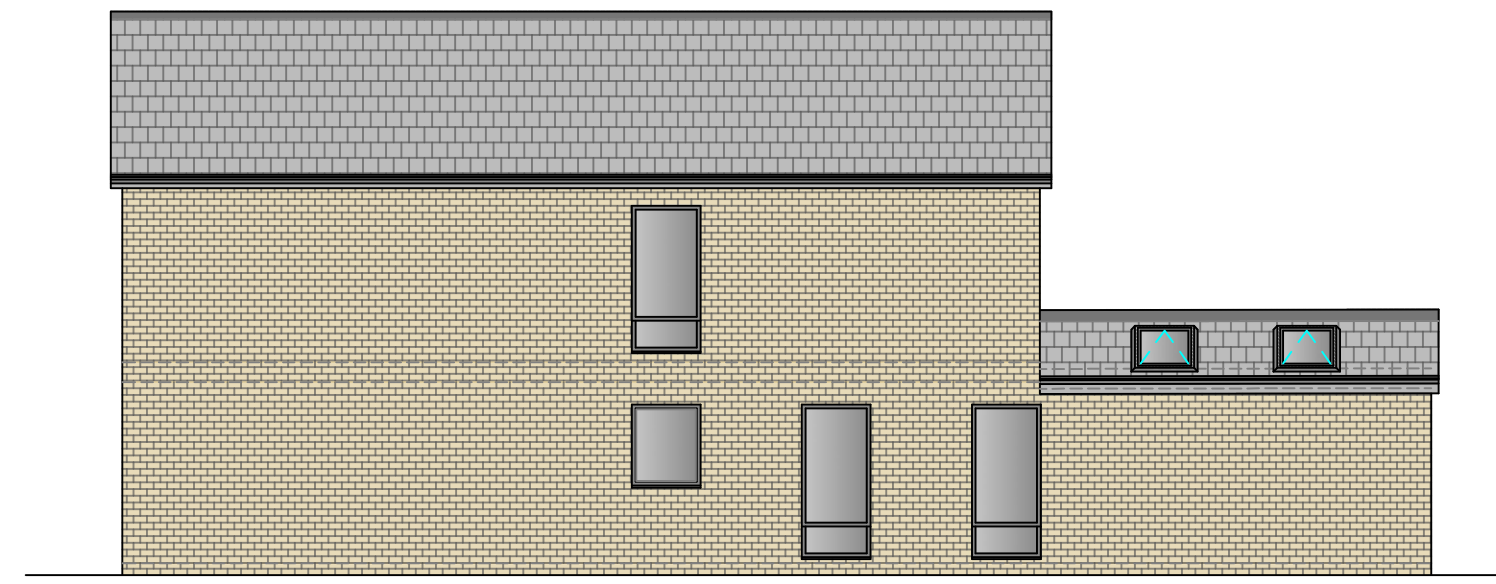
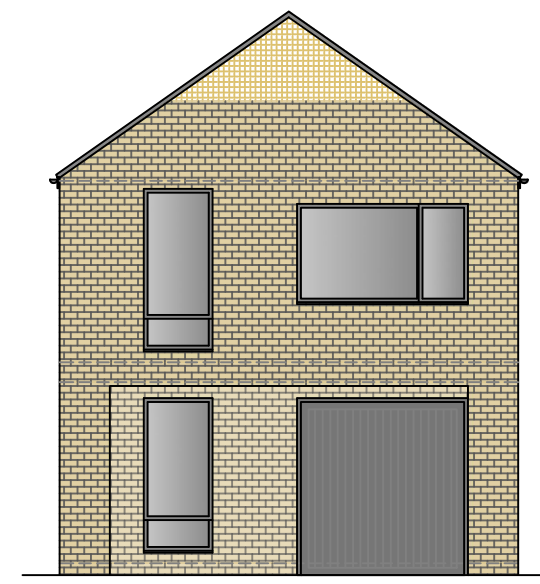
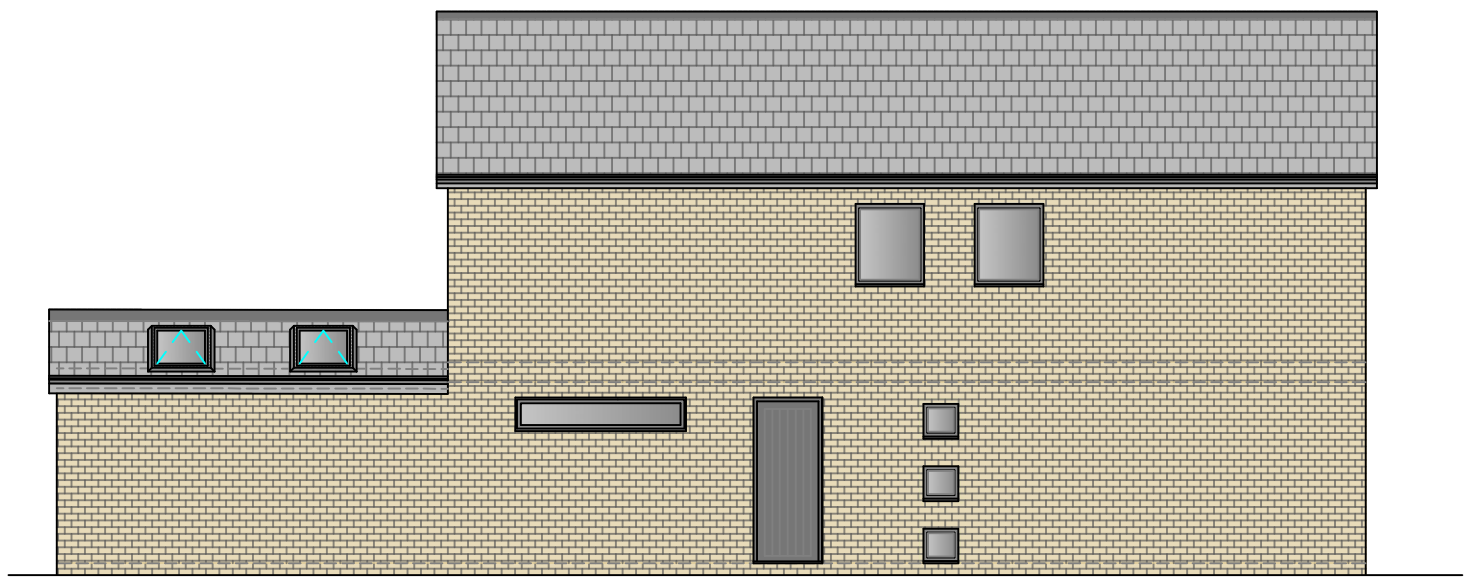
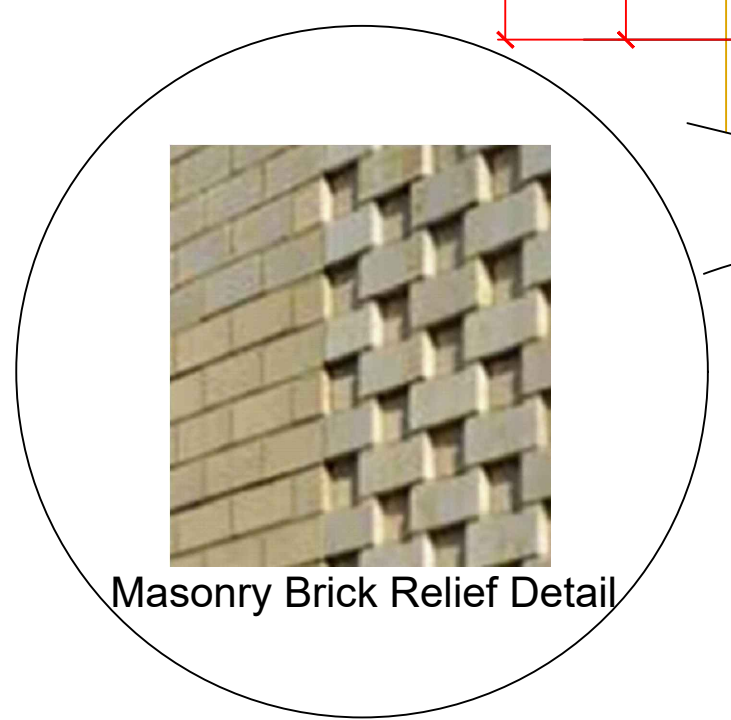
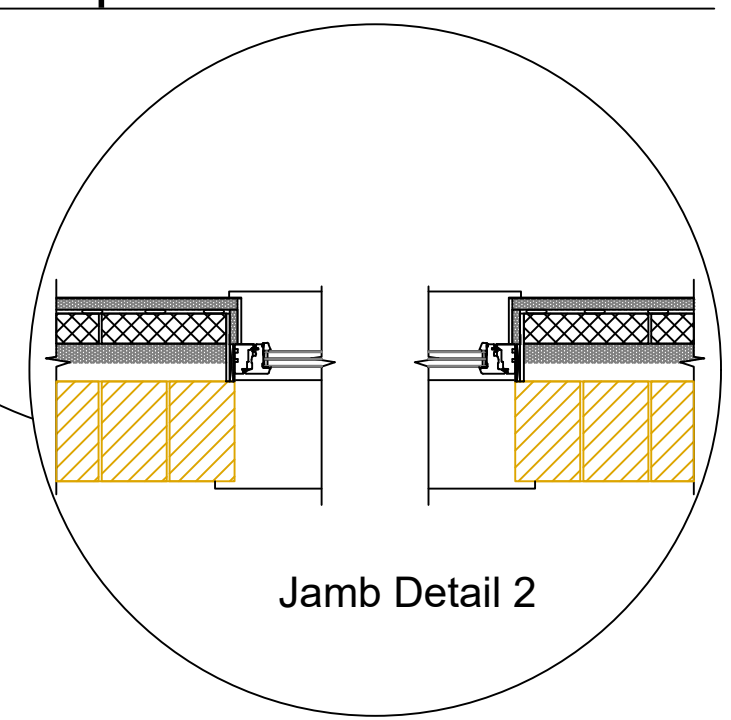
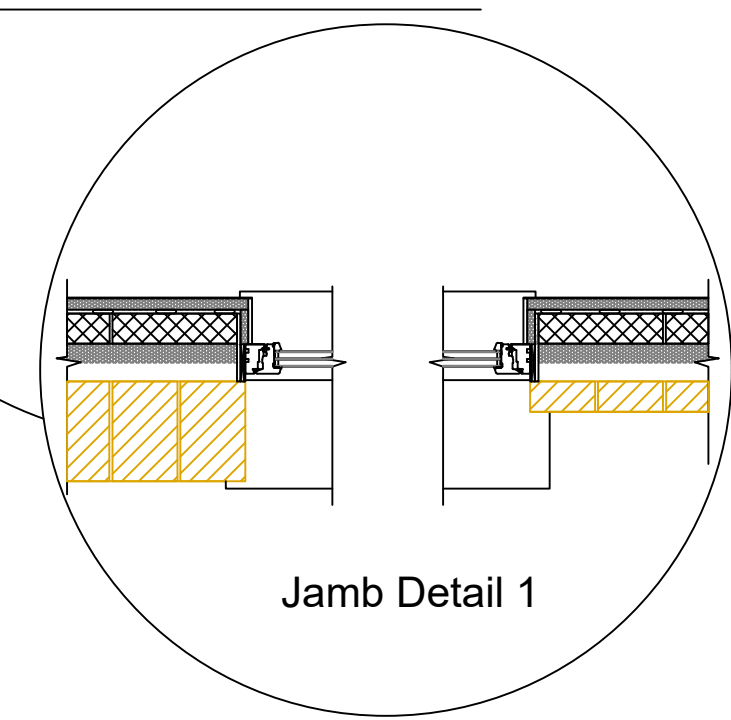
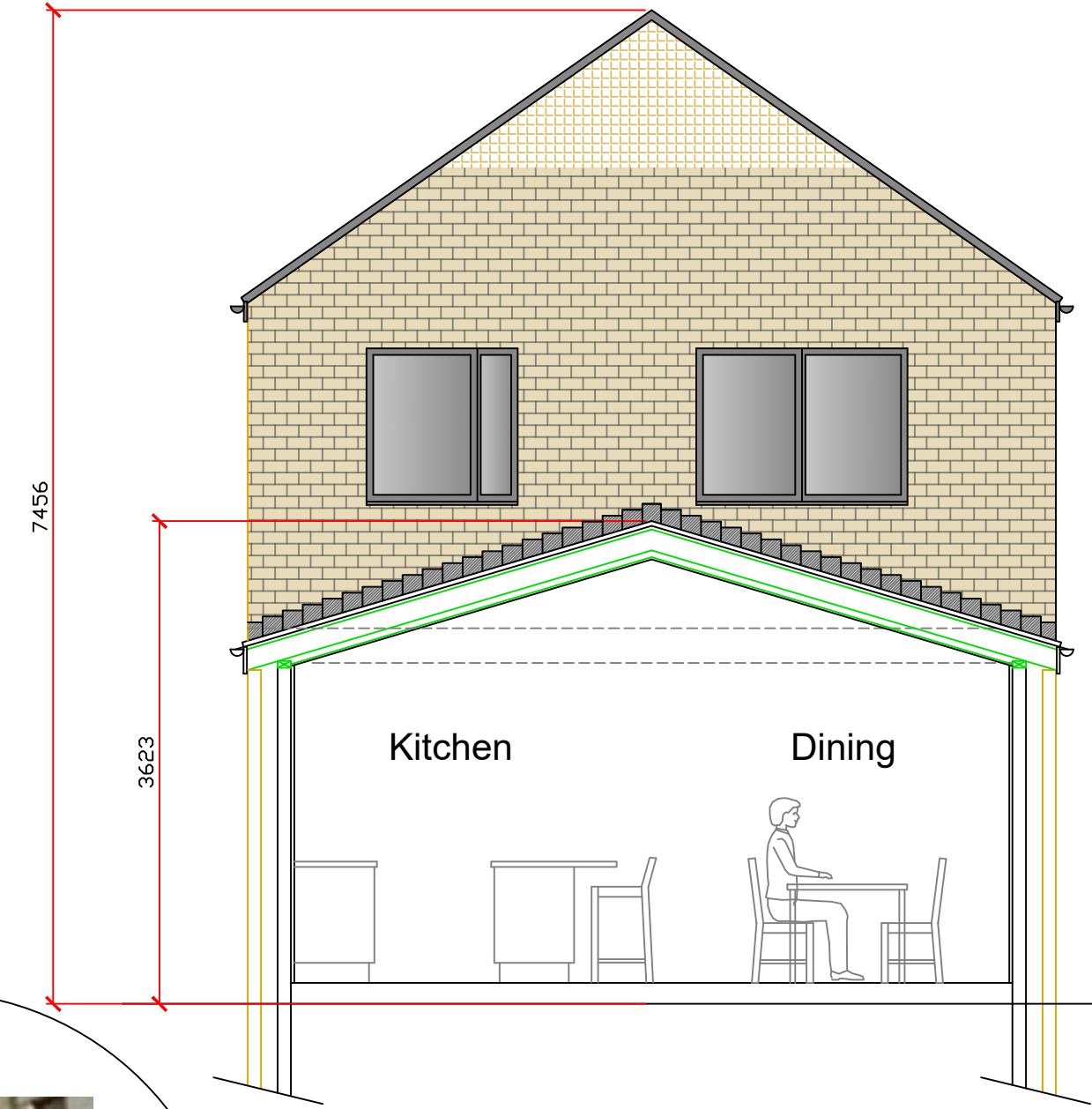
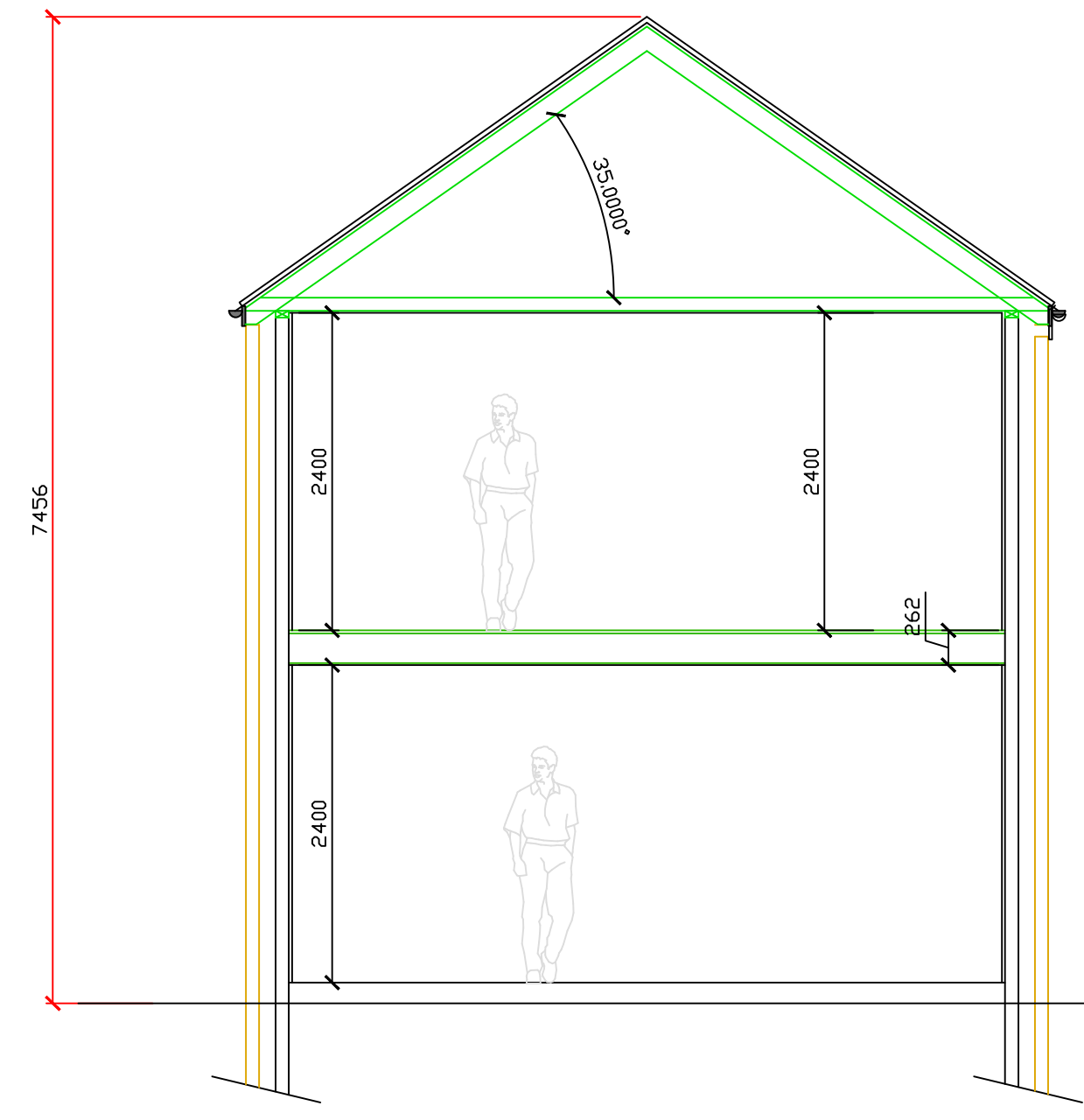
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Needs to be 7570mm

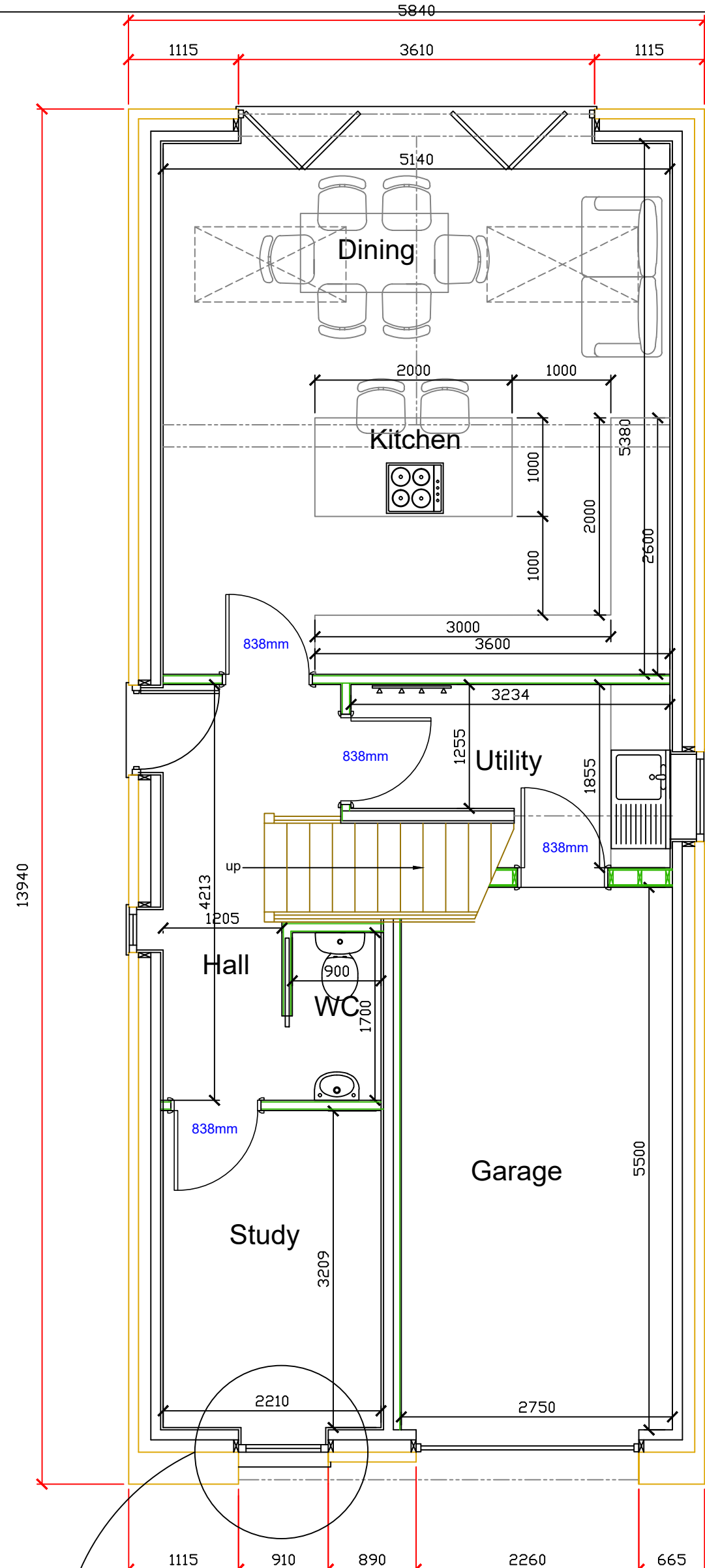
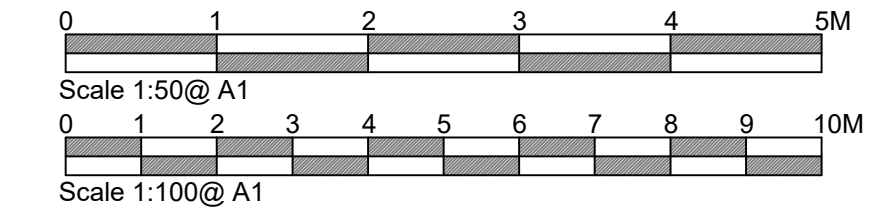


Stage :- <b>Preliminary Scheme Drawings</b>			
Project Title :- Proposed 5 Unit Housing Scheme Plot 5			
Drawing Title :- Proposed Plans & Elevations			
Client :- Loxley Homes			
Drwg No :- PL 03/20/041B	Date :- July '20	Rev :-	REV H
Scale :- 1:100 & 1:50@A1	Drawn:- SCM	Checked :-	
Site Address :- Site Adj - Slate Lane Audenshaw Tameside M34 5QP			
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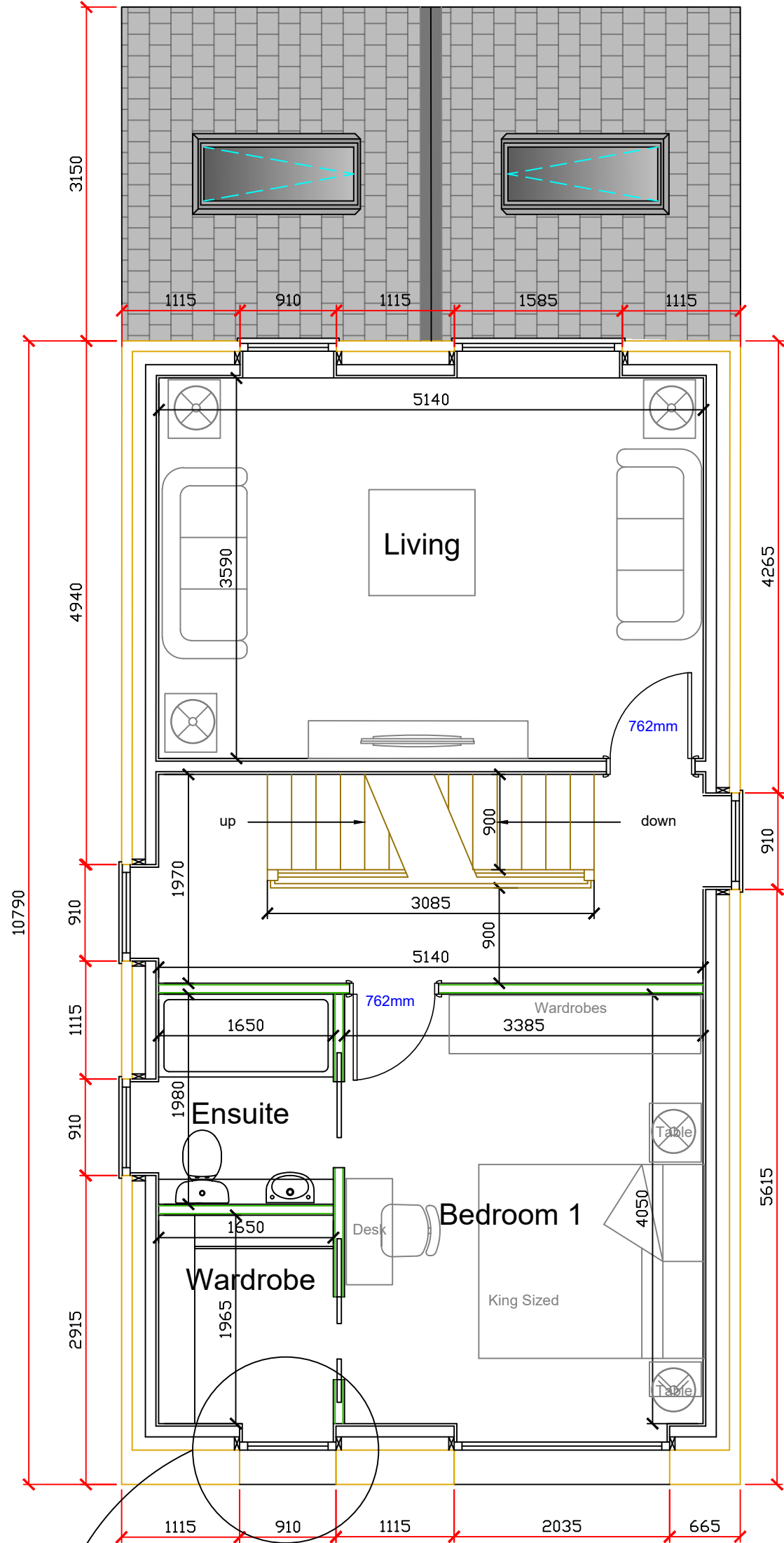
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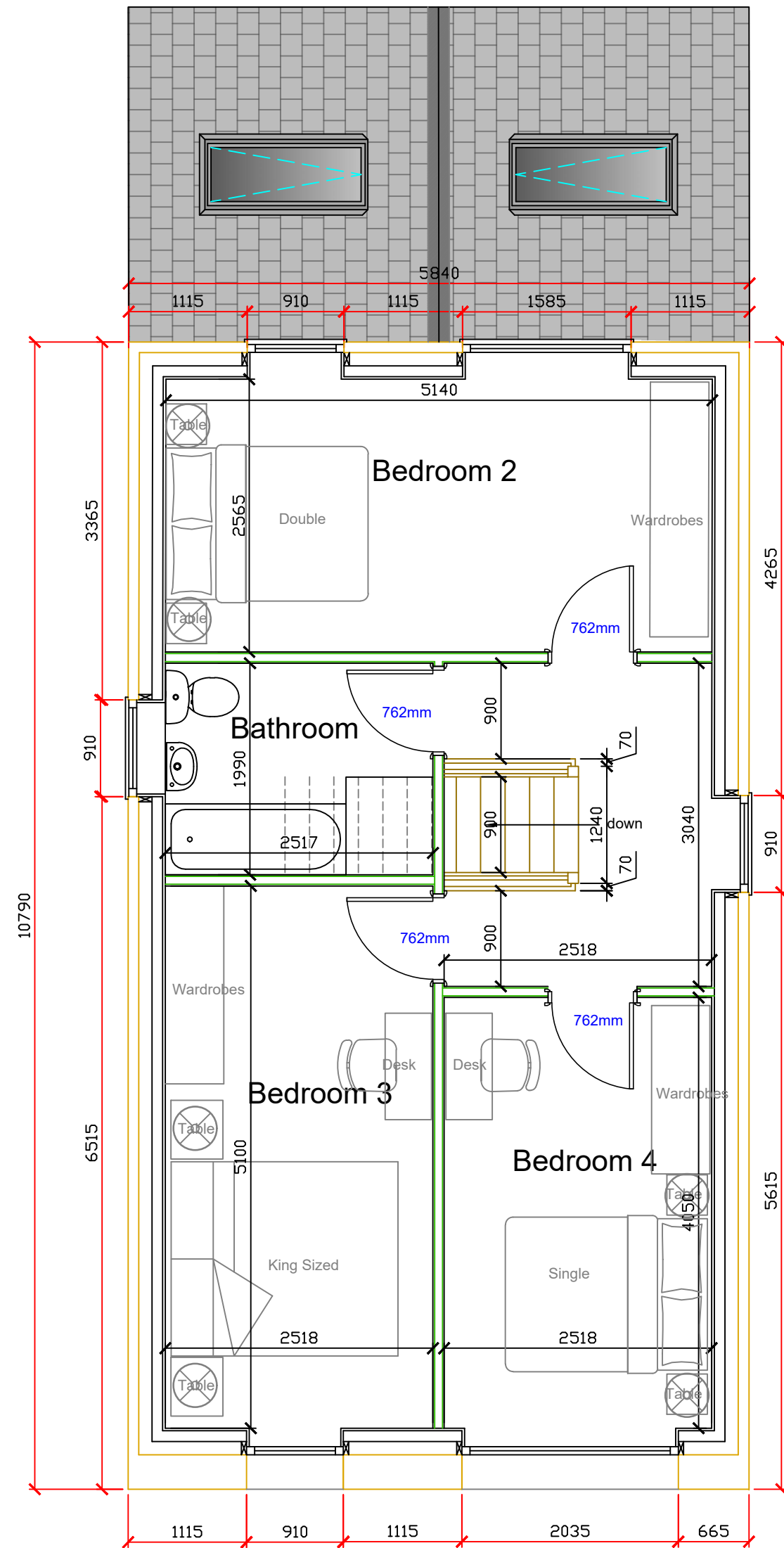
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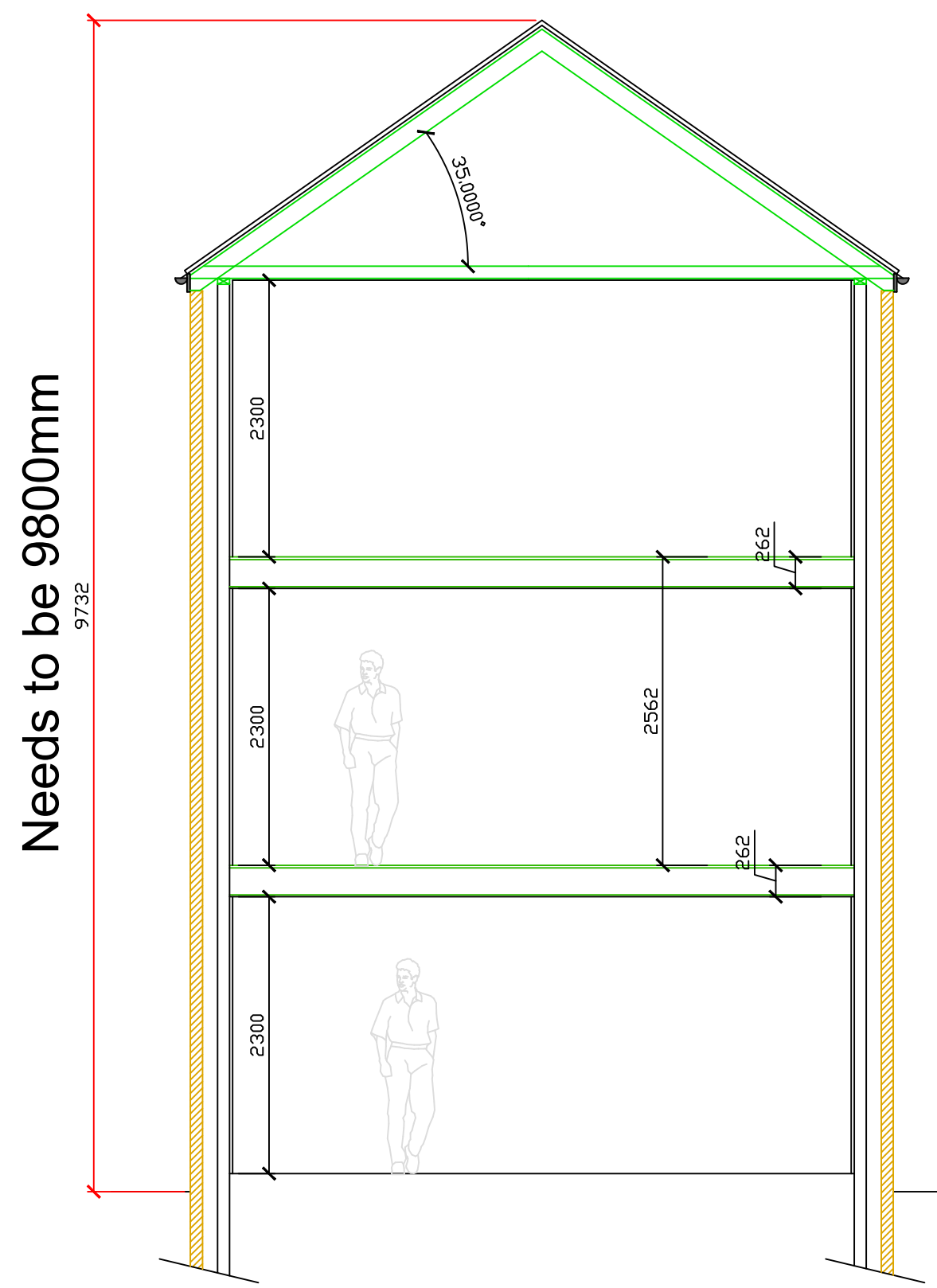
Proposed Ground Floor Plan



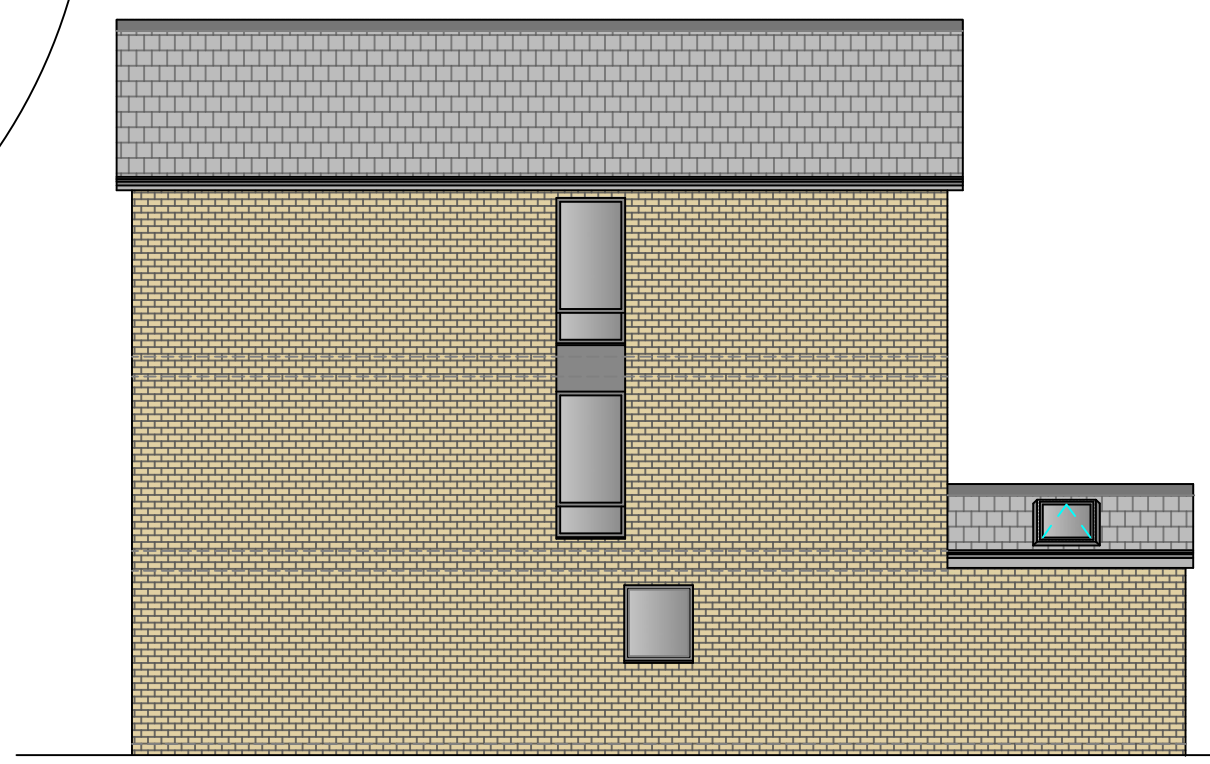
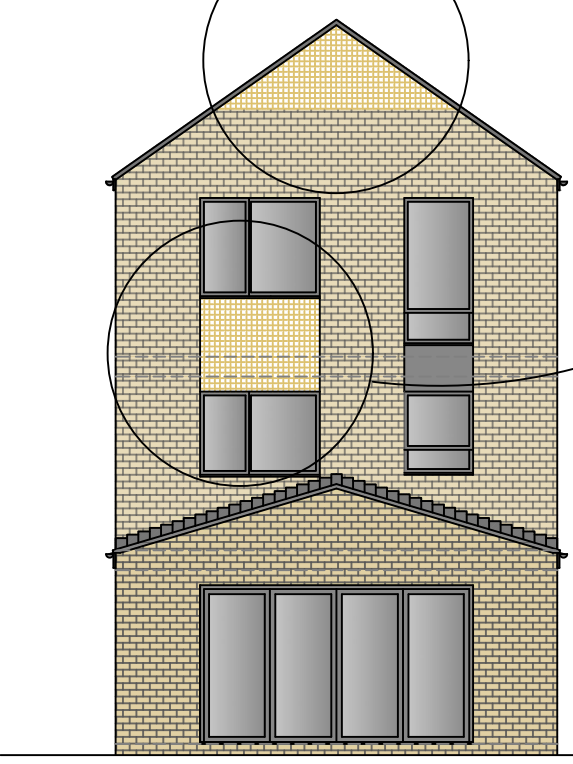
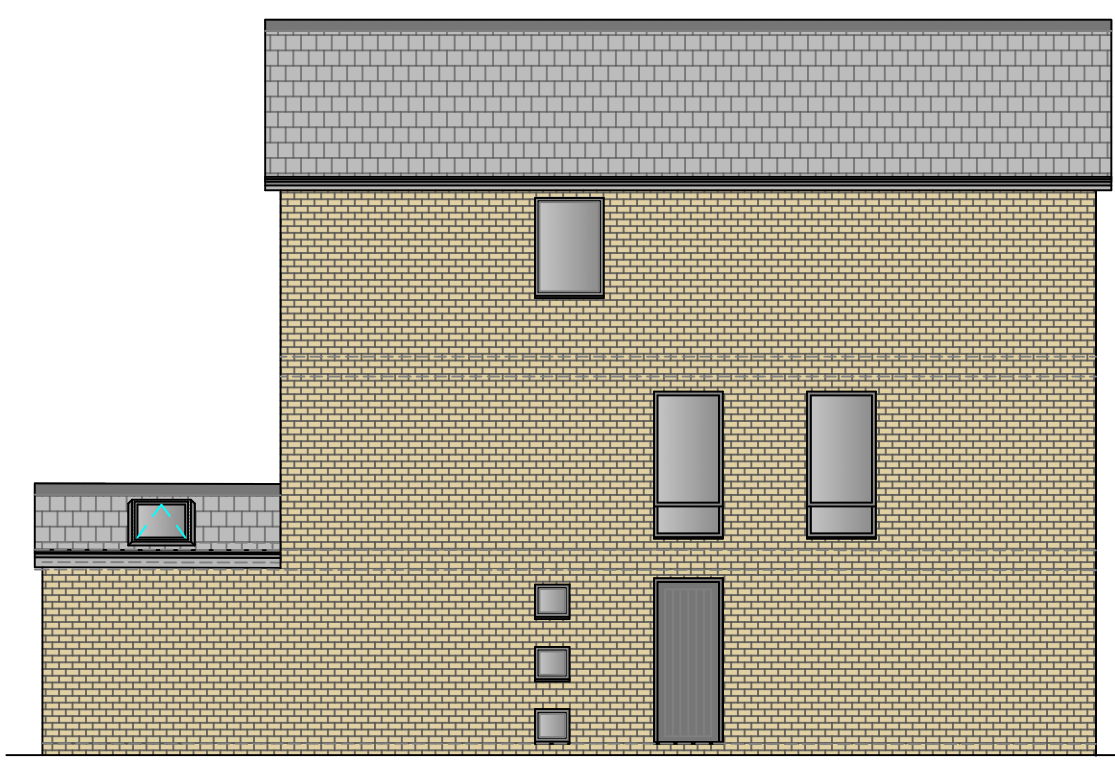
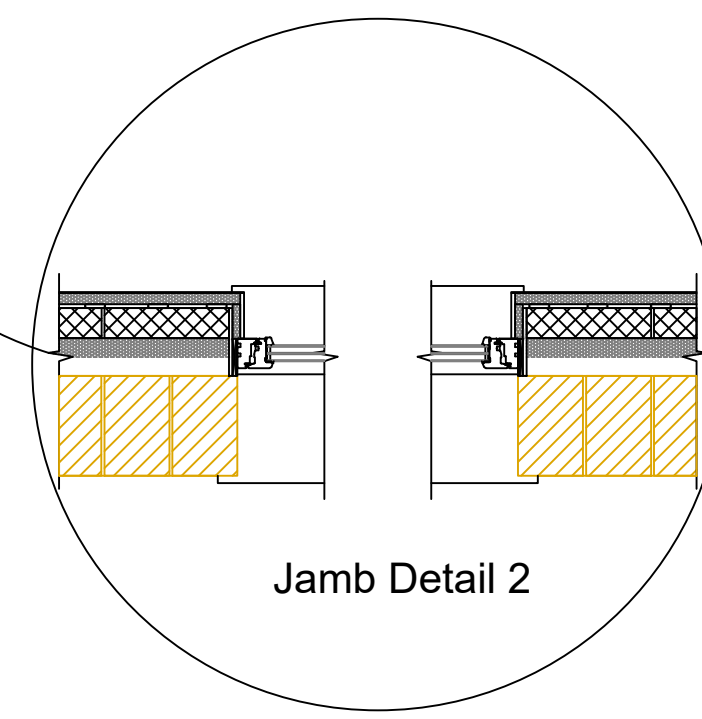
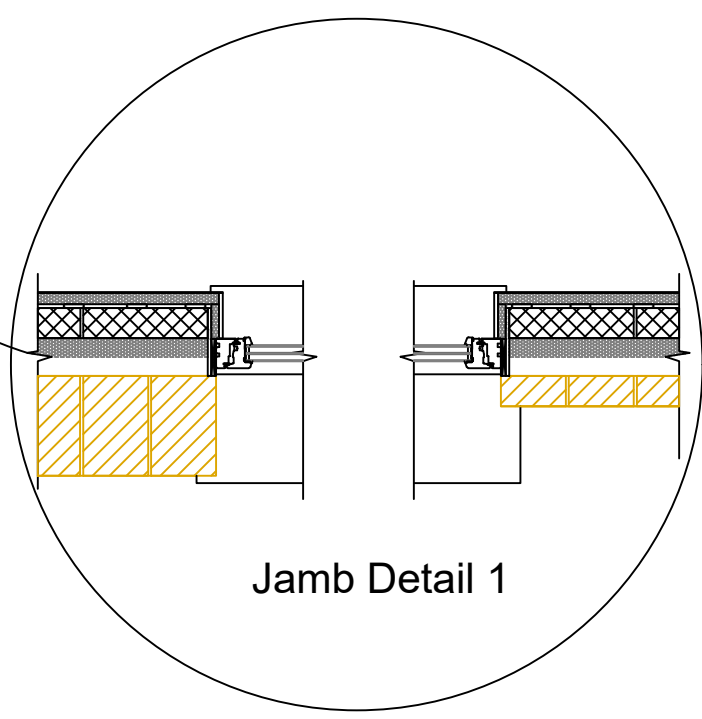
Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Sketch Section



Stage :- <b>Preliminary Scheme Drawings</b>			
Project Title :- Proposed 5 Unit Housing Scheme Plot 1 To 4			
Drawing Title :- Proposed Plans & Elevations			
Client :- Loxley Homes			
Drwg No :- PL 03/20/041A	Date :- July '20	Rev :-	REV H
Scale :- 1:100 & 1:50@A1	Drawn:- SCM	Checked :-	
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**Application Number** 20/00795/FUL

**Proposal** Fencing off of land adjacent to Organ Inn Public House and change of use to associated Public House beer garden, including erection of covered shelter and canopy (part retrospective).

**Site** 'Organ Inn', 61 Acres Lane, Stalybridge, SK15 2JR

**Applicant** Mr Matthew Crompton

**Recommendation** Grant approval subject to conditions.

**Reason for Report** At the request of an objector to the proposed scheme.

## **1.0 APPLICATION DESCRIPTION**

1.1 Planning permission (part retrospective) is sought for the fencing of an area of vacant land adjacent to the Organ Inn Public House with an associated change of use to an ancillary beer garden, including provision of a covered shelter and canopy structure.

1.2 The outdoor terrace would be situated immediately to the east of the Organ Inn PH, to the southwest of the junction of Acres Lane and Cecil Street. The perimeter of the beer garden adjacent to Acres Lane and Cecil Street is enclosed by an approximately 1800mm high timber fencing, with the area of land enclosed being approximately 115m<sup>2</sup>. The proposal also includes the provision of a covered smoking shelter with a covered area of approximately 38.5m<sup>2</sup> immediately adjacent to the PH building and an additional canopy covering a further 31m<sup>2</sup>, resulting in approximately 50-60% of the enclosed beer garden being covered.

## **2.0 SITE AND SURROUNDINGS**

2.1 The application relates to the Organ Inn Public House (PH), a two-storey building located on the south side of Acres Lane, Stalybridge. The PH is constructed of white-painted brick and black window frames. There is a bus stop immediately adjacent to the PH on Acres Lane, with the beer garden situated to the east of the PH and accessed via a side door to the pub building. There is an area of undeveloped land immediately to the south of the PH associated with a building to the south, used as a place of worship. Baker Street is adjacent to the west and Cecil Street adjacent to the east.

2.2 The PH is located in an area that is predominantly characterised by terraced residential dwellings, with some light industry and similar uses to the southwest and west. The site is proximate but not part of Stalybridge town centre.

## **3.0 PLANNING HISTORY**

3.1 No relevant planning history identified.

## **4.0 RELEVANT PLANNING POLICIES**

4.1 Tameside Unitary Development Plan (UDP) (2004)

4.2 UDP Allocation: Droylsden Town Centre Boundary

4.3 **Part 1 Policies:**

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

#### 4.4 **Part 2 Policies:**

- S7 Food and Drink Establishments and Amusement Centres
- S9 Detailed Design of Retail and Leisure Developments
- C1 Townscape and Urban Form
- T1 High Improvement and Traffic Management
- T10 Parking

#### 4.5 **Other Policies**

Ministry of Housing, Communities and Local Government: National Design Guide

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

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

- Section 2 Achieving sustainable development
- Section 6 Building a strong, competitive economy
- Section 8 Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places

#### 4.8 **Planning Practice Guidance (PPG)**

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

### 5.0 **PUBLICITY CARRIED OUT**

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

### 6.0 **RESPONSES FROM CONSULTEES**

6.1 Local Highway Authority: No objection to the proposal.

6.2 Environmental Health: No objections to the proposal subject to conditions added to limit the time of day and week that deliveries can take place, hours of use of the beer garden and limits on the activities that can take place within the beer garden.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 3 letters of objection have been received in relation to the proposal. The comments received have been summarised in brief below:

- Noise generation unacceptable in the predominantly residential setting of the area; and
- Inappropriate behaviour of patrons of the PH and associated beer garden.

## **8.0 ANALYSIS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- Approving development proposals that accord with the development plan without delay; and,
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or,
  - Specific policies in the Framework indicate development should be restricted.

8.4 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 amenity; and,
- Impact on highway safety.

The above matters, and other considerations, are considered in more detail below.

## **9.0 PRINCIPLE OF DEVELOPMENT**

9.1 The site is situated on land immediately to the south of the Stalybridge town centre boundary, though does not form part of it. The proposal is associated with the established adjacent public house immediately to the west. It is noted that the hospitality industry has a major role in supporting the local economy. The proposals would complement the existing use and add to the overall vibrancy and vitality of the PH. Subject to other considerations the proposals are compatible with the land use allocation.

## **10.0 CHARACTER OF THE SURROUNDING AREA**

10.1 Part 1 Policy 1.3 of the UDP describes that to enhance the appearance of the Borough for the benefit of existing residents and to help attract new investment, all developments must achieve high quality design which is sensitive to the character of the local area, particularly

in the relationship between buildings, between buildings and adjoining spaces, and in associated landscaping.

- 10.2 Policy C1 states that in considering proposals for built development, the Council will expect the distinct settlement patterns, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention the design of any proposal for development. This is consistent with requirements of Policy S7 and Policy S9 insofar as the impact on the character of the area.
- 10.3 The development has changed the use of previously vacant land to an enclosed beer garden. The open land was not designated and was of low amenity value. As such, though loss of open space should be discouraged, the loss of this particular open space is considered to have overall limited impact on local amenity. It is noteworthy that the application site is located close to Cheetham Park.
- 10.4 The erection of timber boundary fencing has had limited overall impact on the character and appearance of the surrounding area, given the relatively dense form of surrounding development and enclosed streetscape.
- 10.5 Though somewhat out of keeping to the surrounding area and relatively significant, the proposed outdoor canopies/covered areas are not substantial structures and would continue to be subordinate to the public house itself. As such, though there will be some limited impact to the character and appearance of the surrounding street scene, the impact would not be so great so as to warrant refusal of the application.
- 10.6 In terms of design and appearance, the proposal is acceptable on balance and complies with UDP Policy C1 and the National Planning Policy Framework.

## **11.0 AMENITY**

- 11.1 As part of its underlying drive to promote sustainable development, paragraph 127(f) of the revised NPPF states that a high standard of amenity should always be sought for all existing and future occupants of land and buildings. As above, Policy C1 of the UDP states that the relationship between buildings and their setting should be given particular attention in the design of any proposal for development and policies S7 and S9 allude to the need to not unduly impact upon residential or other sensitive uses.
- 11.2 The site is located close to Stalybridge town centre, though not part of it. There are residential dwellinghouses located along the south side of Acres Lane and east side of Cecil Street, which are proximate to the site of the beer garden and associated structures. There are further residential dwellinghouses opposite the PH and beer garden, on the north side of Acres Lane, which face the PH and beer garden. Residential uses are considered to conflict with the proposed beer garden use. Land uses to the south (place of worship) and to the southwest and west (light industrial/undeveloped land) are considered to be less sensitive to the form of development proposed.
- 11.3 In terms of consideration to amenity, insofar as potential noise and disturbance matters are concerned, consultation with Environmental Health has been carried out. Environmental Health raised concerns to the proposal given complaints received relating to excessive noise and some instances of antisocial behaviour associated with the use of the land as a beer garden. Upon further discussion and consideration with Environmental Health, it was agreed that there is adequate scope to minimise potential noise disturbance to neighbouring occupiers, by the application of reasonable and enforceable planning conditions. However, it was agreed that it would also be reasonable to grant a temporary planning permission to



enable a period in which the impact could be assessed and monitored, and to ensure that the conditions proposed would be adequate and enforceable to limit amenity impacts on neighbouring occupiers to an acceptable level. A condition attached to the recommendation means that it would expire on 31 December 2021.

- 11.4 As the application is part retrospective and the change of use has already occurred, it has been demonstrated that the use class of an outdoor beer garden proximate to residential dwellinghouses is causing some impact on amenity by way of noise generation and, whilst not in itself a planning matter, antisocial behaviour.
- 11.5 In consideration of the planning merits, it is considered that the change of use and development of a beer garden is potentially compatible with the surrounding uses in this particular location. However, it is also demonstrated that the use needs further control by implementation of conditions to limit the time of use and type of activity within the beer garden proposed, particularly when considering the proximity to residential dwellinghouses. As such, the proposal complies with UDP Policies 1.12, S7 and S9 and it is considered that potential amenity impacts can be controlled through the imposition of planning conditions.

## **12.0 HIGHWAY SAFETY**

- 12.1 The scheme proposed does not affect any highway issues other than an increase in the proposed floor area of the business. The Local Highway Authority (LHA) are satisfied that the lack of parking is mitigated by the business being located in a highly sustainable area with excellent transport links nearby. In the view of the LHA, the development does not have an unacceptable impact on highway safety, or consider that the residual cumulative impacts on the road network would be severe. Officers have no reason to disagree as such the development is considered to be acceptable in relation to highway safety and compliant with the NPPF, in particular paragraph 109.

## **13.0 OTHER CONSIDERATIONS**

- 13.1 In light of the COVID-19 pandemic, the Government and Local Planning Authorities are mindful of the impacts of COVID-19 and social distancing requirements necessary to support businesses, as outlined within the Planning Update Newsletter dated July 2020 and subsequent Government announcements following the re-opening of outdoor business on 12 April 2021.
- 13.2 The proposal provides flexibility to the use of the public house by allowing outdoor seating - enabling the business to maximise their capacity and prosper whilst adhering to social distancing guidelines. The current government guidelines allowing flexibility is a material consideration. It is considered, in this instance, that potential amenity impacts on neighbouring occupiers can be suitably mitigated through the application of appropriate planning conditions. As such, the wider benefits outweigh the potential limited impacts upon the amenity of neighbouring occupiers, particularly those residents in nearby dwellinghouses.

## **14.0 CONCLUSION**

- 14.1 The proposed development is considered acceptable on balance. Although potential amenity impacts have been identified, it is considered that these impacts can be reduced to acceptable levels by using suitable planning conditions, recommended by Environmental Health. The proposal complies with Policies 1.12, S7 and S9 of Tameside's adopted Unitary Development Plan or Paragraph 180 of the National Planning Policy Framework.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan, Proposed Block Plan and Proposed Site Plan (Drawing Number 429-03 dated 17 June 2020 and received by the Council 26 March 2021);
  - Proposed Site Plan with Annotations (Drawing Number 429-03 dated 17 June 2020 and received by the Council 26 March 2021); and,
  - Proposed Floor Plan and Roof Plan of Beer Garden Proposed (Drawing Number 429-05 dated 17 June 2020 and received by the Council 26 March 2021).

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Tameside Unitary Development Plan and National Planning Policy Framework.

2. 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 Monday to Friday or 08.00 to 13.00 on Saturdays. No work shall take place on Sundays or Bank Holidays.

Reason: To protect the amenity of occupants of nearby properties/dwellinghouses in accordance with UDP Policies 1.12 and E6.

3. The beer garden hereby permitted shall not be used outside the hours of 0900 to 2100 hours.

Reason: To protect the amenities of occupants of nearby properties/dwellinghouses in accordance with UDP Policies 1.12 and E6.

4. No public address system, television set, amplified music or musical instruments or similar shall be relayed or played in the beer garden/outside area hereby permitted

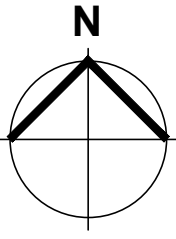
Reason: To protect the amenities of occupants of nearby properties/dwellinghouses in accordance with UDP Policy 1.12.

5. The use of the external area to the side (northeast) of the existing building as a beer garden area is hereby approved for a limited time period only, expiring on 31 December 2021. After this date, the external drinking/eating area shall not be used for that purpose and shall not be accessible by customers at any time except for purposes of emergency evacuation of the building.

Reason: In order that the Local Authority may have the opportunity of reviewing the impact of the development on the amenity of occupants of other properties and in the interests of residential amenity having regard to Policies S4, S7 and E6 of the Tameside Unitary Development Plan.



**Location Plan**  
**Scale 1:1250**



**Block Plan**  
**Scale 1:500**

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**Site Plan**  
**Scale 1:100**



6 Conway Close  
Alkington  
Middleton  
Manchester, M24 1EW  
E: conway-design@outlook.com

JOB TITLE : Proposed Covered Smoking Shelter  
ADDRESS : The Organ Pub, Acres Lane, Stalybridge  
DRAWING TITLE : Proposed Site Block And Location Plan  
SCALE : As Noted @ A3  
DRAWN : xxx DATE : 17.06.20

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**Application Number: 20/00795/FUL – Organ Inn, Acres Lane**

**Photo 1 – Aerial view of the site and surrounding properties (beer garden is visible in green in the centre of the photo)**





**Photo 2 – Front elevation of Organ Inn PH with beer garden visible to the left**



**Photo 3 – Beer garden taken facing southeast from intersection of Acres Lane and Warrington Street**



**Photo 4 – Side boundary of beer garden adjacent to Cecil Street**



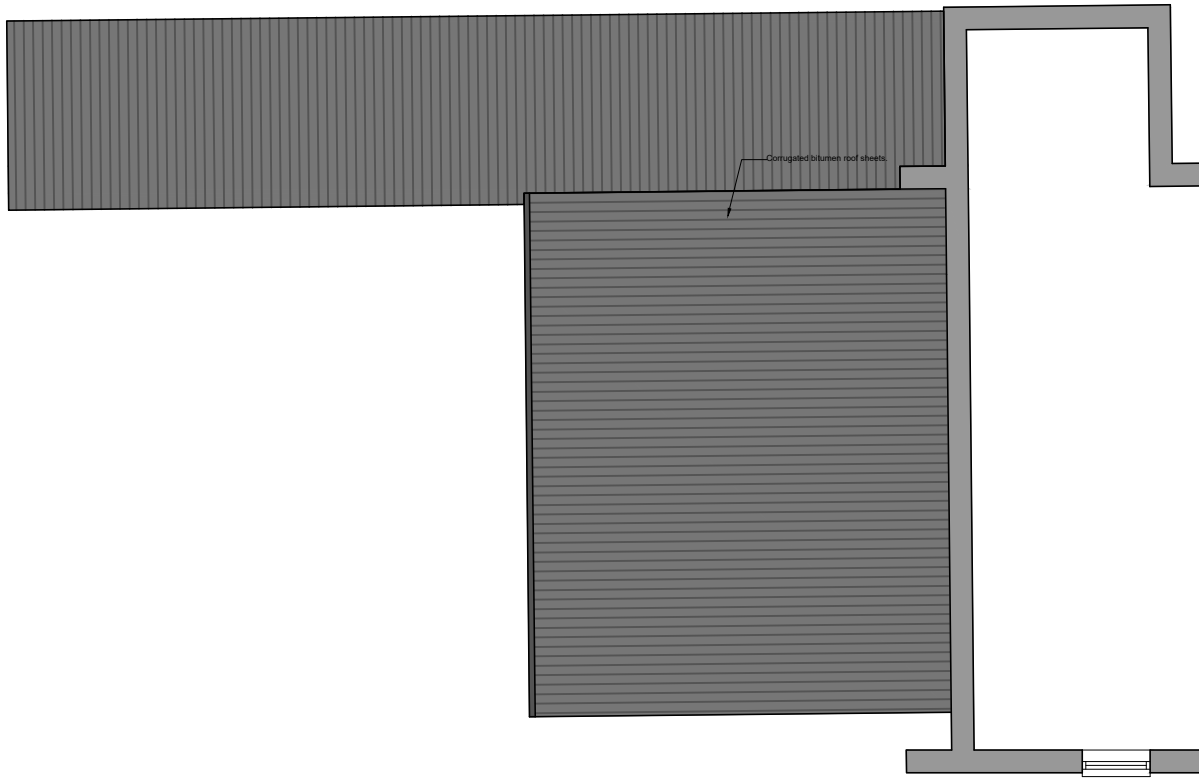


**Photo 5 – Current beer garden layout as taken from the northeast corner boundary of the site**



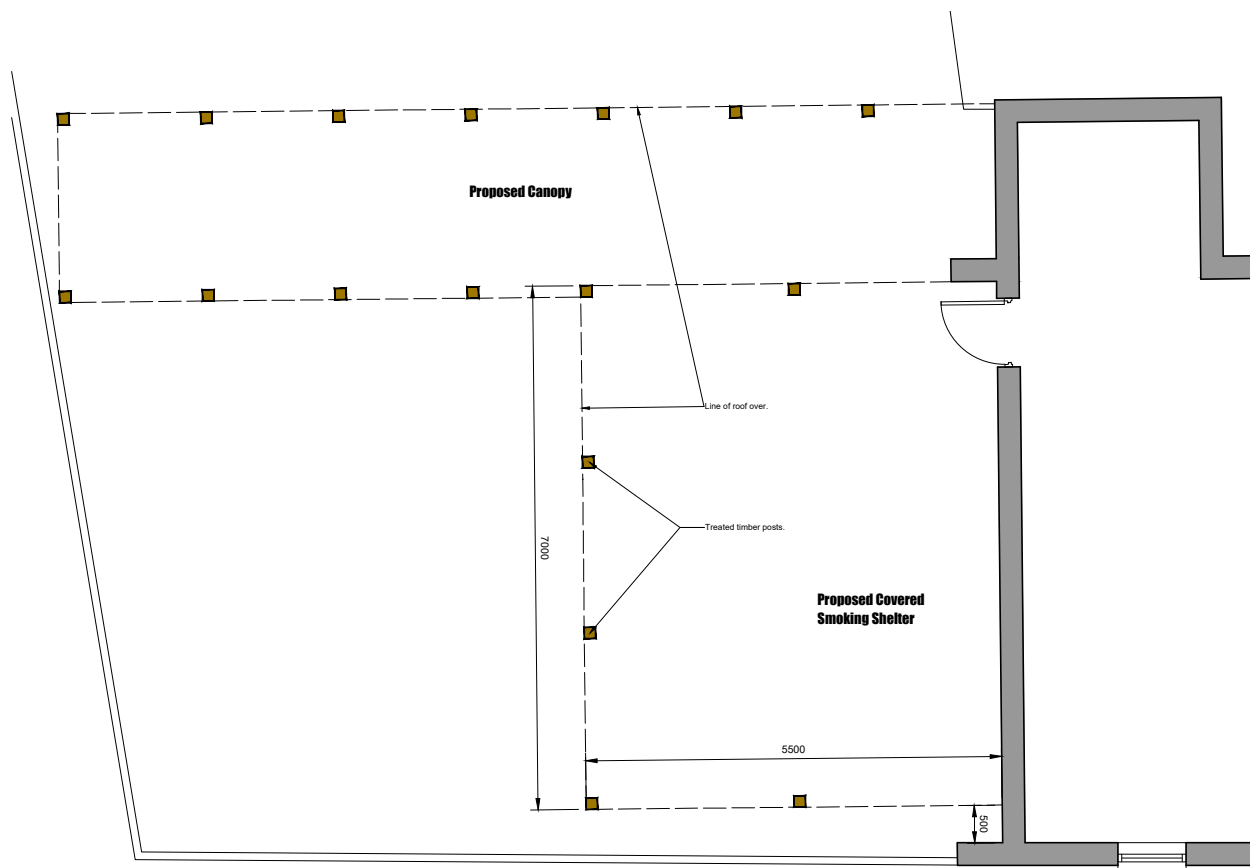
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## Roof Plan



## Floor Plan

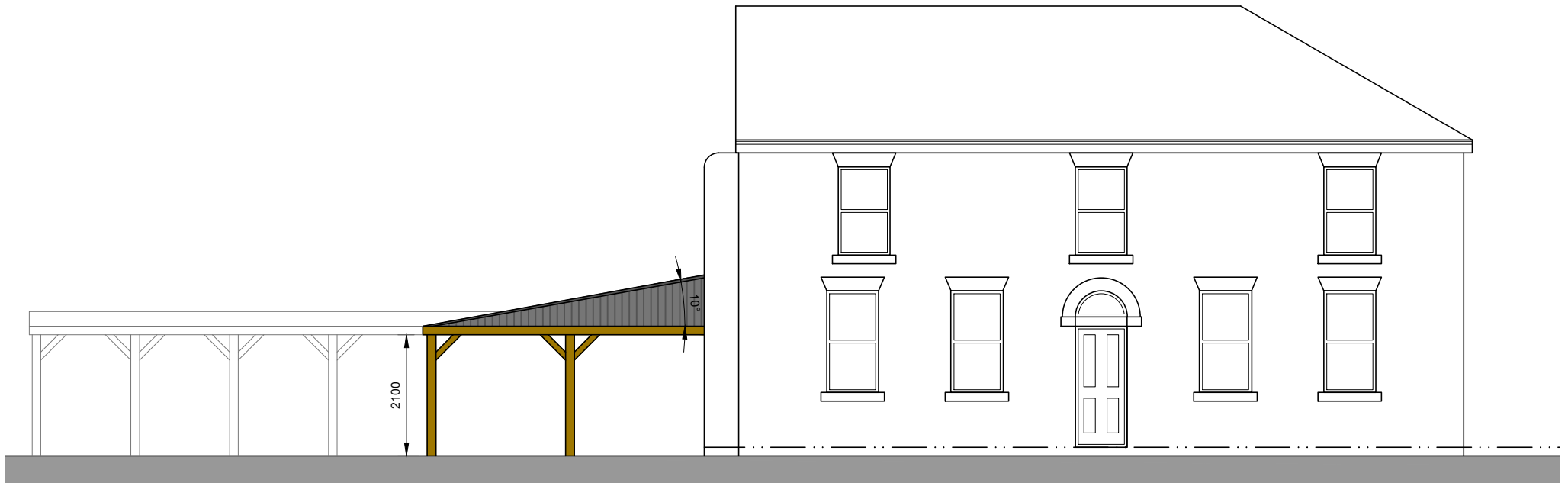


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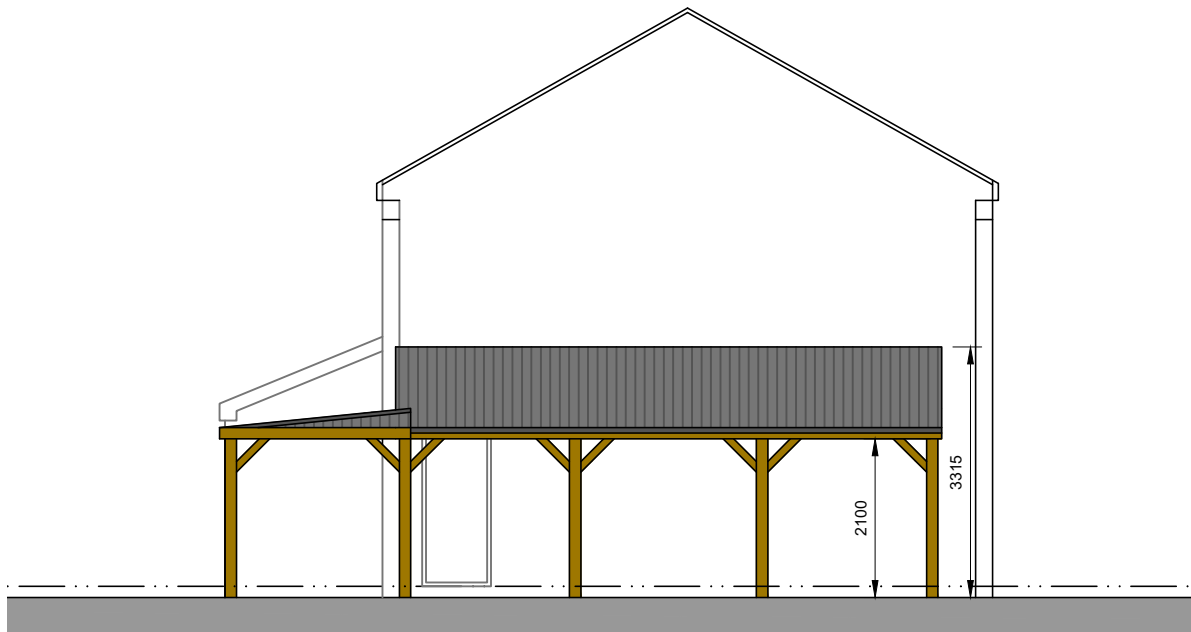
JOB TITLE : Proposed Covered Smoking Shelter  
ADDRESS : The Organ Pub, Acres Lane, Stalybridge  
DRAWING TITLE : Proposed Plans  
SCALE : 1:100 @ A3  
DRAWN : xxx DATE : 17.06.20

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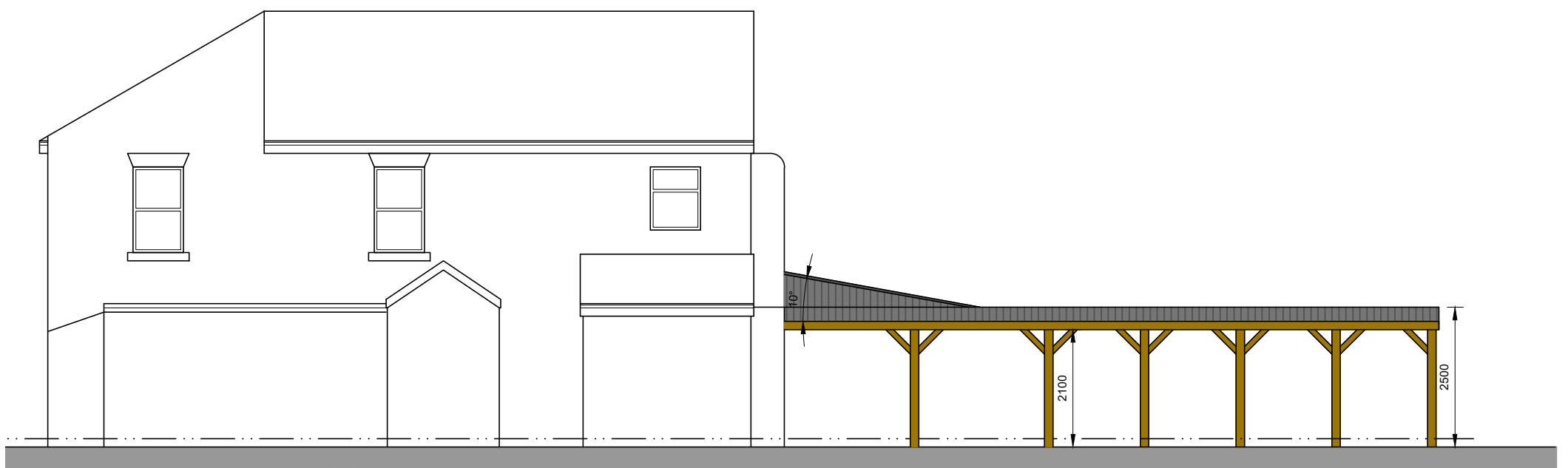
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**North West Facing Front Elevation**



**North East Facing Side Elevation**



**South East Facing Rear Elevation**

**Smoking Shelter Materials**

- |                                    |                                  |
|------------------------------------|----------------------------------|
| <b>Support Posts and Fascia</b>    | <b>Treated timber</b>            |
| <b>Roof</b>                        | <b>Corrugated bitumen sheets</b> |
| <b>Side Panels To Apex Of Roof</b> | <b>Painted timber planks</b>     |
| <b>Gutter And Rainwater Pipe</b>   | <b>Black Upvc</b>                |



6 Conway Close  
Alkington  
Middleton  
Manchester, M24 1EW  
E: conway-design@outlook.com

JOB TITLE : Proposed Covered Smoking Shelter  
ADDRESS : The Organ Pub, Acres Lane, Stalybridge  
DRAWING TITLE : Proposed Elevations  
SCALE : 1:100 @ A3  
DRAWN : xxx DATE : 17.03.20

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**Application Number** 21/00421/FUL

**Proposal** Change of use of premises from vacant hairdressers with residential unit above to 5 person House in Multiple Occupation (HMO) together with associated alterations to elevations.

**Site** 95 Houghton Green Road, Denton, M34 7GR

**Applicant** Mr Hyane Moussassa

**Recommendation** REFUSE

**Reason for Report** The applicant has requested that the application be determined by Members of the Speakers Panel (Planning).

## 1.0 APPLICATION DESCRIPTION

- 1.1 The application (as amended) seeks planning permission to change the use of the existing ground floor hairdressers and self-contained flat above into a 5 bedroomed House In Multiple Occupation (HMO).
- 1.2 The proposed accommodation comprises of 5 bedrooms situated over two floors (ground, and first floor). Additionally there would be a communal kitchen and living/dining area on the ground floor. A separate bin storage area and bike store is also proposed at ground floor level. The basement would accommodate a separate store room.
- 1.3 Minor alterations are proposed to the external elevation including the replacement of an existing door fronting Henry Street with a window.
- 1.4 The application has been supported by the following plans documents:

Block Plan (Drawing No.: 4D01BP)  
OS Map/Location Plan (Drawing No.: 4D01OS)  
Existing Floor Plans (Drawing No.: 4D01)  
Existing & Proposed Elevations (Drawing No. 4D03 Rev A)  
Proposed Floor Plans (Drawing No. 4D02C Rev A)  
Design & Access Statement  
Sales Particulars for 95 Houghton Green Road, Denton, Manchester, M34 7GR  
Transport Note dated 01 June 2021 (reference J325880)

## 2.0 SITE & SURROUNDINGS

- 2.1 95 Houghton Green Road relates to an end terraced property which was last used as a hairdressers shop on the ground floor with separate residential accommodation above. The property is adjoined by residential properties at 93 Houghton Green Road and 1 Henry Street. Retail premises lie opposite the site at 97 Houghton Green Road. The premises lie within Houghton Green village which is allocated as a Local Shopping Centre and Parade ('LSCP') on the UDP Proposals Map.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.



## **4.0 RELEVANT PLANNING POLICIES**

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

Within Local Shopping Centre and Parade

### **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
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

### **4.3 Part 2 Policies**

- S5: Changes of Use in Local Shopping Centres
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- C1: Townscape and Urban Form
- MW11: Contaminated Land.

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

- Chapter 6 - Building a Strong, Competitive Economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting Sustainable Transport
- Chapter 11 - Making Effective Use of Land
- Chapter 12 - Achieving well-designed places

### **4.5 Other Policies**

Haughton Green Supplementary Planning Document  
Residential Design Supplementary Planning Document

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

### **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.

## **5.0 PUBLICITY CARRIED OUT**

- 5.1 As part of the planning application process neighbour notification letters and a site notice posted on Haughton Green Road were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **6.0 RESPONSES FROM CONSULTEES**

- 6.1 The Head of Environmental Services (Environmental Protection) – No objections in principle. Recommend conditions relating to hours of work during the construction/conversion period and details of bin storage to be provided. Also note that there is no indication as to where the bin store would be hence the above recommendation. As a guide, for a 6-bed HMO, the proposal would need a bin capacity of 840 litres for general, black bag waste and the same again for paper / cardboard and the same again for glass / plastic. If the bins were to be stored on the street then you could be looking at a total of 9 – 12 normal size bins or 3 large Eurobins which would have a visual impact as well as blocking the pavement area.

- 6.2 The Head of Environmental Services (Highways) - object to the proposal for the following reason:

There is inadequate in curtilage parking provision proposed for the development, which is not in a town centre location and in the LHA's opinion not well served by regular public transport journeys.

The proposed change of use of the building to a 6 Bedroom HMO would result in greater demand for on street parking around the junction of Haughton Green Road/Henry St than the historical use and have a detrimentally impact on the amenity of other residents which currently has high demand for on street parking spaces within the immediate location of the development.

- 6.3 Head of Environmental Services (Contaminated land) - It would appear that the application property was constructed in the mid nineteenth century. No significant sources of contamination appear to be present in the immediate vicinity and no gardens/soft landscaping are proposed. Consequently, it is recommended that the following note is attached to the above application:

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site. Should any evidence of contamination / organic materials / wastes be encountered during the development of the site the applicant / developer should contact the Council's Environmental Protection Unit (Tel: 0161 342 3680 / 0161 342 2691) as soon as is practicable.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 Councillor Reid on behalf of the Denton South Ward councillors object to the proposal for the following reasons:

- Tameside's UDP designates this area of Haughton Green Road as a 'shopping parade' and this policy should be upheld in this area. Allowing this change of use class from retail would undermine the UDP for this area.

- The traffic and parking situation is a concern and whilst it is accepted that the application proposes bike storage, there is no guarantee these new residents won't contribute to the already unsustainable parking situation on Haughton Green Road.
- The beauty of shopping local is residents of Haughton Green frequently walk to the local shops. Converting this retail unit to residential will undoubtedly make the road busier, and more than that the end objective of a HMO will potentially generate more traffic than a normal terrace with one family living there. In addition to this the Supplementary Planning Document for Haughton Green also refers to the need to keep traffic and parking to a minimum.
- Finally 'there has been a boom in businesses along Haughton Green Road, at least four opening in the last two years. There is demand for local retail units and I am sure before long the former hairdressers will be transformed into another thriving local business, providing much needed employment and economic contribution, again as described as a need in the UDP'.

7.2 Andrew Gwynne MP objects to the proposal and supports the Ward Councillors comments. The UDP designates the area as a shopping parade, and it is important this policy is upheld in order to support the local economy. Concern expressed also over parking and traffic, HMOs undoubtedly attract more vehicles than a very localise shopping area.

7.3 Representations have been received from 73 neighbours raising the following (summarised) points:

#### Principle of development

- The community have worked hard to make the high street nice. The Community Group have put new planters all along the main road, notice boards & there are thriving local shops.
- New businesses have opened in the village and the local community have supported them through lockdown & want to build that support into the future.
- The high street should be a hub for the whole community & for visitors who visit the Tame Valley.
- To allow a HMO would not only ruin the high street and set a precedent for further HMOs. It would also cause great harm to the businesses that are new and trying to survive the current climate, especially the new bistro adjacent.
- The hairdressers that traded from that building had been a good business for many years.
- Changing the zoning from commercial to residential would be a detriment to the spirit of the village.
- More local businesses are needed and not housing in the village centre. Local amenities are essential to encourage the 'local community' feel that a 'village' should have.
- Haughton Green has just welcomed the opening of several new businesses during lockdown and this area needs to keep commercial property so that 'The Green' can be vibrant again with shops and local people can keep shopping local.
- The shop has been a hairdressers for over 20 years. If the shop had been vacant for years, then an alternative residential use should be considered but this is not the case.

#### Highway and Pedestrian Safety

- The street has enough room for residents of 3 to 5 Henry Street along with the garage. The proposal would result in it being impossible to park.
- There is no parking provision for what could potentially be 6 cars. On road parking is not an option.
- The proposal would have a detrimental impact on highway and pedestrian safety.

Other

- The application states that there is adequate space for storage of waste generated by 6 people, however there is no evidence of this.
- A HMO by its very nature will attract transient tenants who have no investment in Haughton Green.
- Increased noise, nuisance and anti-social behaviour.
- There is already a HMO in Denton.
- Would spoil ambience of village.
- Inadequate infrastructure to accommodate more housing.

## **8.0 ANALYSIS**

8.1 The main issues to consider in the determination of this application are:

- The principle of the development;
- Character of the area;
- Residential Amenity; and
- Parking and Highway Safety.

## **9.0 PRINCIPLE**

9.1 With regard to the principle of development, the main issue in this regard relates to the loss of the existing retail unit and the impact of this on shop provision in the area. The application site lies within a 'Local Shopping Centre and Parade' (LSCP) as identified on the UDP Proposals Map. In such locations, in accordance with UDP Policy S5 'Changes of Use in Local Shopping Centres', the Council will permit changes of use of retail premises to other uses where the following criteria can be satisfied:

- (a) Continued retail use does not appear to be viable;
- (b) Introduction of other uses would reduce the extent of vacant properties and improve the local environment; and
- (c) The day to day needs of the local community can still be met from other local shopping facilities in the area.

In order to comply with the requirements of policy S5, all three requirements of this policy should be met.

9.2 In respect of the above policy, the applicant has confirmed the following:

- That the existing hairdressers has been vacant since September 2020;
- That the premises has been marketed for a period of 6 months between September 2020 and January 2021;
- There seems no lack of retail space around the area; and
- There are five other hairdressers less than 5 minutes' drive away from the site.

9.3 In support of their case, the applicant has also stated that "it isn't viable to keep the building use as retail, especially given the high number of other retail shops in the area, notably convenient corner shops, and post office. The application site is also adjoining other residential properties, so it would be in keeping with the adjoining residential terrace and precedent".

9.4 In respect of Policy S5 (a) and the issue of viability, it is not considered that the existing local shopping centre is in decline or is no longer economically viable as a retail destination.

Notwithstanding this however, the applicants' claim that it isn't viable to keep the building in use as retail.

- 9.5 In this regard and taking into account the effect of the proposal on local shop provision, it is reasonable to consider whether there is a prospect of the premises being occupied by another retailer. The Council would normally expect a vacant property to be marketed for a period of at least 12-18 months to demonstrate that a retail use was no longer viable.
- 9.6 In this regard, the applicant has provided some information to suggest that the site has been marketed as a retail unit for a period of just 6 months between September 2020 and January 2021 and that there was a lack of interest in the property as a retail unit during this time period.
- 9.7 It is considered that the information provided does not demonstrate that the unit is no longer suitable for further retail use due to its location, size or layout. Indeed the premises are close to other shops and services and within walking distance to residential properties and public transport. It is considered that a 6 month marketing period is not a sufficient period of time to adequately demonstrate that the premises are not suitable or capable of being used for further retail purposes. The lack of vacant retail premises within the LSCP would also suggest that demand for such uses remains relatively high.
- 9.8 Overall, it is not considered that the evidence provided to suggest that the site is not viable as a retail outlet, has no reasonable prospect of being used to provide a retail use in the future, or has been unsuccessfully marketed as a retail outlet has been adequately demonstrated.
- 9.9 In respect of S5 (b), whilst the proposal would result in the occupation of a currently vacant retail unit, the proposed use of the premises for non-retail purposes is unlikely to complement the role of the existing village as a local shopping centre and has the potential to dilute and detract from its retail character.
- 9.10 In respect of S5(c), it is accepted that there are a range of other uses within the existing village centre including a range of retail shops and services which seem capable of meeting many of the day to day needs of the local community however UDP policy S5 specifically states that the Council will permit changes of use of retail premises to other uses where specific criteria has been satisfied or met and this has not been done or proven by the applicant in support of their application. An adequate marketing exercise has not been undertaken and it is not therefore evident that a continued retail use of the application premises is not viable.
- 9.11 For these reasons, the proposed development would adversely affect shop provision in the area and would be contrary to Policy S5 of the UDP and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 9.12 As a result of the above, it is considered that the change of use has the potential to undermine and weaken the retail function of the LSCP and as such is contrary to UDP Policy S5 and paragraph 92 of the NPPF.

## **10.0 CHARACTER OF AREA**

- 10.1 The application property lies within an area where there are no other HMOs in the immediate locality and there is no evidence to suggest that there is an over concentration of this housing type within the surrounding area which is giving rise to environmental or social problems and traditional family housing will continue to be the predominant land use.



10.2 There are no significant alterations proposed to the external appearance of the property. In this regard the proposal is in accordance with UDP Policy C1.

## **11.0 RESIDENTIAL AMENITY**

11.1 UDP Policy H10 requires new development to be of high quality, provide a good standard of amenity for future occupiers, and for there to be no unacceptable impact on the amenity of neighbouring properties. The Residential Design SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties.

11.2 The accommodation will be well proportioned. The proposal has been amended since the original submission and has been reduced from 6 bedrooms down to 5 with an increase in the size of communal areas. The bedrooms allow for good levels of storage for residents and the adequately sized communal areas are a good indicator to amenity standards.

11.3 Separate to the planning application it is also pertinent to acknowledge that under the Housing Act 2004 it is a requirement that all large HMO's are licenced by the Local Authority. The licencing arrangements provide a safeguard to maintain accommodation and management standards. The licence arrangements give a further guarantee above conditions which can be applied to a planning permission. Amongst other things the licence arrangements essentially seek to ensure that;

- The HMO is suitable for occupation by the number of people applied for under the licence.
- The licence holder is a suitable/competent person
- Proposed management arrangements are appropriate
- Accommodation is up to standard with relevant safety certification

The licencing arrangements would therefore an effective way in which to enforce good management of the property to prevent incidences of anti-social behaviour.

11.4 The Head of Environmental Services (Environmental Health) has been consulted on the proposal and has raised no objections with regard to the proposed internal layout. Comments have also been made about the bin storage requirements for a HMO. The amended plans show an internal bin storage area. The size of this doesn't meet the capacity suggested by the Head of Environmental Services (Environmental Health). Notwithstanding this however, there is a storage area proposed in the basement which could be utilised for the storage of additional refuse bags/recycling should the need arise.

11.5 With regard to issues relating to overlooking and impact on privacy, the application does not propose any new or additional openings and as a result, the impact on existing amenities in terms of over-looking and privacy, would be minimal and no greater than the existing situation. In this respect the proposal is considered acceptable.

11.6 In terms of objections raised with regard to noise and disturbance as a result of the number of potential residents, the proposed use is residential and the property has been shown to be sufficient size to provide for acceptable living accommodation for the proposed number of occupiers. It is not therefore considered that the level of noise and disturbance associated with the proposed use would be unacceptable or above the level that could be associated with its current permitted use.

11.7 Following the above assessment, it is considered that the proposed development would not result in an adverse impact on the residential amenity of any of the neighbouring properties and the proposal is compliant with policy H10 (d) of the UDP and Section 12 of the NPPF.

## **12.0 PARKING AND HIGHWAY SAFETY**

12.1 The application site fronts Haughton Green Road and Henry Street where off street parking is limited and residents generally park their vehicles on the highway. The application is accompanied by a Transport Note which has been prepared by Mode Transport Planning and confirms the following points:

- The site has direct access onto a good quality footway network, which provide a safe walking routes to local amenities and public transport connections. This site is accessible by a range of sustainable modes of transport, including buses, rail services and cycle routes which can be accessed within an acceptable walking distance of the site. The site can therefore be deemed sustainable in transport and highways terms and is in accordance with paragraphs 108 and 110 of the NPPF;
- That 70% of flats with comparable tenure to the proposed HMO development within the Denton South ward have no access to a car/van and therefore operate as 'car free'; and
- The proposed residential development is expected to generate 1no. trip during the AM peak and only 1no. two-way trips in the PM peak hour. The proposed development will therefore have an unperceivable impact on the local highway network.

12.2 The Head of Environmental Services (Highways) has objected to the application and considers that the proposal would result in greater demand for on street parking around the junction of Haughton Green Road/Henry St than the historical use and would as a result have a detrimental impact on the amenity of other residents which currently has high demand for on street parking spaces within the immediate location of the development.

12.3 Whilst the above objection is noted, typically car ownership amongst residents within HMOs is low recognising that it is an affordable form of accommodation. The site also lies within an accessible location in close proximity to local services and bus facilities. Furthermore, the evidence presented with the application does not show that the development would result in a material increase or change in the demand for on-street parking in the Borough or vicinity of the site. The site is within walking distance of public transport. There are retail outlets and local amenities and services in the wider locality. In the context of the site's location, it is considered that the proposal would neither represent a material increase or a material change in the character of traffic in the vicinity of the site.

12.4 The proximity to local services and public transport reduces car reliance which gives credibility to the sustainability of the site. Given this situation, in accordance with the guidance contained within paragraph 109 of the NPPF, it is considered that a refusal of planning permission could not be justified on highway safety grounds.

## **13.0 OTHER**

13.1 The licencing arrangements under the Housing Act would form an effective way in which to enforce good management of the property to help prevent incidences of anti-social behaviour.

## **14.0 CONCLUSION**

14.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay

unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

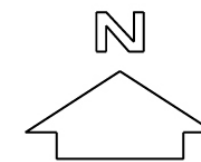
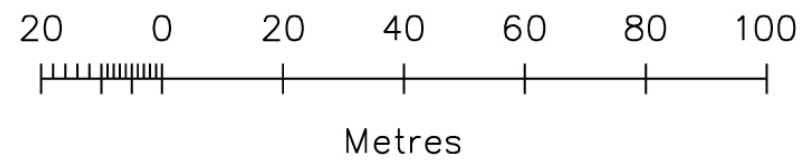
- 14.2 In this instance, it is accepted that the proposal will enhance the range of house types and house tenures available in the area and (to a limited extent) help boost the supply of homes. However, a balance needs to be achieved between this and retaining facilities which could meet a valuable community need. In this particular case, it is considered that the change of use has the potential to undermine and weaken the retail function of the existing LSCP and as such is contrary to UDP Policy S5 and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

## **RECOMMENDATION**

That the application be REFUSED for the following reason:

1. The proposal would result in the loss of a Use Class E (Commercial, Business and Service) retail unit within Haughton Green Village which is designated as a Local Shopping Centre and Parade (LSCP) on the Tameside Unitary Development Plan Proposals Map. The applicant has failed to demonstrate that the continued retail use of the site is no longer viable and the proposal has the potential to undermine and weaken the retail function of the existing LSCP. As such the proposal is contrary to Policy S5 of the Tameside Unitary Development Plan and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

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License Number: 100055651

PROJECT TITLE

95 Haughton Green Road,  
Denton, M34 7GR

DRAWING TITLE

Os Map/ Location Plan

CLIENT

4D PLANNING

DRAWING No

4D01OS

REV

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SCALE @ A3 - 1:1250

DATE

March 2021

DRAWING STATUS

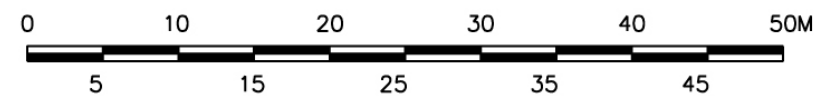


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License Number: 100055651

Block Plan

DRAWING NOTES

Written dimensions to be taken in preference to scaled dimensions. The Contractor is responsible for checking all dimensions before work starts.  
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REVISIONS

REV	DATE	DESCRIPTION	BY	CH

PROJECT TITLE

95 Houghton Green Road,  
 Denton, M34 7GR

DRAWING TITLE

Block Plan

CLIENT

4D PLANNING

DRAWING No

4D01BP

REV

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SCALE @ A3 - 1:500

DATE

March 2021

DRAWING STATUS

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21/00421/FUL

Proposed Change of use of premises from vacant hairdressers with residential unit above to 5 person House in Multiple Occupation (HMO) together with associated alterations to elevations at 95 Haughton Green Road, Denton, Tameside, M34 7GR

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Photo 1 – The site frontage from Haughton Green Road, Denton



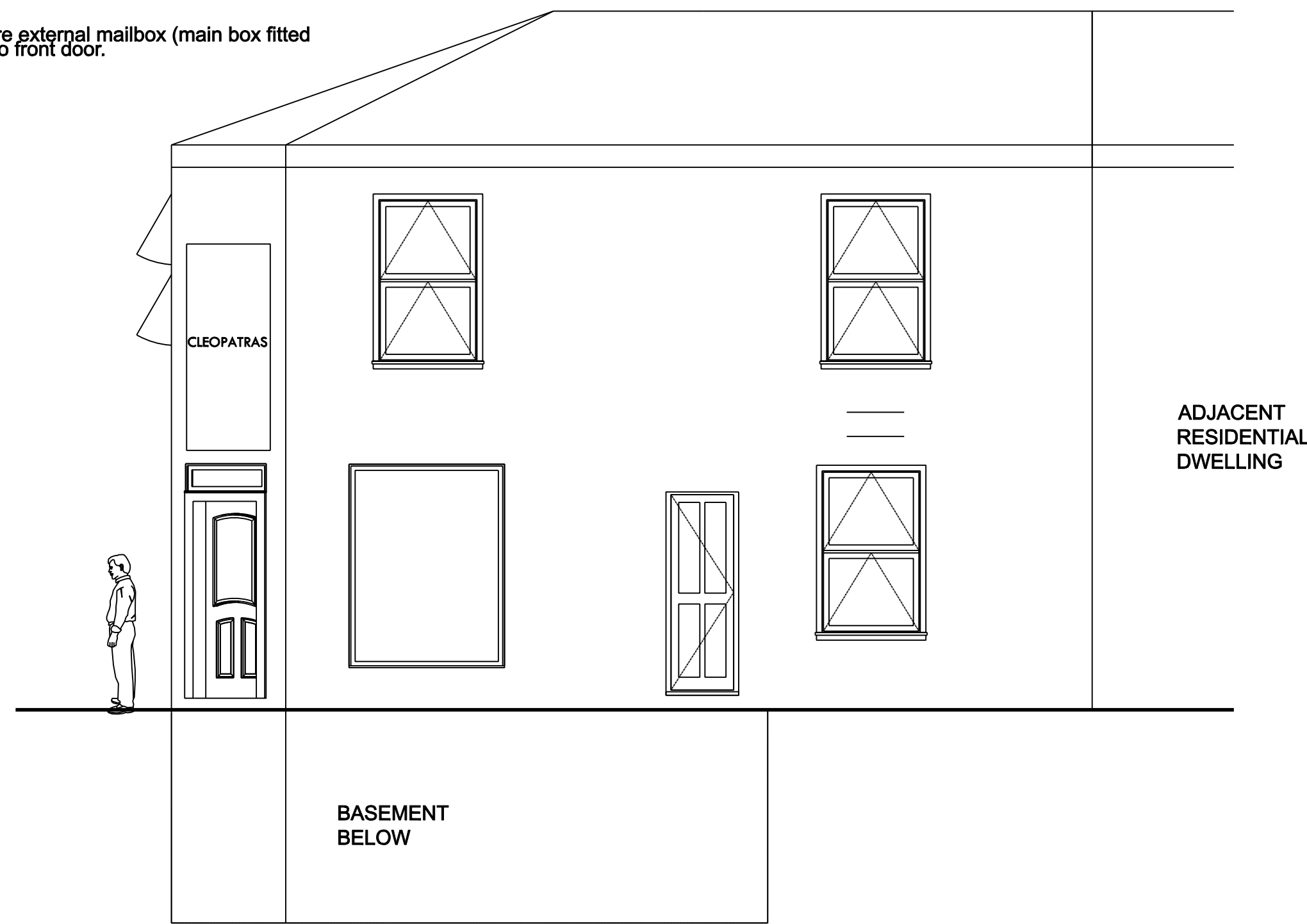
Photo 2 – The Site when viewed from Henry Street, Denton

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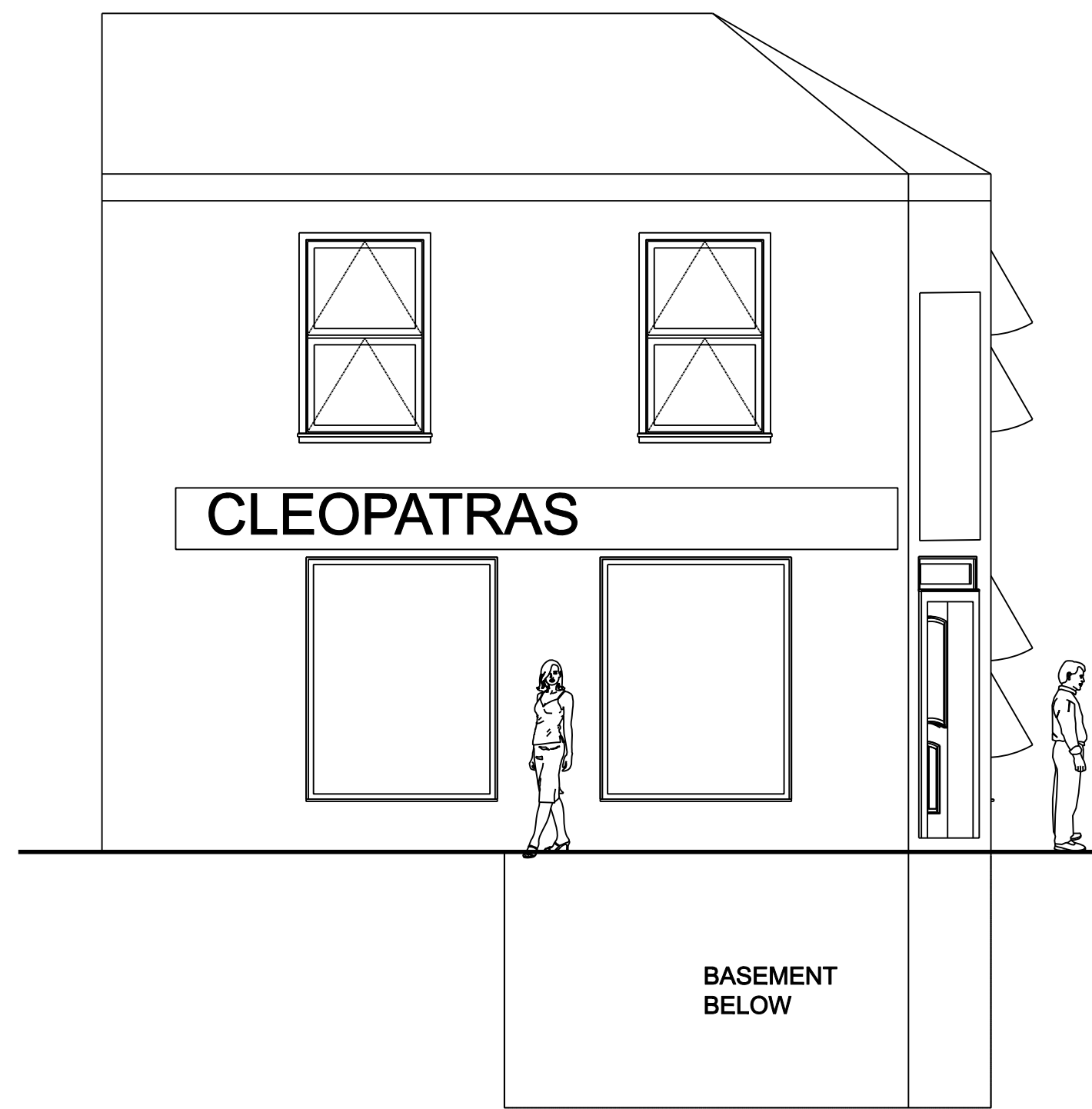


- External lighting (low energy photo electric warm white led bulb light triggered by sensor and manual switch).
- Location of CCTV camera
- Location of external intercom system
- Secure external mailbox (main box fitted next to front door).

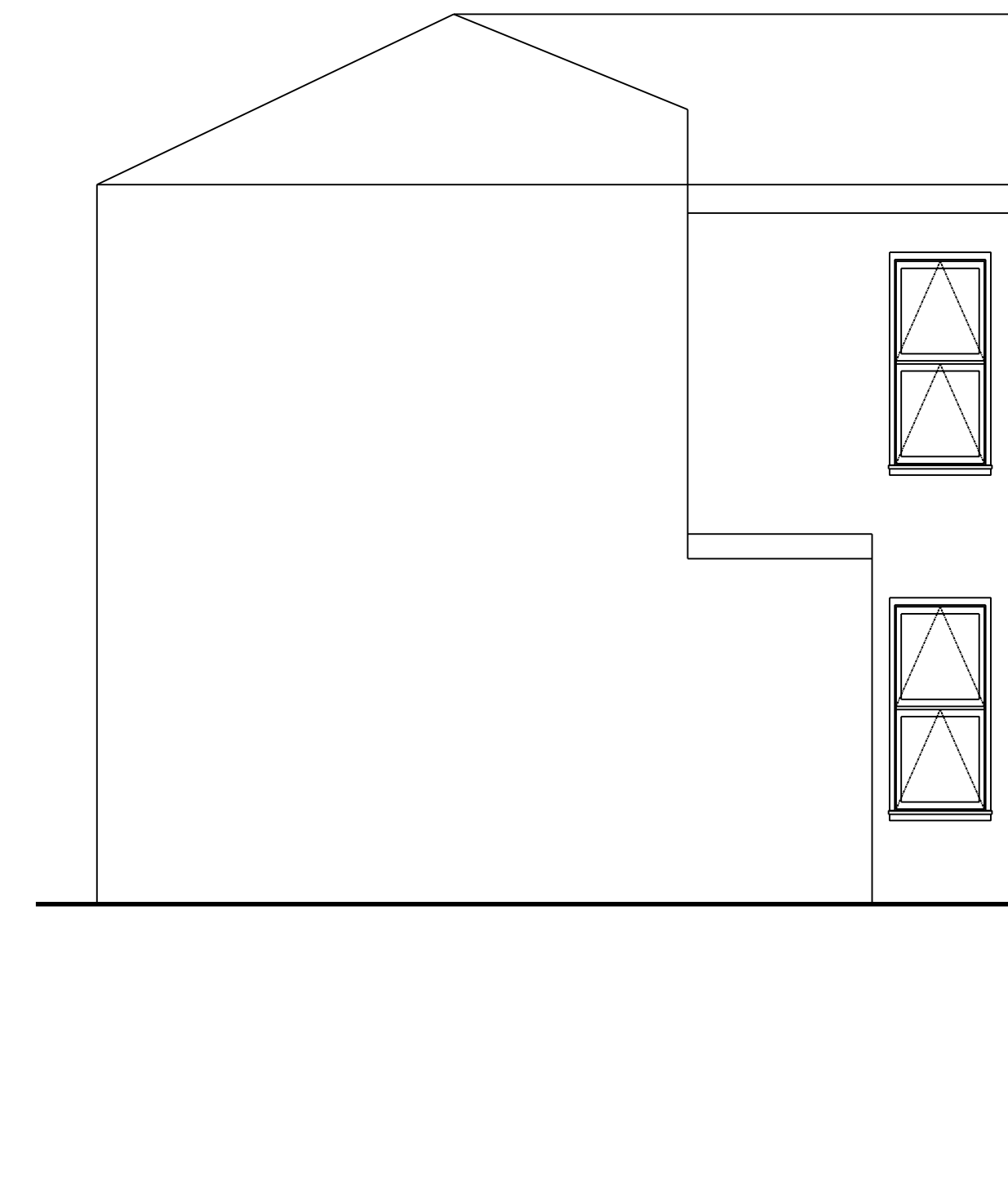
All internal doors to have 3 Star Rated cylinder locks (TS007) or similar.  
 All external doors and internal doors to each room or bedsit to be strong, durable doors which are fire retardant and will comply with security requirements of British Standards PAS 24:2016 or similar.



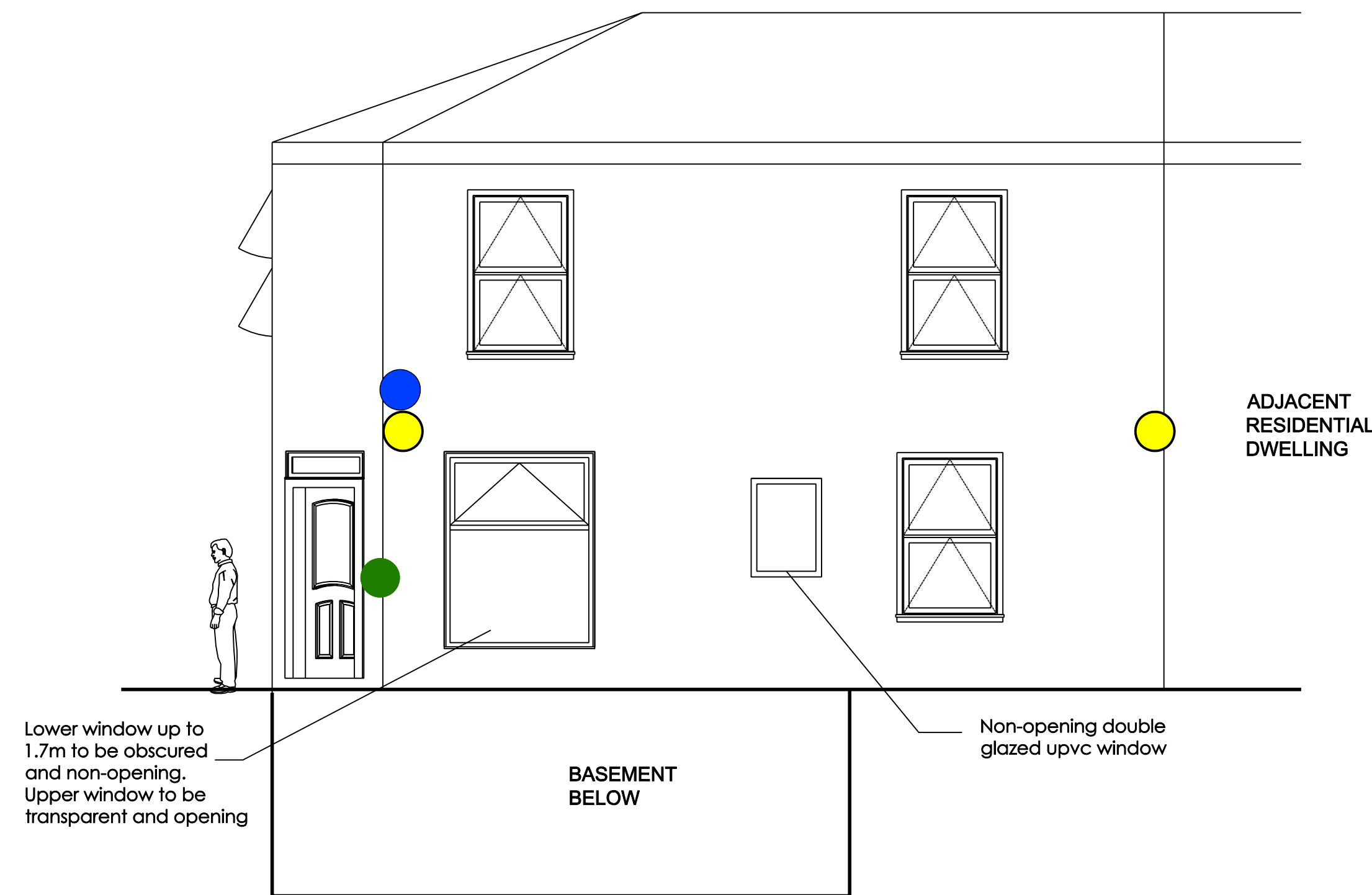
EXISTING ELEVATION FROM HENRY STREET



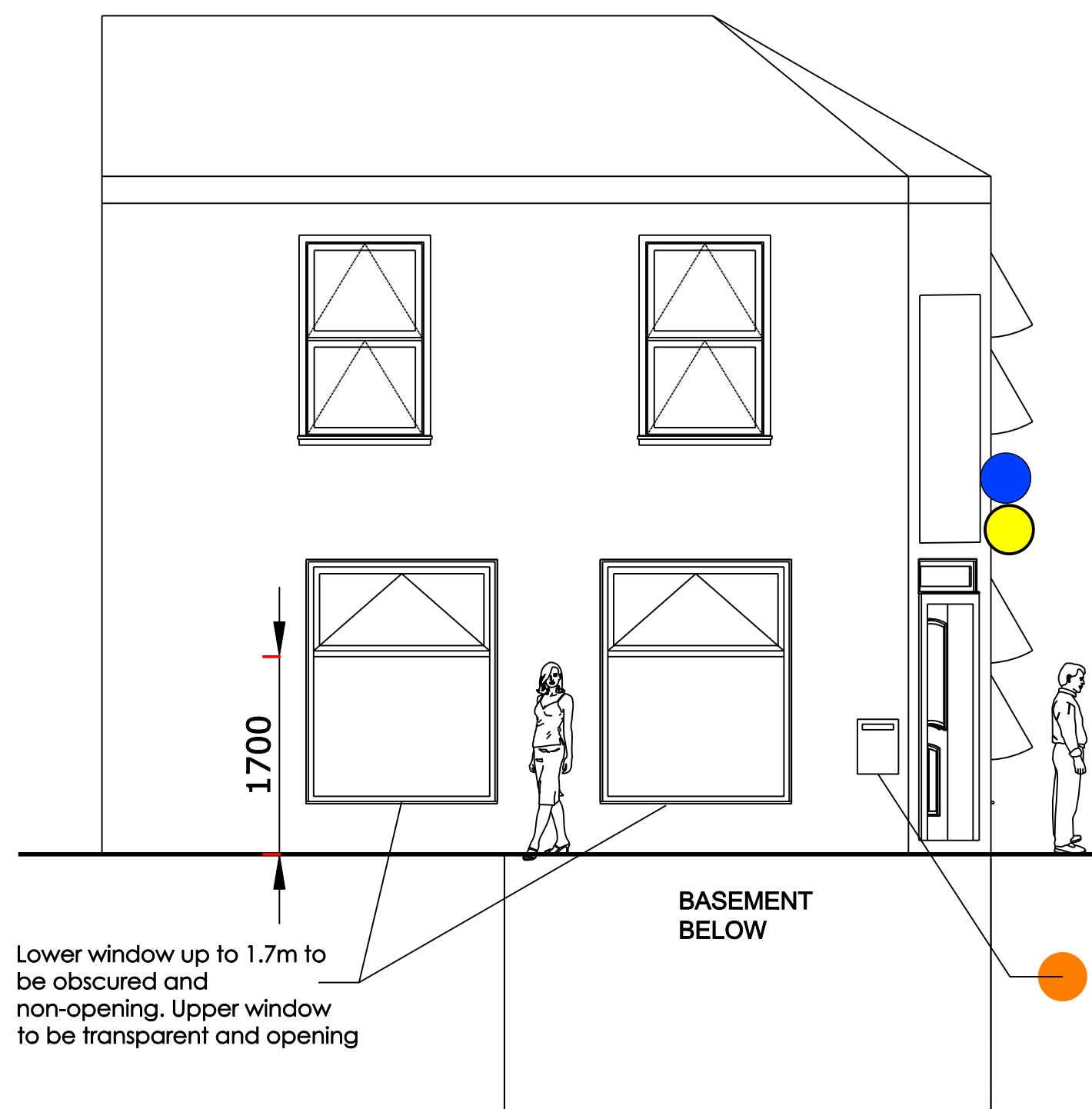
EXISTING ELEVATION FROM HAUGHTON GREEN ROAD



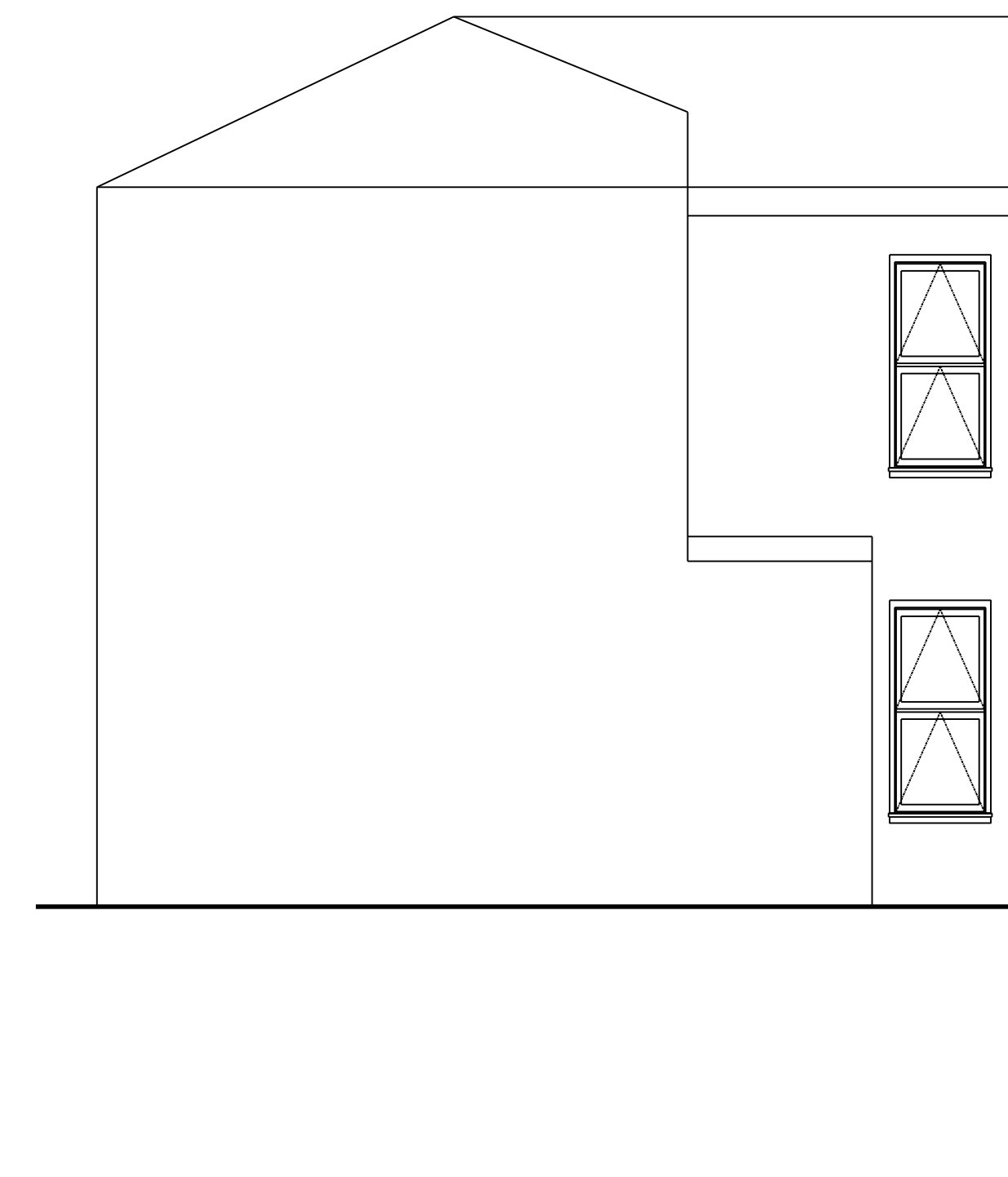
EXISTING REAR ELEVATION



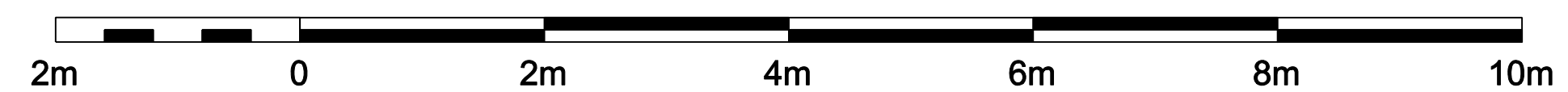
PROPOSED ELEVATION FROM HENRY STREET



PROPOSED ELEVATION FROM HAUGHTON GREEN ROAD



PROPOSED REAR ELEVATION



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Location Plan

Rev	Date	Description	by	chk

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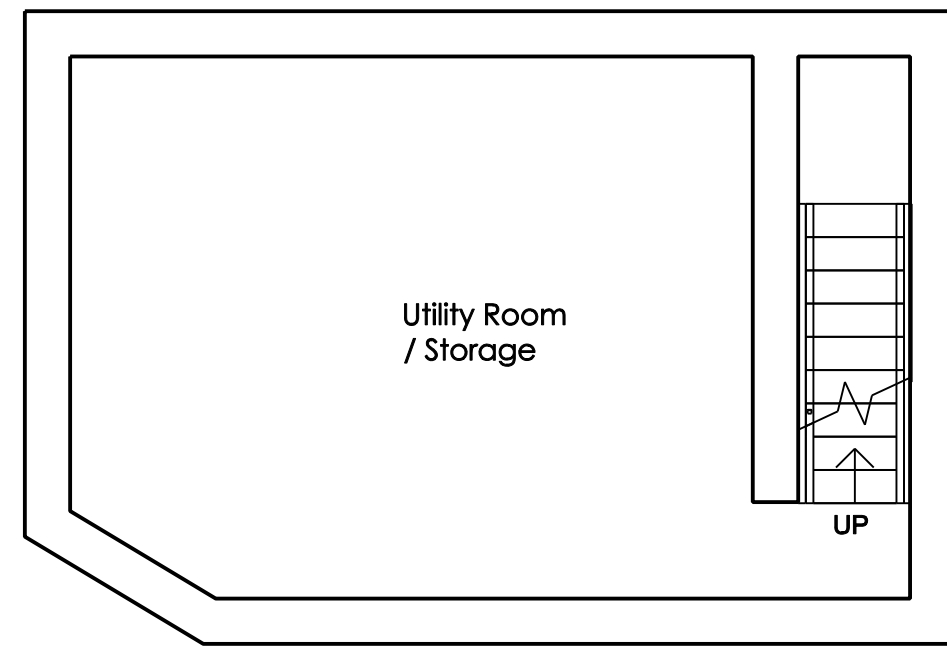
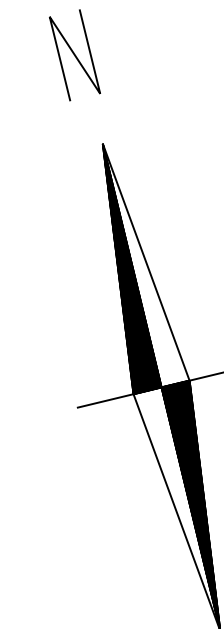
Title  
**Existing & Proposed Elevations**

Date: March 2021	Rev:
Scale: 1:50 @ A1, 1:100 @ A3	<b>A</b>
Drawing No. 4D03	

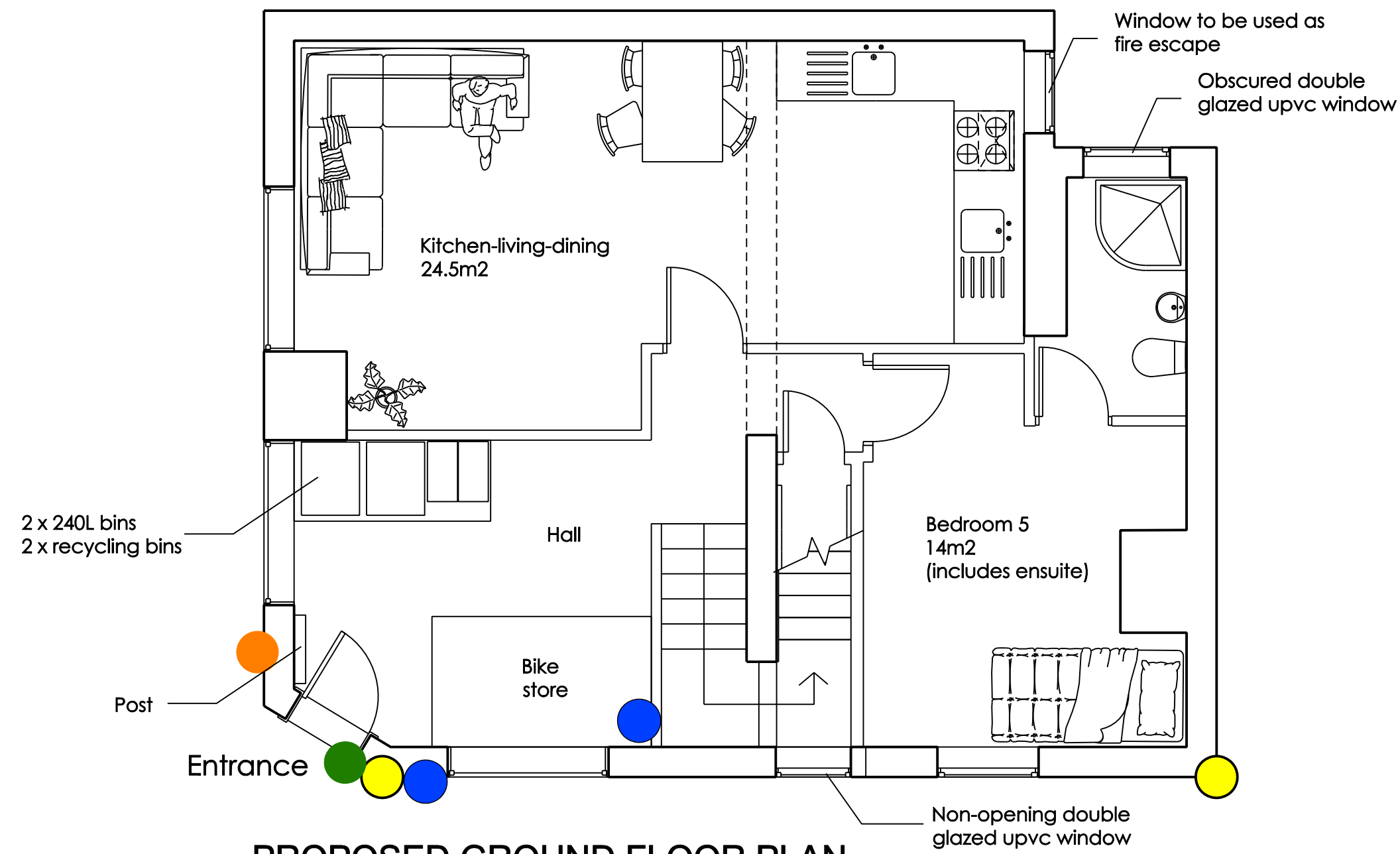
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- External lighting (low energy photo electric warm white led bulb light) triggered by sensor and manual switch.
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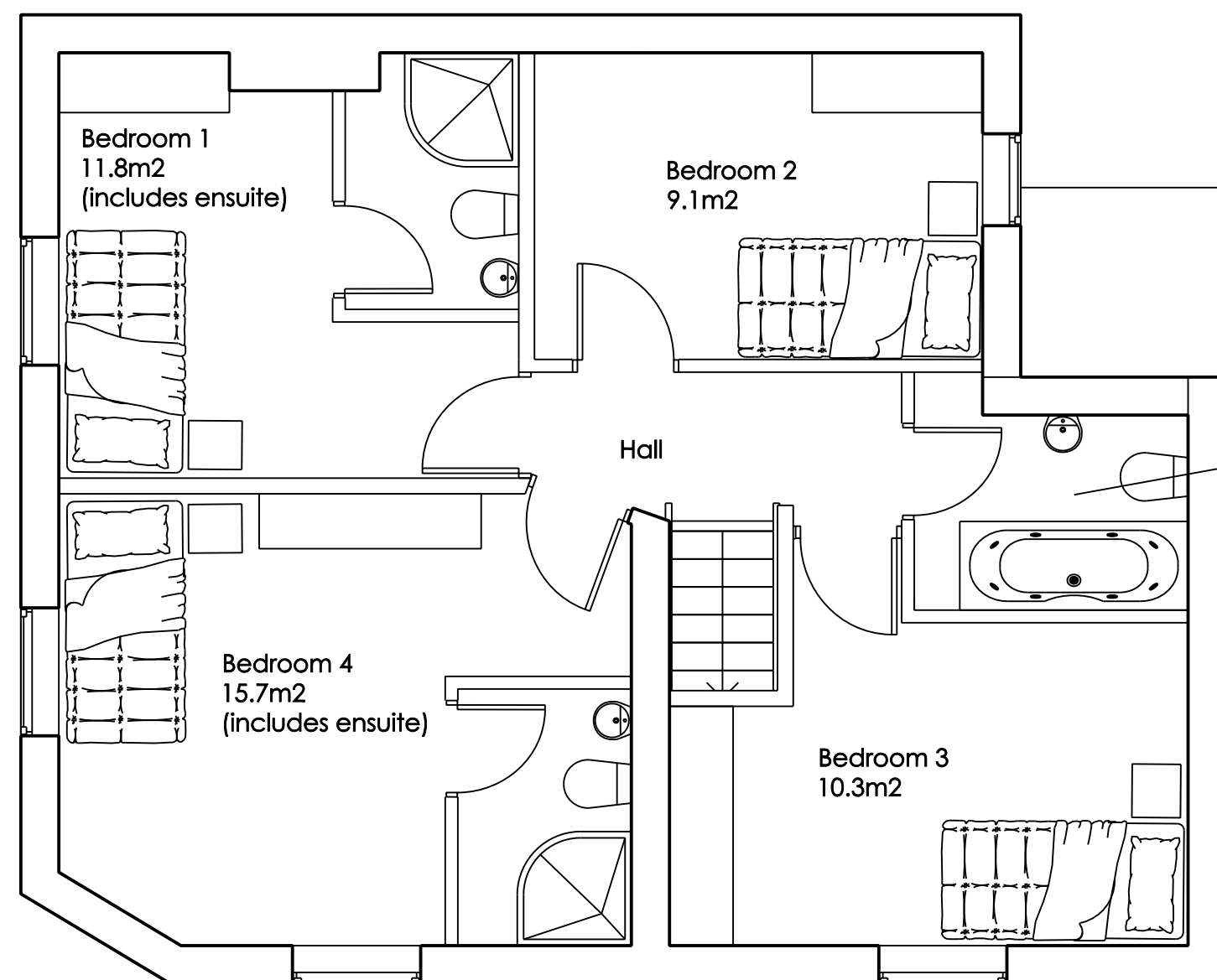
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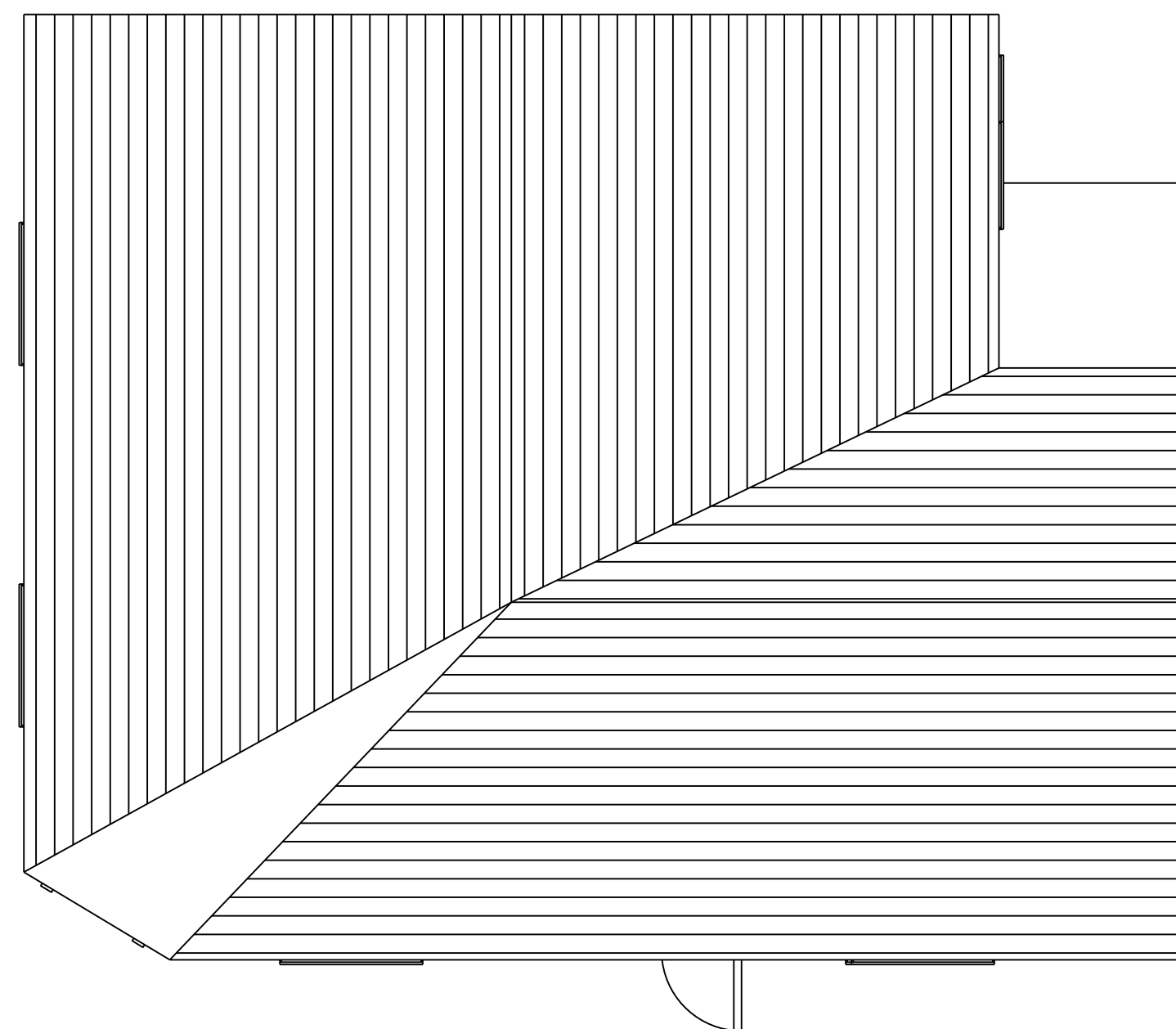
PROPOSED BASEMENT FLOOR



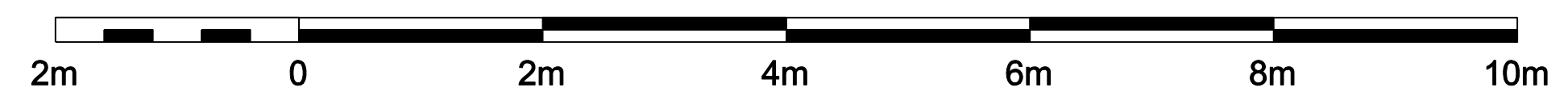
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN



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Location Plan

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Project  
**95 Haughton Green Road,  
Denton, M34 7GR**

Title  
**Proposed Floor Plans**

Date: March 2021

Scale: 1:50 @ A1, 1:100 @ A3

Drawing No. 4D02C

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**Application Number** 21/00205/FUL

**Proposal** Proposed Change of Use of Vacant Warehouse to 30 No. Apartments including extension to roof and demolition of lean-to building.

**Site** 4-10 Church Street, Ashton-under-Lyne, OL6 6XE

**Applicant** Real Estate Aventor Ltd

**Recommendation** Grant planning permission subject to conditions and the prior completion of a Section 106 Agreement

**Reason for Report** A Speakers Panel decision is required because the application constitutes major development and any planning permission granted would be subject to a Section 106 Agreement.

## 1.0 APPLICATION DESCRIPTION

1.1 The application seeks full planning permission for the change of use of the premises to accommodate 30 no apartments comprising of 13 x 1 bedroom, 12 x 2 bedroom and 5 x studio apartments. The proposals also include the addition of a roof extension to accommodate a dormer extension and removal of existing single storey lean-to building. A number of openings would be reinstated with external works would also include a comprehensive refurbishment of the building. The conversion largely works to the buildings constraints with all apartments meeting national prescribed standards.

1.2 The scheme has been amended to reduce the level of residential accommodation from 31 units to 30 units. This has also see the creation of a parking area of 6 parking spaces, dedicated bin store and dedicated internal (secure) bike storage.

1.3 The following documents have been submitted in support of the planning application:

- Planning Statement;
- Noise Impact Statement;
- Heritage Statement;
- Design and Access Statement;
- Preliminary Ecological Appraisal;
- Crime Impact Statement; and
- Preliminary Contaminated Land report;

## 2.0 SITE & SURROUNDINGS

2.1 The application relates to 4-10 Church Street in Ashton town centre. The buildings consist of a two storey residential unit with a commercial storage unit to the rear (no. 4, Church Street) that dates to the late 19th century, a two storey plus lower ground floor warehouse (no. 6, Church Street) that dates to the mid-19th century and a further three storey plus lower ground floor warehouse (no. 8, Church Street) that dates to the mid-19th century, with a modern single storey lean-to extension against its western elevation. To the rear of the building the site borders Fleet Street which supports mixed employment and commercial uses. The building abuts the back of the footway on both streets.

2.2 The area around the side consists of three storey buildings at the rear of the site and single storey employment units and a public car park opposite the site fronting Church Street. There is another two/three storey empty warehouse attached to one side of the building and a small, private car park on the other. Buildings within the area are constructed to a tight urban grain



which immediately abut the highway and have minimal curtilage. There are numerous examples of residential conversion to similar style properties, the nearest being Camden House which fronts Grey Street/Fleet Street.

2.3 Further details and description of the site, its surroundings and historic nature can be read in both the Design and Access Statement and Heritage statement which have accompanied the application.

2.4 In terms of Unitary Development Plan allocation, the site is located within the designated Ashton Town Centre and is also within the boundaries of the Ashton Town Centre Conservation Area.

### **3.0 PLANNING HISTORY**

3.1 06/01019/FUL - Demolition of lean-to building, alteration of existing building and construction of new extension to form 18 new apartments - Approved 06.12.2006

3.2 15/00255/FUL - Demolition of lean to building, alteration of existing buildings and construction of new extension to form 18 new apartments – Approved 05.06.2015

### **4.0 RELEVANT PLANNING POLICIES**

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

Within the designated Ashton Town Centre Conservation Area and the UDP defined Town Centre boundary.

#### **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;  
1.7: Supporting the Role of Town Centres;  
1.10: Protecting and Enhancing the Natural Environment;  
1.11 Conserving Built Heritage and Retaining Local Identity; and  
1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.3 Part 2 Policies**

S1: Town Centre Improvements;  
C1: Townscape and Urban Form;  
C2: Conservation Areas;  
C3: Demolition of Unlisted Buildings in Conservation Areas;  
C4: Control of Development in or adjoining Conservation Areas;  
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;  
OL10: Landscape Quality and Character;  
T1: Highway Improvement and Traffic Management;  
T10: Parking;  
T11: Travel Plans;  
U3: Water Services for Developments; and  
U4: Flood Prevention  
U5: Energy Efficiency

#### 4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2018;

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

Residential Design Supplementary Planning Document (SPD);  
Trees and Landscaping on Development Sites SPD adopted in March 2007;  
Tameside Open Space, Sport and Recreation Study (2010); and  
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 7: Ensuring the vitality of town centres;  
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; and  
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.

### 5.0 **PUBLICITY CARRIED OUT**

5.1 Neighbour notification letters were issued, a press notice published 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.

### 6.0 **RESPONSES FROM CONSULTEES**

6.1 Contaminated Land – historical mapping for this site indicates that it was located on land associated with a cotton mill. Potential sources of contamination such as former reservoirs,

engine house, boiler house and a smithy are shown on historical mapping dating from the mid nineteenth century. The site appears to have altered into its current layout in the late nineteenth/early twentieth century. The site is also located in a coal mining Development High Risk Area. When considering the change to a more sensitive end use, the potential sources of contamination, and the possibility due to the age of the property of the presence of asbestos, it is recommended that conditions are attached to any recommendation to grant planning permission requiring further investigation, potential remediation and subsequent validation.

- 6.2 Environmental Health Officer (EHO) – no objections to the proposals, subject to the imposition of conditions covering the following:
- Provision of refuse storage and collection arrangements;
  - Limiting the hours of work during the construction phase of the development;
  - Details of the appearance, screening and specification of any plant/ventilation equipment to be installed on the exterior of the building;
  - Details of a soundproofing scheme to be installed between the ground floor retail units; and
  - Compliance with the mitigation measures detailed in the Noise Assessment submitted with the planning application.
- 6.3 Greater Manchester Ecology unit (GMEU) – Confirm an adequate survey has been undertaken discounting the presence of any roosting bats. No objection subject to the imposition of conditions requiring biodiversity enhancements.
- 6.4 Local Highway Authority – no objections to the amended proposals following consideration amendments to the layout of the scheme. A number of conditions are recommended, as detailed in the main body of the report. Note that the site is a highly sustainable with immediate access to services and the public transport network. TMBC surface car park is located opposite the site which can accommodate any additional parking demand.
- 6.5 United Utilities - No objections recommend that the principles of the drainage hierarchy are applied.
- 6.6 Greater Manchester Police (Design Out Crime Officer) – no objections to the proposals subject to the imposition of a condition requiring the crime reduction measures detailed in the Crime Impact Statement to be installed prior to the occupation of the development.
- 6.7 Council Tax – Consulted to confirm the status of the buildings. Confirmed that no.6 Church Street has been vacant since 22.12.2020 and 8 Church Street since 10.09.19. No. 10 Church Street does not appear on a ratings.

## **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 Two letters of representation have been received to the proposals from local businesses, which raise the following concerns (summarised):
- Have adequate and enforceable provision been made for waste storage and collection (there are associated problems within the locality);
  - Consideration needs to be given to car parking;
  - Supportive of the re-use of the building / brownfield site for residential development; and
  - Sound proofing to the apartments needs to be taken into account as the Station Hotel PH is a licensed venue for live music which promotes grass music live music and is a member of the Music Venues Trust.

## **8.0 ANALYSIS**

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

- 1) The principle of development
- 2) The impact of the proposed design and scale of the development on the character of the site and the Conservation Area;
- 3) The impact on the amenity of neighbouring properties including commercial uses;
- 4) The impact on highway safety;
- 5) Consideration to ecology;
- 6) The impact on flood risk/drainage;
- 7) Developer contributions; and
- 8) Other matters

## **9.0 PRINCIPLE OF DEVELOPMENT**

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - Specific policies in the Framework indicate development should be restricted.

9.3 In terms of housing development, Members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 30 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.

9.4 Section 7 of the NPPF is entitled 'Ensuring the vitality of town centres.' Paragraph 85 of the NPPF states that 'planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.' The same paragraph goes on to state that there is a need to 'recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.' Planning Practice Guidance 'Town Centres and Retail' promotes the diversification of town centres, it states; 'Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of services. Given their close proximity to transport networks and local shops and services'. Residential development within a central location and the principle of re-purposing buildings is supported by the policy framework.

- 9.5 In terms of loss of employment use then the building has no current functioning employment capacity. Consultation with the Council Tax Service has confirmed that the buildings are currently vacant. It is also material to consider that the change of use of the premises (exception of the roof extension) could be applied for under a prior approval application whereby no consideration could be given for the retention of the existing use. In addition to this, the planning history has previously established residential change of use of elements of the buildings, this carries significant weight in the acceptability of the proposals, and consequently no objections are raised in principle.
- 9.6 The 30 units of residential accommodation would significantly increase footfall in this part of Ashton. Residents would have access to a range of services and facilities available within walking distance of the site; this includes regular public transport services. Having regard to the accessibility the site is considered to be an appropriate location for housing as per the requirements of paragraph 85 of the NPPF quoted above.
- 9.7 In relation to the density of development, 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; and
  - e) The importance of securing well-designed, attractive and healthy places.
- 9.8 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.
- 9.9 The site covers an area of approximately 900sqm, this equates to a density of 333dph, whilst this is significant, it demonstrates the high levels of sustainability/efficiency that can be achieved from the development of land or buildings for apartments. Policy H7 of the UDP refers to a range of densities of between 30 and 50 dwellings per hectare as a general target across the Borough, with higher densities being appropriate in locations close to public transport links, such as this site. The recently published Strategic Housing and Economic Land Availability Assessment (SHELAA) gives an indicative density of 150 dwellings per hectare for apartment schemes in locations such as this, based on TfGM's Greater Manchester Accessibility Levels dataset. Consequently, from a housing perspective the proposal is supported by the principles of efficient development.
- 9.10 The site is located within a highly sustainable location as demonstrated by its accessibility and relationship to services. Precedents have been established on previous approvals, it is considered that there are significant regeneration associated with the redevelopment of a vacant site for residential purposes and consequently the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

## **10.0 CHARACTER OF THE CONSERVATION AREA AND DESIGNATED ASSETS**

- 10.1 The existing properties are largely vacant and this reflect negatively upon the character and overall vitality of the area. The building has been subject to a number of alterations which have seen openings closed and the adjoining lean-to extension has a disproportional



appearance. The cumulative impact of the lack of stewardship, short term repairs and unsympathetic alterations has a detrimental impact on the character of the Conservation Area and weakens the significance of the non-designated heritage asset.

- 10.2 Section 16 of the NPPF is entitled conserving and enhancing the historic environment. Paragraph 192 states that Local Planning Authorities should take into account the following when assessing applications affecting heritage assets (such as Conservation Areas):
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 10.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires that developments pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. UDP policy C2 of the UDP echoes the requirements of the NPPF that new development must preserve or enhance the character of Conservation Areas. The Ashton Town Centre Strategy SPD (2010) seeks to ensure that development within the Old Town acknowledges the character of this historic area. This should be evident through elements such as the primary materials, alignment & size of windows, detailing and the vertical or horizontal emphasis of the building's fenestration. The SPD also identifies a number of strong views through Old Town, including views along Fleet Street and Church Street towards St Michael and All Angels Church (Grade I listed). New development is expected to complement or enhance these views with high quality architecture.
- 10.4 New construction is limited to the additional floor to the rooftop of no.8 Church Street. This extension had previously been deemed acceptable. The Heritage statement identifies that the extension would be seen from the context of the Church Tower. It is agreed that the scale of the works would not visually compete with the existing views of the Church or its tower given that it would be no higher than the adjoining Camden House building. In addition the former Stamford Street Methodist chapel (grade II) would not be influenced by the development with no encroachment on established views, as such the prominence and setting of nearby assets would not be impacted upon. The overall scale of the works are considered modest and acceptable from the heritage perspective.
- 10.5 In terms of impact on the Conservation Area the repurposing of the building is extremely positive as it will secure investment and long term stewardship at the site. The removal of the lean-to building is a positive aspect of the development, its proportions and overall form are out of kilter with that of the host and neighbouring properties so this is welcomed. The approach to the conversion would be undertaken sensitively with a 'repair and replace' strategy applied, former openings would be opened up and fenestration across the elevations would be consistent in size and form. Ultimately all external works would be subject to conditions to ensure heritage value is not lost.
- 10.6 Having regard to the above, it is considered that that the redevelopment of the site presents an opportunity to create a development that would have a more positive impact on this part of the Conservation Area. In line with the requirements of both national and local planning policy, the design quality and public benefits brought about by the proposed scheme is considerable to be acceptable. The comprehensive redevelopment of the site with a residential use would have a positive impact on the character of this part of the Conservation Area and would therefore achieve a public benefit that outweighs the limited harm arising from the demolition of the existing buildings.

10.7 Following the above assessment, it is considered that the amended proposals would achieve the requirements set out in UDP policies C3 and C4 and Section 16 of the NPPF as quoted above.

## **11.0 RESIDENTIAL AMENITY AND COMMERCIAL USES**

11.1 Albeit for the extension of the roof and reinstatement of openings the proposals will work to the constraints of the building. Church Street is built on an established grid iron and there is a tight relationship to properties to the rear on the opposite site of Fleet Street. The planning history dictates that the acceptability of residential conversion has been accepted on 2 previous occasions. The intervening period since the previous approval has not seen a material change in circumstances which would dictate that this would no longer be the case.

11.2 Policy RD5 of the Residential Design Guide SPD identifies that on infill sites variation to prescribed guidelines may be acceptable. The existing townscape dictates that spacing standards across Fleet Street could not be achieved, there are however, no identified residential uses in the opposite facing buildings.

11.3 With respect to private amenity space the scheme there would be limited communal space outside of the apartments. That which would be provided is limited to parking, bin storage and cycle storage. Again precedents of previous approvals carry weight in the assessment but it must also be noted that such arrangements are not uncommon in a town centre environment. Furthermore it is considered that the buildings central location (with access to services) helps to mitigate against the perceived shortcomings of the amenity standards.

11.4 Internally the accommodation is very well proportioned the smallest of the apartment (studio) measuring 36sqm and the larger 2 bed apartments being 67sqm. The accommodation would allow for separate living, sleeping and kitchen areas in addition to dedicated storage provision. It is recognition to levels of outlook where consideration of the proposals is more balanced. The internal layout of the apartments dictates that their outlook would be largely single aspect onto either Church Street or Fleet Street. Questions are raised about the quality of the amenity of the rear facing units onto Fleet Street, this would be compromised by virtue of the tight urban grain and influence of opposite buildings. In addition it is noted that two of the studio apartments would be located within the basement and served primarily by light wells which open upon on the pavement level of the building. Ultimately the relationship is reflective of the more niche forms of accommodation that is found within central areas (town centres), there are precedents within Ashton and it would also remain at the discretion of prospective purchasers/future occupiers to decide whether the details are adequate to meet their individual requirements. Overall the levels of residential accommodation would be comparable or improved (larger units) than those approved on previous permissions. More generally the sites central location (with access to services) and local recreation facilities helps to mitigate against the perceived shortcomings of the amenity standards. Overall it is considered that there is both a strong design and regenerative case for flexibility with prescribed standards. The benefits of the scheme would outweigh the normal requirements for private amenity standards.

11.5 It is noted that with the central location there are commercial uses within the vicinity of the site and representations have also been received in this regard. A noise report has been submitted which concludes that a suitable residential environment can be achieved. A review by Environmental Health is supportive of the proposals but note that there is potential for some disturbance from live entertainment associated with the Station Hotel PH. To mitigate this a more robust glazing specification is recommended above that identified within the noise report, this is a matter which can be suitably conditioned.

11.6 On the basis of the above assessment, the proposals are considered to be acceptable safeguarding conditions will ensure that internal living standards and that of established commercial operations would not be unduly impacted on by noise or disturbance.

## **12.0 HIGHWAY SAFETY**

- 12.1 In a town centre location the site is inherently sustainable and is easily accessed by public transport, foot or bicycle. Ashton town centre is served by bus, tram and train connections across the Greater Manchester region. It is also apparent that a host of amenities and employment opportunities are immediately on hand.
- 12.2 Vehicular access to the parking spaces would be via an established point of access onto Church Street which serves as access to the lean-to which would be demolished. A total of 6 parking spaces would be provided which is an improvement on that originally proposed. Policy RD8 of the adopted RDG recommends 1 parking space per 1 bedroom property, although indicates that 0.5 spaces per unit may be acceptable within Ashton town centre. Car parking provision should average out at 1.5 spaces per 2 bedroom unit in this location, according to policy RD8.
- 12.3 The provision of six car parking spaces clearly falls below the lower end of the policy requirement. This site is within the very centre of the allocated town centre boundary. Bus, tram and railway stations are all under a 10 minute walk from the site and the scheme would meet the level of secured cycle parking provision for each of the dwelling required by RD8 (30 to be provided). Highways have reviewed the proposals and raise no objections. It is noted that no off street parking is dictated by the constraints of the site, in addition substantial regard must be given to the potential parking demand associated with the former employment use if the buildings were in full occupation. As with other development within the town centre, the access to services and public transport network, in addition to large surface car parks off Church Street adequately mitigates for this lack of provision.
- 12.4 The Local Highway Authority have recommended that a condition requiring the submission and approval of a Sustainable Travel Plan to serve the development. Given the extent of the deficit of car parking provision proposed against the standards in the RDG, it is considered important that the opportunities afforded by the close proximity of regular public transport services are maximised. Such a condition is therefore attached to the recommendation.
- 12.5 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.

## **13.0 ECOLOGY**

- 13.1 Demolition works are limited to that of the removal of the lean-to building which adjoins the premises. The applicant has submitted a Preliminary Ecological Appraisal of the site. The conclusion of the Appraisal is that the existing buildings have low potential for roosting bats, with no evidence of recent bat activity recorded during the survey. As such, no specific mitigation measures in this regard are considered necessary by the Appraisal.
- 13.2 GMEU has reviewed the findings of the appraisal and has not raised any objections to the proposals. Due to the tight urban grain of the site and wider locality opportunity for biodiversity net gain will be limited. Nonetheless in accordance with para 170 of the NPPF a condition requiring details of enhancements is considered to be both reasonable and necessary and are attached to the recommendation.
- 13.3 Informatives outlining the developer's responsibilities with regards to both protected and invasive species can also be attached to any planning permission granted.

## **14.0 FLOOD RISK/DRAINAGE**

14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. No drainage strategy has been submitted with the application, given that the development is largely a change of use (with minimal extension) one is not deemed necessary for the application. Ultimately surface run-off will not be increased by the development and future residents are not considered to be at risk. 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.

## **15.0 DEVELOPER CONTRIBUTIONS**

15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 56 of the NPPF):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

15.2 The applicant will be required to make a contribution to the provision of open space within the local area, in accordance with policy H5 of the adopted UDP. A contribution of £24,458.55 is to be secured towards improvements to public open space within Ashton town centre.

15.3 The development contribution calculation takes into account the previous/established use of development sites. In this instance the associated level of vehicle movements associated with the proposed residential use falls considerably below that of the established employment use, the site sustainable credentials are also weighted in the calculation. Consequently no contributions are required to mitigate the impact of the development on highway capacity.

15.4 The Open Space contributions is considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the limited amenity space to be provided on site), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.

15.5 In relation to other infrastructure, where a proposal exceeds 25 dwellings, policy H6 requires financial contributions towards education and other community facilities where current facilities do not have the capacity to meet the additional population of a proposed development. Given that the scheme would be 100% apartments, with the majority being 1 bedroom or studio in size, officers consider that it highly unlikely that the scheme would yield substantial numbers of occupants that are of school age. As such, a contribution in this regard is considered not to be necessary to make the scheme acceptable in planning terms and would therefore be contrary to the CIL regulations. On that basis, a contribution towards the improvement/expansion of education provision is not being secured as part of the recommended Section 106 package.

15.6 Paragraph 64 of the NPPF states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.' The latest version of the NPPF came into force in February 2019. Following adoption of the Housing Needs Assessment (HNA) for the Borough in August 2018, the Council now has an up to date evidence base on which to seek affordable housing contributions for developments of this scale. The HNA requires 15% of units on the proposed development to be provided as affordable housing.

15.7 Previous approvals at the site were not subject to any affordable housing provision, this reflects on policy H4 not being supported by the HNA. Paragraph 63 of the NPPF lists

exceptions to affordable housing requirements. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

- 15.8 The proposals seek to introduce an additional 150sqm (following demolition) above an existing floor space of 1598sqm which reflects as 9% increase on the cumulative floor area. The application of the credit equates to an affordable housing contribution below 1% and as such no contribution is sought/required on the development for affordable housing.

## **16.0 OTHER MATTERS**

- 16.1 Environmental Issues - As addressed the Environmental Health Officer has not raised any objections to the proposals, subject to the imposition of a number of conditions. Indicative details of an area for communal refuse storage are shown on the proposed site plan adjacent to the northern 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.
- 16.2 Contamination - 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.
- 16.3 Ground Stability - The site is located within an area identified as being at high risk in relation to the lands stability issues associated with coal mining legacy. The development effectively relates to a change of use of the existing building with no groundworks/extension required. The building is showing no signs of movement and it is not considered there are any associated risks with the residential conversion of the building.
- 16.4 Air Quality - The application site is not within a designated Air Quality Management Area. The highly sustainable nature of the location promotes sustainable means of travel via cycle and pedestrian and public transport. The development should not generate a significant volume of vehicle movements which would impact adversely on local air quality.
- 16.5 Security - In relation to designing out crime, the applicant has submitted a Crime Impact Statement. The GMP Designing Out Crime Officer has reviewed the content of the Statement and has raised no objections to the proposals. Recommendations relevant to security and crime reduction will be conditioned.

## **17.0 CONCLUSION**

- 17.1 The site is located within a highly sustainable location as demonstrated by its central location and access to transport and services. Precedents have been established on previous approvals for the site's change of use to residential accommodation. The proposals would bring into use a prominent and largely underutilised building within the heart of the town centre and will complement the growing housing offer. This would also secure significant regeneration benefits attributed to the long-term stewardship of the building, environmental improvements and the increased residential population will contribute to the overall health and vitality of the town centre. The building would successfully address Church Street and would be complementary to the overall setting and character of the Conservation Area.



- 17.2 The proposals would represent a highly sustainable and efficient use of the site. It would secure economic benefits such as jobs associated with construction and increased spend in the local area that would have a positive impact on the continued regeneration of the town centre. This development alongside other housing schemes will contribute to a growing housing market, this is considered to meet town centre housing objectives and achieve social benefits particularly when the Council is in a position of housing undersupply.
- 17.3 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures of the proposed conditions, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The value of financial contributions to be sought via a Section 106 agreement is considered to be appropriate given the viability constraints presented by this brownfield site. The proposal therefore complies with the prevailing policies of the Development Plan as a whole and the advice in the NPPF; accordingly Section 38(6) requires that the application be granted.

## RECOMMENDATION

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

- (i) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure £24,458.55 towards environmental improvements to the public open space within Ashton town centre;
- (ii) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;
- (iii) That Officers are afforded discretion to amend the wording of any conditions; and,
- (iv) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions:

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

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

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.  
Proposed Site Plan 19.2034.SC1.7A  
Proposed Elevations 19.2034.SC1.4C  
Proposed Basement Plan 19.2034.SC1.1F  
Proposed first and Second Floor Plan 19.2034.SC1.4C  
Proposed third Floor Plan 19.2034.SC1.3C  
Heritage Statement January 2021  
Design and Access statement prepared James Campbell Associates  
Crime Impact Statement ref 2020/0734/CIS/01  
Contaminated Land report ref 2026.1 January 2021  
Preliminary Roost Assessment Survey Dated 08/12/2020
- 3) Notwithstanding any description of materials in the application, 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.

Reason: In the interests of the visual amenities of the locality, in accordance with policies H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form

- 4) 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:

- Any arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and
- Details of on-site storage facilities.

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

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 5) The car parking spaces to serve the apartment complex as part of the development hereby approved shall be laid out as shown on the approved site plan (19.2034.SC1.7A) prior to the first occupation of the development and shall be retained free from obstruction for their intended use thereafter. Parking spaces shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 7) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the apartments 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 apartment shall be implemented in accordance with the approved details prior to the occupation of that apartment and shall be retained as such thereafter.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management

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

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

- 9) Notwithstanding the submitted details none of the apartments 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 the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin 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.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority in order to protect future occupants from road traffic noise from the A635 and live, amplified entertainment from the adjacent public house:

- Scaled plans showing the location of windows to be treated with high specification glazing and mechanical, acoustic, ventilation and the manufacturers specifications of each of the noise mitigation measures to be installed.
- The noise mitigation measures shall be implemented in accordance with the approved details, prior to the first occupation of any of the dwellings and shall be retained as such thereafter. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been installed in accordance with the agreed details.

Reason: To protect the amenities of future occupants from external noise in accordance with UDP policy H10.

11) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

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

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

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

and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

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

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

- 13) If conversion works have not commenced by February 2023 an updated Bat survey of all buildings should be submitted to the Planning Authority for approval in writing. The survey shall include an assessment of any new mitigation and/or licensing that may be required as a result of new evidence.

Reason: In the interests of biodiversity net gain in accordance with the NPPF and UDP policy N7: Protected Species.

- 14) Details of specification and location of 2 bat/bird boxes to be installed on the building should be provided to the Planning Authority for approval in writing by the local planning authority. The approved details shall be installed prior to the first occupation of the accommodation and thereby retained.

- 15) All materials and architectural features capable of re-use shall be salvaged and stored securely on site and, where practical, incorporated within the building. Any replacement material to external elevations must be of an identical material in a colour and texture to match the existing brickwork and detailing. Accurate copies of architectural features in terms of material, design, colour and texture should be cast if required. Samples should be made available for inspection on site and approved in writing by the local planning authority prior to use.

Reason In order to preserve the character and appearance of the building in the interests of the Ashton Town Centre Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas

- 16) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason: In the interests of local residential amenity.

- 17) The development hereby approved shall be carried in accordance with the measures listed in the Security Strategy (Section 4) of the Crime Impact Statement ref 2020/0734/CIS/01 submitted with the planning application and shall be retained as such thereafter.

Reason: In the interests of security and residential amenity.

- 18) No development shall commence until plans at a scale of 1:20 of all new and replacement window openings (including details of the surrounding cladding) to be installed on the elevations of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a section plan showing the thickness of the frames and the depth of the recess of the frames from the outer face of the host elevation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason In the interests of the character and appearance of the Ashton Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas

- 19) No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes, television aerials) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the character and appearance of the Ashton Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas.

- 20) The building shall not be occupied for residential purposes until a scheme showing the location, design and screening of a single satellite television reception aerial/dish capable of distributing a signal to each flat within the development has been submitted to and approved in writing by the local planning authority. Any aerial/dish must be located so as to minimise its effect on the appearance of the building and all distribution cables must be routed internally. The aerial/dish shall be installed in accordance with the approved details.

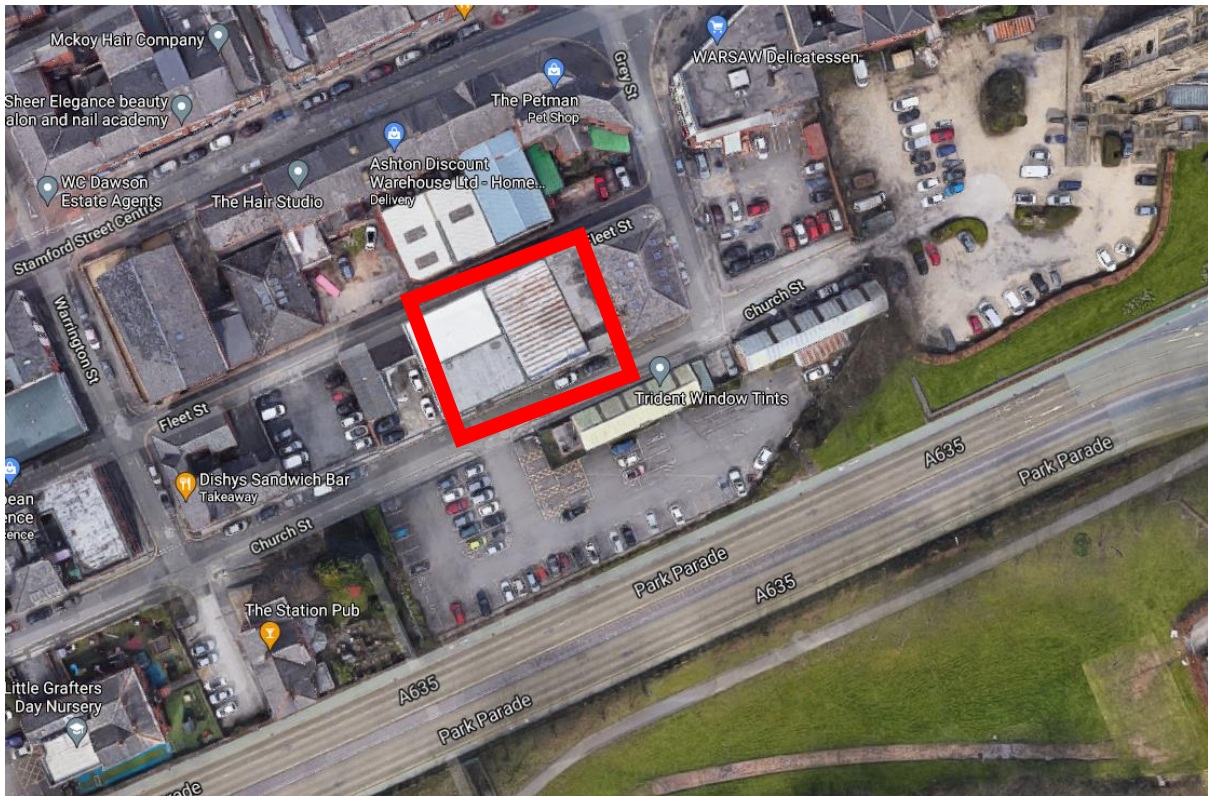
Reason: In the interests of the character and appearance of the Ashton Conservation Area in accordance with UDP Policy C1 Townscape and Urban Form and C4 Development in Conservation Areas.



**Application Number 21.00205.FUL**

**Proposed Change of Use of Vacant Warehouse to 30 No. Apartments including extension to roof and demolition of lean-to building.**

**Photo 1: Aerial view of site**



**Photo 2: Main elevation of the building.**



**Photo 3: View looking down Church Street**



**Photo 4: Rear Elevation**





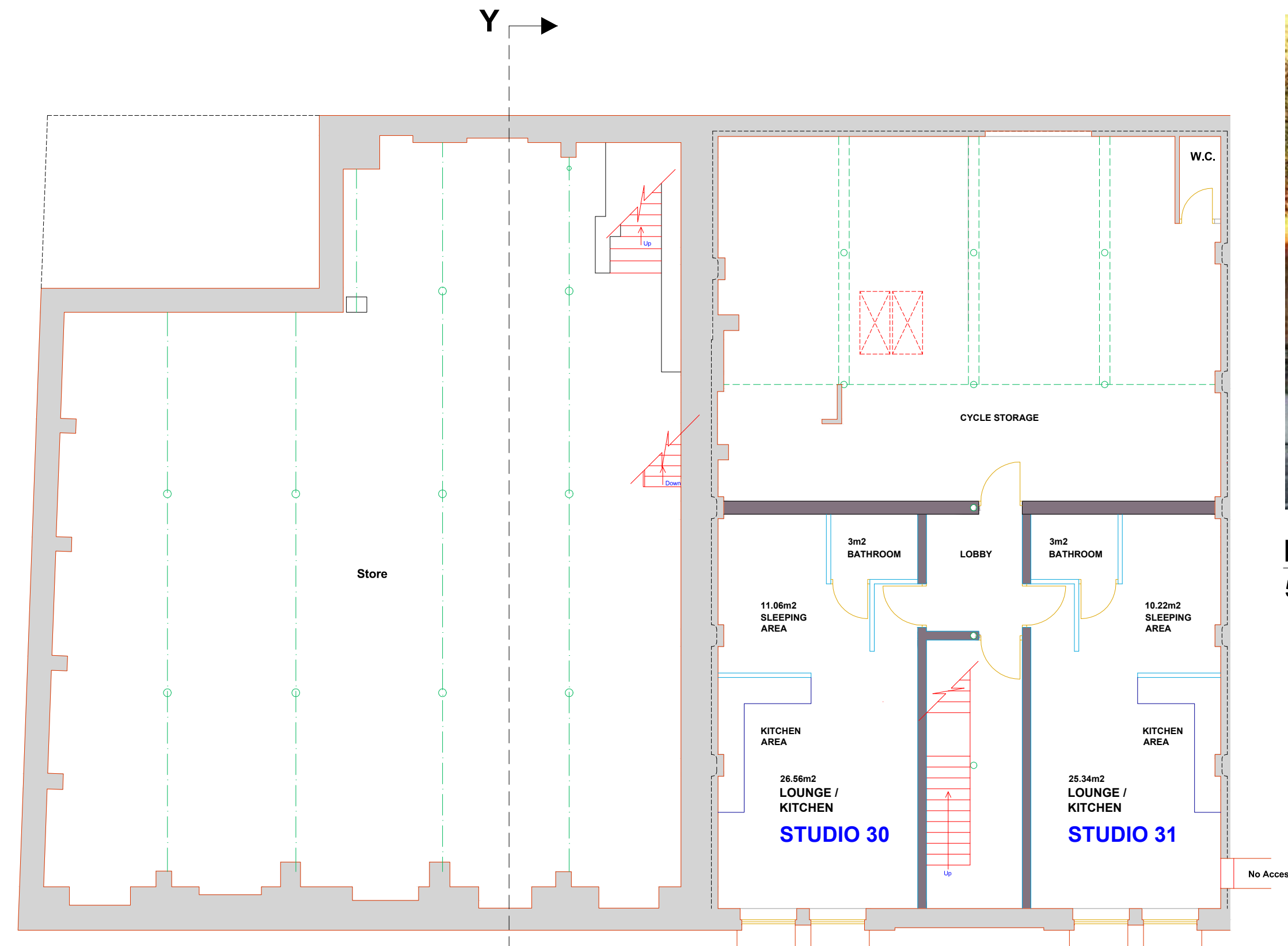
**Photo 5: Lean-to to be demolished.**



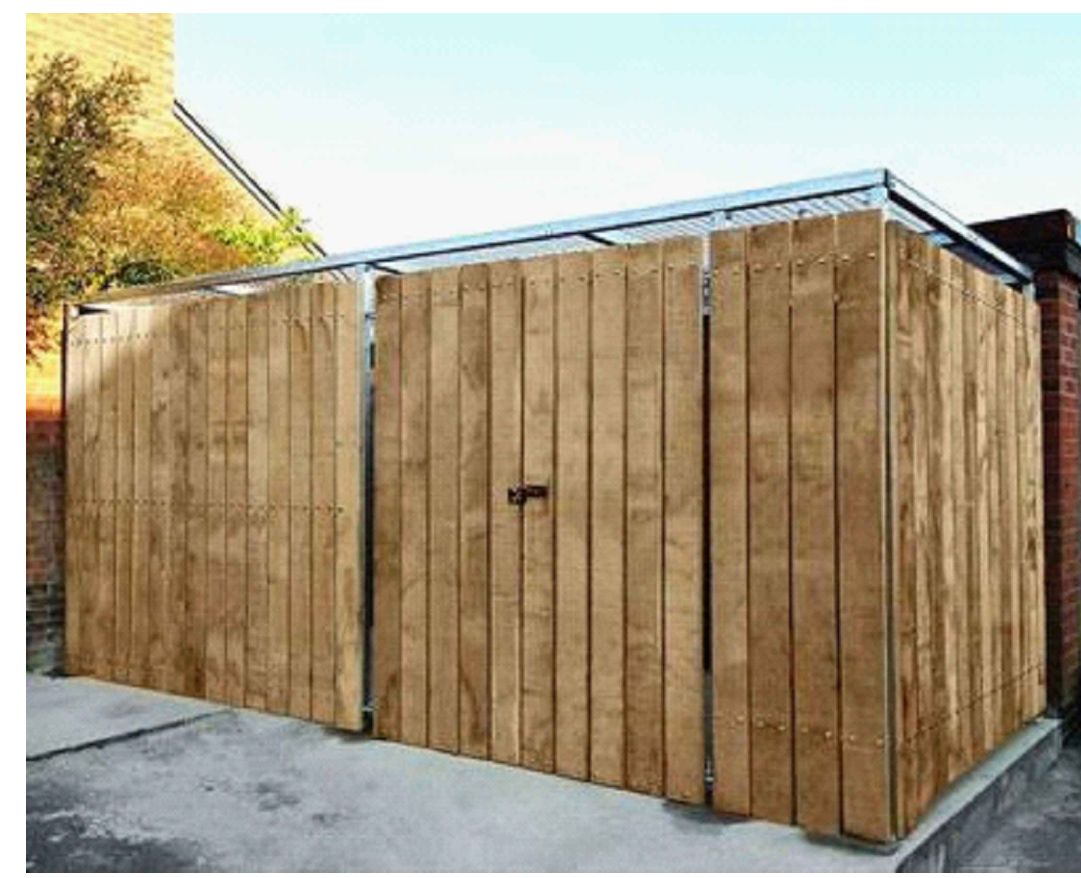
**Photo 6: Example of residential conversion in the area.**



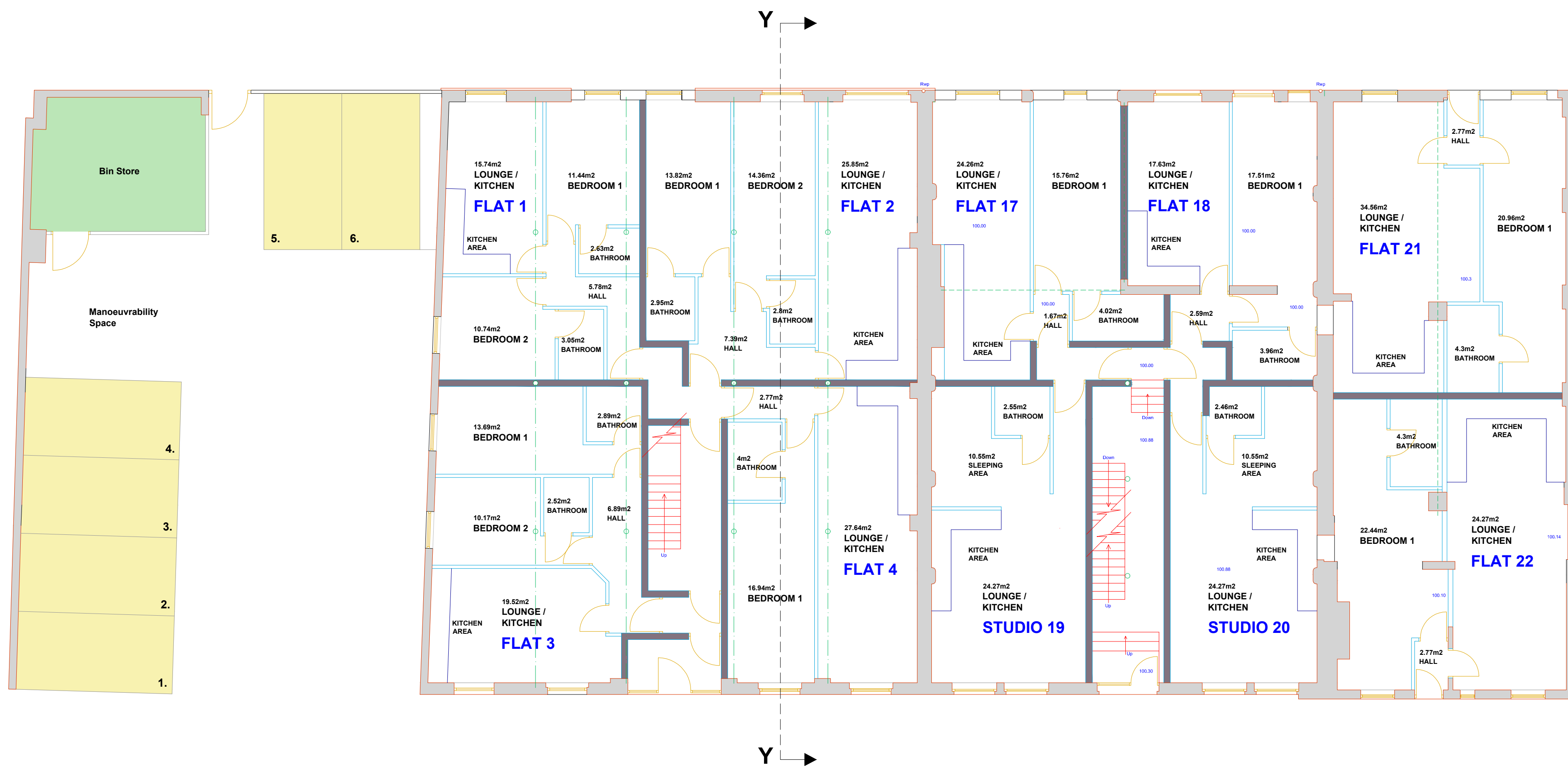
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PROPOSED BASEMENT PLAN



Bin Store  
5No 1100L Euro type bins



PROPOSED GROUND FLOOR PLAN

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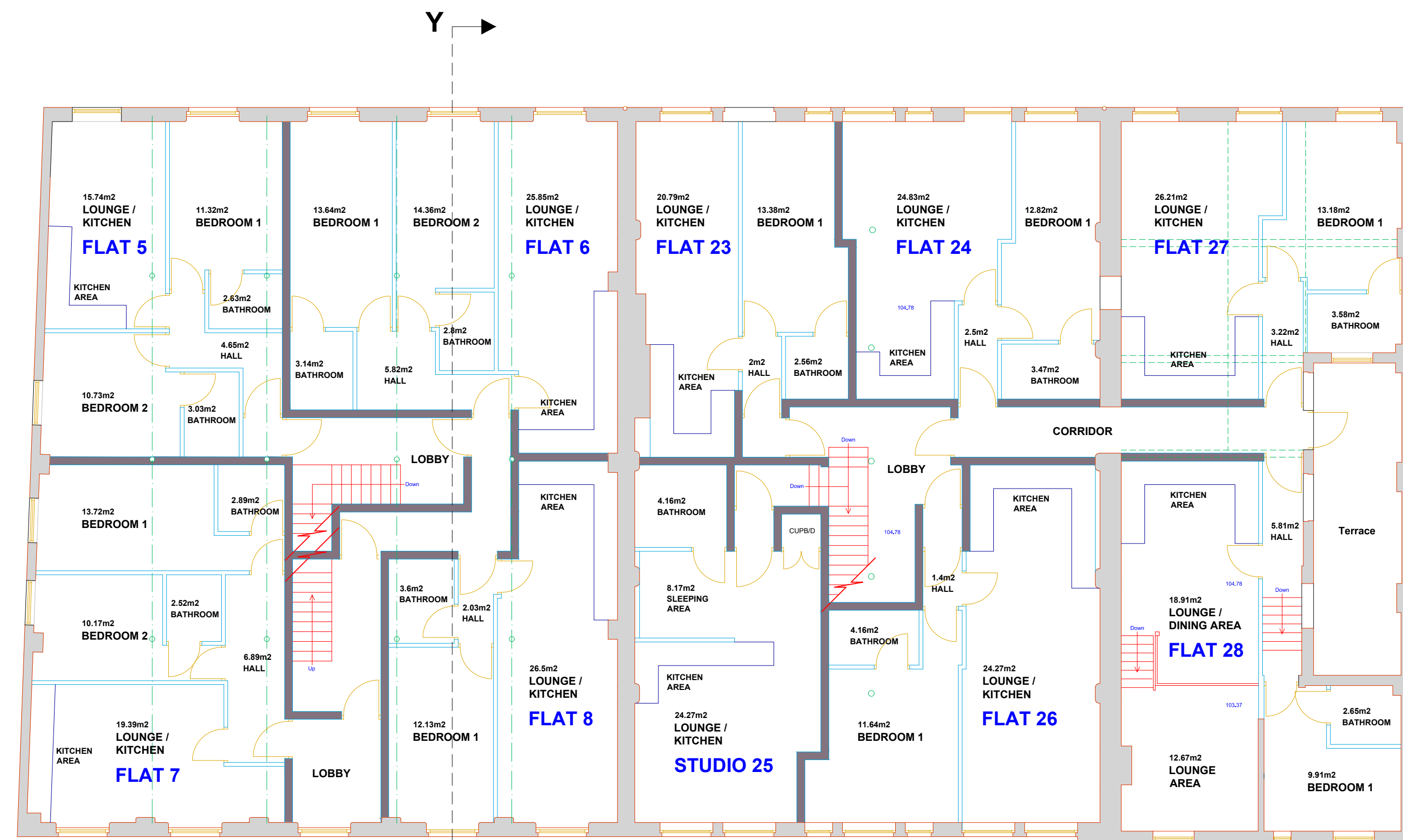
**CONSTRUCTION NOTES:-**

<b>DRAWING TITLE</b>	
<b>PROPOSED BASEMENT &amp; GROUND FLOOR PLANS</b>	
Campbell House 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>PROPOSED RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
Real Estate Aventura Ltd 4 - 10 Church Street Ashton-Under-Lyne	
<b>DRAWN:-</b>	Frank James Smith
<b>DATE:-</b>	July 2019
<b>SCALE:-</b>	1:100
<b>ISSUE:-</b>	F
<b>DRAWING NUMBER:-</b>	<b>19.2034.SC1.1F</b>

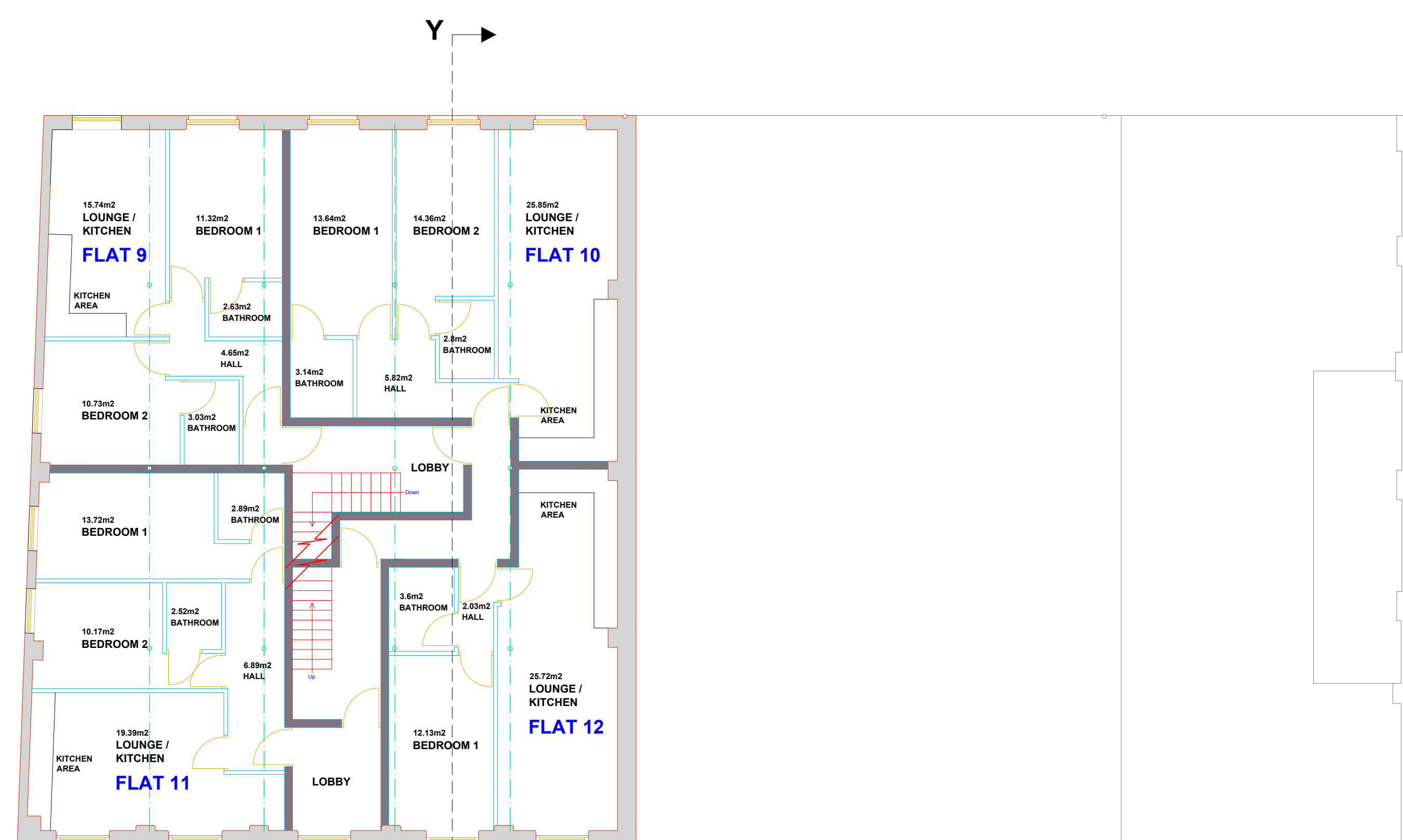


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 Any discrepancies discovered or items found that were not visible at the time of the initial survey should be reported to James Campbell Associates Ltd for consultation with our client.



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

**CONSTRUCTION NOTES:-**

DRAWING TITLE  
**PROPOSED FIRST & SECOND FLOOR PLANS**

**JCA** **JAMES CAMPBELL ASSOCIATES LTD**  
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 Web: www.jamescampbellassociates.co.uk

PROJECT  
**PROPOSED RESIDENTIAL DEVELOPMENT**

LOCATION  
**Real Estate Aventor Ltd  
 4 - 10 Church Street  
 Ashton-Under-Lyne**

DRAWN:-	Frank James Smith	DRAWING NUMBER:-
DATE:-	July 2019	<b>19.2034.SC1.2C</b>
SCALE:-	1:100	
ISSUE:-	C	

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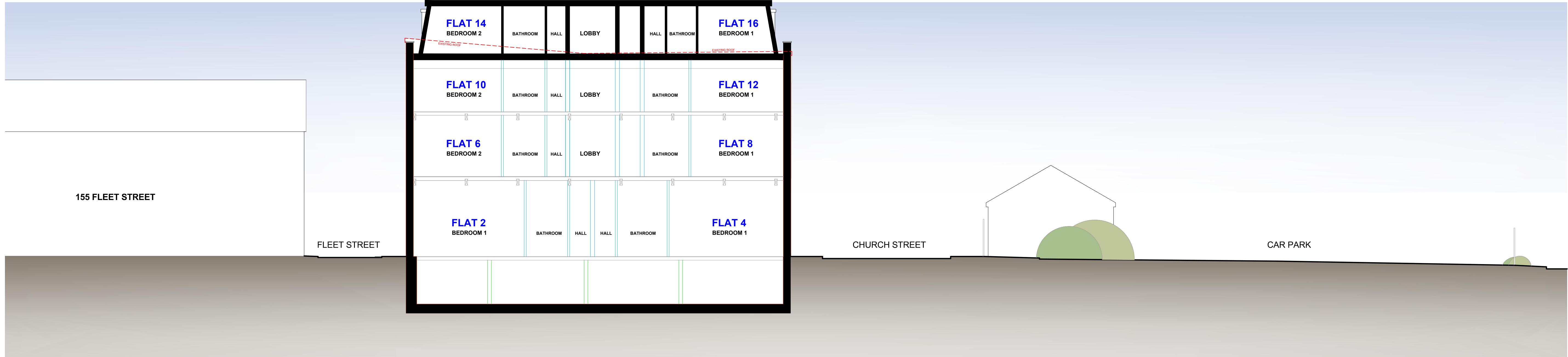
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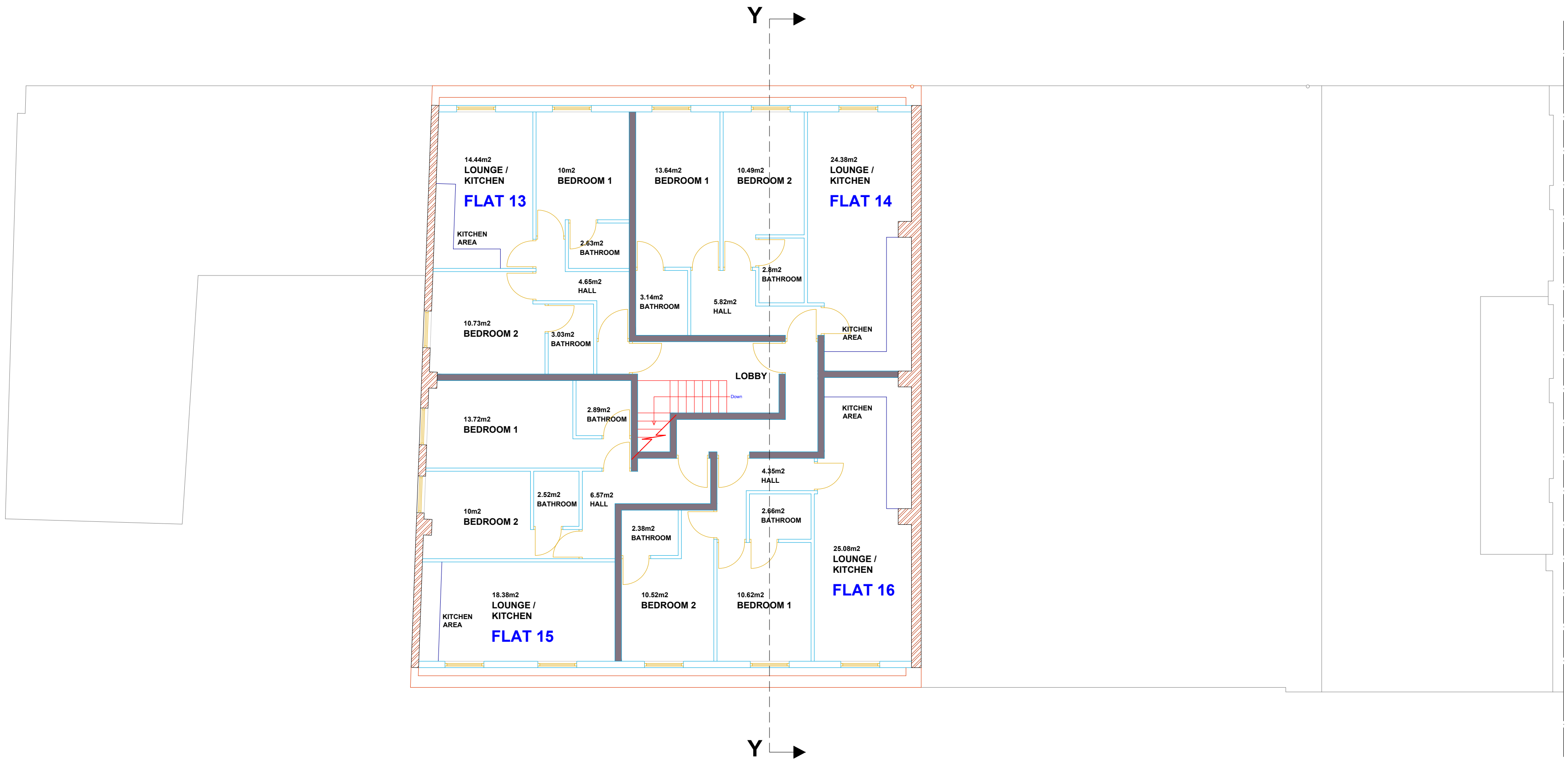
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**CONSTRUCTION NOTES:-**



**PROPOSED SECTION X - X**



**PROPOSED THIRD FLOOR PLAN**

Page 17/5

<b>DRAWING TITLE</b>	
<b>PROPOSED THIRD FLOOR PLAN &amp; SECTION Y - Y</b>	
<b>Campbell House</b> 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>PROPOSED RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>Real Estate Aventura Ltd</b> 4 - 10 Church Street Ashton-Under-Lyne	
<b>DRAWN:-</b>	Frank James Smith
<b>DATE:-</b>	July 2019
<b>SCALE:-</b>	1:100
<b>ISSUE:-</b>	C
<b>DRAWING NUMBER:-</b>	<b>19.2034.SC1.3C</b>

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4 - 10 Church Street

2 Church Street



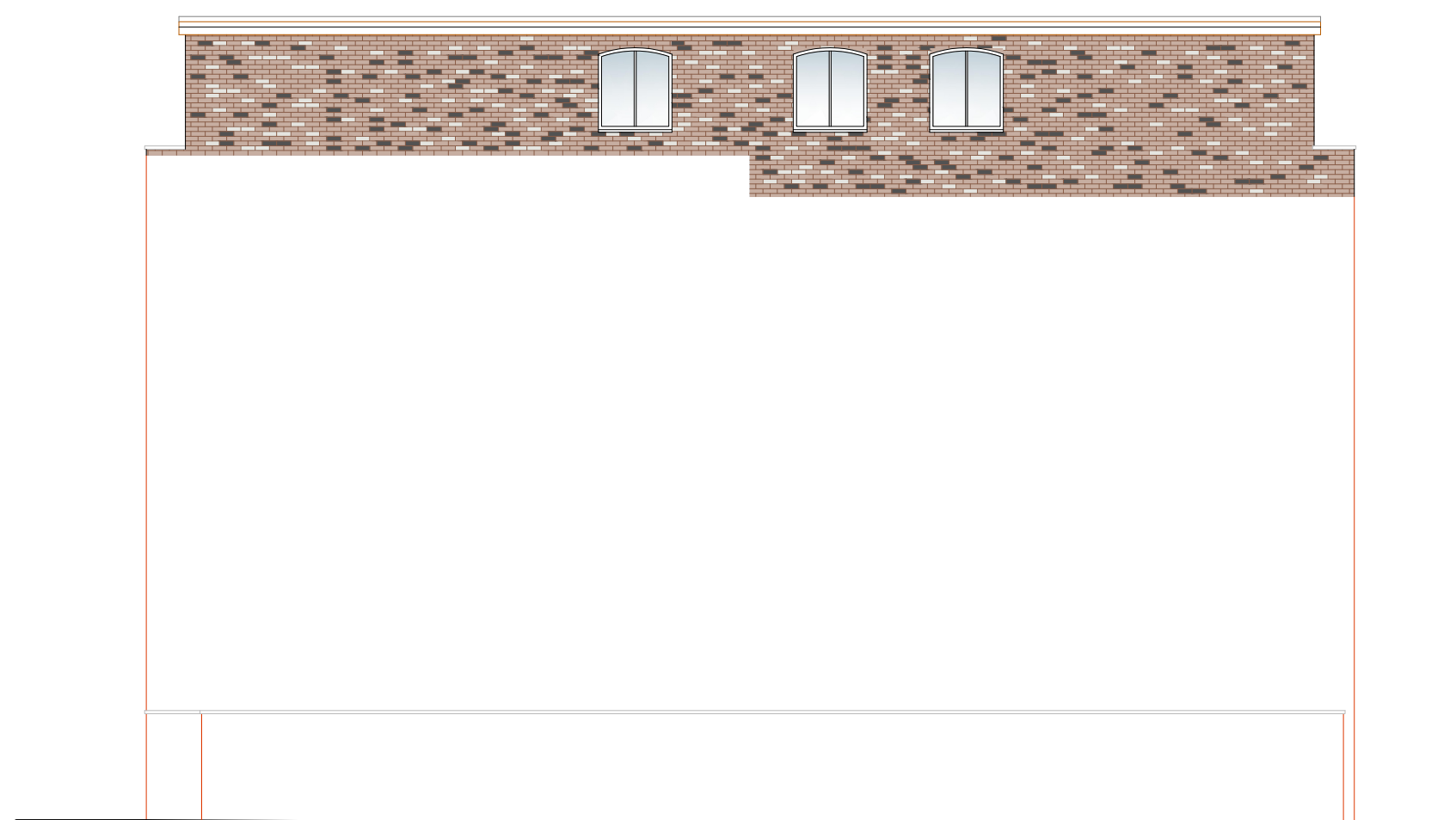
PROPOSED FRONT ELEVATION

2 Church Street

4 - 10 Church Street



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

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**CONSTRUCTION NOTES:-**

DRAWING TITLE

PROPOSED ELEVATIONS



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PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT

LOCATION

Real Estate Aventura Ltd  
4 - 10 Church Street  
Ashton-Under-Lyne

DRAWN:- APW  
DATE:- July 2019  
SCALE:- 1:100 @ A1  
ISSUE:- C

DRAWING NUMBER:-

19.2034.SC1.4C

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21/00205/FUL - Montages taken from the Design and Access Statement.



Church Street Elevation



Fleet Street Elevation

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**Application Number** 21/00412/FUL

**Proposal** Demolition of existing building, erection of 14 semi-detached houses and associated parking and amenity space.

**Site** Jonathan Grange Nursing Home, Micklehurst Road, Mossley

**Applicant** Rayton Ltd.

**Recommendation** Members be minded to approve, subject to a Section 106 legal agreement, and the conditions set out in this report.

**Reason for Report** A Speakers Panel decision is required as the application constitutes a major development.

## 1.0 APPLICATION DESCRIPTION

1.1 The application seeks full planning permission for the demolition of an existing three storey vacant nursing home building occupying the site and its replacement with a comprehensive redevelopment for a residential scheme of 14no. semi-detached dwellinghouses and associated works. Of these, 13no. is a 3-bed property and 1no. property is a 2-bed property.

1.2 Plots 1 to 8 would be located to the northern part of the site accessed from Marle Rise whilst Plots 9 to 14 are located to the southern part of the site accessed from Micklehurst Road. Each dwelling is provided with two off street parking spaces, rear gardens, and provision made for storage of bins.

1.3 Four property types are proposed with accommodation provided over three floors with the second floor level being incorporated into the roof space and served by rear dormers (House Types A, B and C only) and rooflights to the front elevation. The dwellings would be constructed in facing brick with concrete tiled roofs and uPVC framed windows.

1.4 The application has been supported by the following reports;

- Ecology Report by Elite Ecology;
- Tree Appraisal Report by Rowbottom's Tree Services; and,
- Crime Impact Statement by Greater Manchester Police (Design for Security).

## 2.0 SITE & SURROUNDINGS

2.1 The site measures approximately 4,000m<sup>2</sup> and is located to the west of both Marle Avenue and Marle Rise, to the north of Micklehurst Road, and to the east of Duke Street which provides the existing access to the site. Land levels rise steeply from the east across the site.

2.2 The site is currently occupied by a large former care home building and its associated curtilage which meets the planning definition of previously developed land. The vacant nature of the site and building is understood to be attracting frequent anti-social behaviour incidents evident from representations received to the application.

2.3 The surrounding area is predominantly residential in character with terraced dwellings to the south west along Duke Street and Micklehurst Road. Properties along Marle Avenue and Marle Rise comprise a mix of detached and semi-detached bungalows (some with front dormers).



2.4 Trees protected by a Tree Preservation Orders flank the southern boundary of the site covering a group of Lime and Horse Chestnuts (G3) and a Lime and 2 Ash Trees (T10, T11, and T12) of the TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997.

2.5 The site is in a highly sustainable location given it is a 12 minute walk (0.6 miles) from Mossley railway station and the services and facilities offered in Mossley town centre.

### **3.0 PLANNING HISTORY**

3.1 20/00691/FUL - Erection of four detached dwellings and associated amenity space and access road to the rear of Jonathan Grange Nursing Home. – Withdrawn, 23 March 2021.

3.2 20/00012/TPO – Felling of a Lime Tree (T10) – Approved, 31 March 2020.

### **4.0 RELEVANT PLANNING POLICIES**

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated

#### **4.4 Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment;

1.4: Providing More Choice and Quality Homes;

1.5: Following the Principles of Sustainable Development;

1.6: Securing Urban Regeneration;

1.11: Conserving Built Heritage and Retaining Local Identity; and,

1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### **4.5 Part 2 Policies**

H2: Unallocated Sites;

H4: Type, Size and Affordability of Dwellings;

H5: Open Space Provision;

H7: Mixed Use and Density;

H10: Detailed Design of Housing Developments;

OL10: Landscape Quality and Character;

T1: Highway Improvement and Traffic Management;

T10: Parking;

C1: Townscape and Urban Form;

N4: Trees and Woodland;

N5: Trees within Development Sites;

N7: Protected Species;

MW11: Contaminated Land;

U3: Water Services for Developments;

U4: Flood Prevention; and,

U5: Energy Efficiency

#### **4.6 Other Policies**

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

Trees and Landscaping on Development Sites SPD adopted in March 2007; and, Tameside Open Space Review 2018.

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

Section 2 - Achieving Sustainable Development;  
Section 6 - Delivering a Sufficient Supply of Homes;  
Section 7 - Ensuring the Vitality of Town Centres;  
Section 8 - Promoting Healthy and Safe Communities;  
Section 9 - Promoting Sustainable Travel;  
Section 11 - Making Effective Use of Land;  
Section 12 - Achieving Well-Designed Places;  
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change; and,  
Section 15 - Conserving and Enhancing the Natural Environment.

#### **4.8 Planning Practice Guidance (PPG)**

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

### **5.0 PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement (SCI), the application has been advertised as a Major development involving:

- Neighbour notification letters to adjoining and surrounding residents;
- Display of a site notice; and
- Advertisement in the local press (Tameside Reporter)

### **6.0 RESPONSES FROM CONSULTEES (SUMMARISED)**

- 6.1 Arboricultural Officer – No objections raised based on amended scheme which retains trees 7, 8 and 9 which were originally proposed for removal.
- 6.2 Contaminated Land – No objections to the submitted contaminated land reports but request conditions to require further investigation and remediation of the site as may be required.
- 6.3 Environmental Health Officer – No objections subject to conditions relating to working hours.
- 6.4 Greater Manchester Ecology Unit – No objections in principle, subject to a condition requiring the provision of bird and/or bat boxes, but advise that planning permission is not granted until such a time that two additional bat surveys are required during the active season (May – August).
- 6.5 Greater Manchester Archaeology Advisory Unit – No objection.
- 6.6 Highway Authority – The LHA requested amendments to the original scheme including additional provisions for fire appliances to manoeuvre effectively and safely, secure cycle parking facilities, and minor amendments to the layout to help achieve adoptable standards.
- 6.7 Lead Local Flood Authority – No objections received.

- 6.8 Greater Manchester Police (Secure by Design) – Satisfied with the recommendations within the Crime Impact Statement which should be conditioned on any approval.
- 6.9 TfGM – Do not wish to comment on the application.
- 6.10 United Utilities – No objection subject to the imposition of conditions requiring a surface water drainage scheme and for foul and surface water to be drained on separate systems.

## **7.0 SUMMARY OF REPRESENTATIONS MADE IN RESPECT OF THE APPLICATION**

7.1 In response to the publicity undertaken, the following third party representations have been received:

- 21no. objections (from 12 properties, plus two anonymous);
- 16no. letters of support (from 11 properties); and,
- 2no. neutral representations.

7.2 The representations objecting to the proposed development are made on the following (summarised) grounds:

- Access;
- Parking and Highway Safety;
- Loss of privacy;
- Overshadowing and loss of light;
- Harm to visual amenity;
- Drainage and Flood Risk concerns;
- Loss of trees and wildlife;
- Layout and density concerns (overdevelopment); and,
- Impact of noise during construction works.

7.3 Representations in support of the application are made largely on the grounds that the existing vacant building is an eyesore and attracts anti-social behaviour to the detriment of surrounding residents and visual amenity.

7.4 In addition to the above, Councillors Sharif and Homer (Stephen) have made the following comments:

Cllr Sharif – Has no objection in principle to the proposed development but has concerns over parking, traffic generation, overdevelopment of the site, and ask that green space improvements are made to the site along with a requirement for solar electricity generation and provision for electric vehicle charging points.

Cllr Homer (Stephen) – Objects to the development on the basis that it represents overdevelopment of the site and will result in traffic and parking issues for local residents.

7.5 Mossley Town Council has no objection in principle to a residential development of the site but considers the size, design and density of the proposed units unimaginative. Furthermore, it is asked whether the scheme can incorporate green space provision with solar energy and electric vehicle charging points to make the development more sustainable.

## **8.0 ANALYSIS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material

considerations indicate otherwise. The current position is that the Development Plan consists of the Policies and Proposals Maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.2 The National Planning Policy Framework (NPPF) is also an important consideration in assessing planning applications. It states that a presumption in favour of sustainable development should be at the heart of every application decision and for planning application decision making this means:

- Approving development proposals that accord with the development plan without delay; and,
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or,
  - Specific policies in the Framework indicate development should be restricted.

8.3 The main issues to consider as part of the application are:

- The principle of the proposed development;
- Design, layout and residential amenity;
- Parking and Highway Safety;
- Drainage and Flood Risks;
- Trees and Ecology considerations;
- Ground Conditions;
- Affordable Housing and Contributions; and,
- Other matters raised in the report.

## **9.0 PRINCIPLE OF DEVELOPMENT**

9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight that should be attributed to the UDP policies.

9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.

9.3 The site is located in a highly sustainable location characterised by existing residential development within easy reach of local shops and services and bus and rail transport options. The site is defined as previously developed land and it is understood that the vacant nature of the site and building is attracting anti-social behaviour causing frequent issues for those living in the immediate vicinity. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas and it is clear that the proposals would meet these principal policy objectives which are echoed in the more recent NPPF.

9.4 In addition, the Council cannot currently demonstrate a deliverable five-year supply of housing land, and this is a material consideration that carries substantial weight in favour of the proposed development. Providing that the development is considered sustainable having regard to economic, social and environmental factors, paragraph 11 in the NPPF clearly explains that where no five-year supply can be demonstrated the presumption in favour of

sustainable development identified in the footnote of paragraph 11 should be applied to the consideration of planning applications.

- 9.5 Economic benefits would arise from the development during the construction phase and assisting with the viability of local shops and services. Social and environmental benefits would arise from securing the demolition of a vacant building known to attract anti-social behaviour in the area along with financial contributions towards open space provision and highway improvements.
- 9.6 Having regard to the above, it is considered that the principle of residential development on this site is acceptable, which is further supported by the mitigation measures to be achieved through a Section 106 agreement (discussed further below in this report).

## **10.0 DESIGN, LAYOUT, AND RESIDENTIAL AMENITY**

- 10.1 The Unitary Development Plan (including the associated Supplementary Planning Document: Tameside Residential Design), and National Planning Policy Framework, clearly set out their expectations of high quality sustainable development that integrates with and enhances the surrounding area and contributes to local character and place making.
- 10.2 The surrounding area is characterised by terraced dwellings to the west, bungalows to the east, and further to the south west the more recently constructed dwellings on the allocated housing site including those on Earnshaw Clough.
- 10.3 Within objections received to the proposals are opinions that the scheme represents the overdevelopment of the site and causes harm to visual amenity. UDP Policy H7 explains that the Council will encourage and permit the development of schemes which make efficient use of land through housing densities of between 30 and 50 dwellings per hectare or greater in locations accessible by public transport. The site measures approximately 0.4ha equating to 35 dwellings per hectare and is therefore considered to represent a sustainable and efficient use of the site. Policy RD3 in the SPD identifies a minimum density of 30 dwellings per hectare which would result in only one less dwelling on the site than what is proposed. However, density is only one consideration, since the overall layout and form of development must also be considered against the requirements of other policies.
- 10.4 UDP Policy H10 is highly relevant in this regard since the SPD (Tameside Residential Design) is directly linked to it in order to influence the design and layout of housing developments. Broadly, the policy requires the layout, design and external appearance of housing developments to be high quality, provide a design which meets the needs of future occupiers, provides an attractive and convenient safe environment, and complements the character and appearance of the area. Whilst design is somewhat subjective, the proposed layout is considered to represent an efficient use of land as evidenced by the density achieved, and also provides a form of development which is compatible within the context of the surrounding area.
- 10.5 Amendments made to the plans relating to the access and highway configuration are supported by the Local Highway Authority and identifies with the SPD requirement in favour of short, curved or irregular streets. The layout facilitates a high degree of natural surveillance since habitable room windows to the proposed properties face the street at both ground and first floor levels. Policy RD5 sets out a minimum requirement for privacy distances as 14 metres on street frontages and 21 metres between other facing habitable room windows. The scheme achieves and in some places exceeds these minimum requirements. However, it is acknowledged that Plots 6, 7 and 8 and their relationship with Plots 10, 12 and 13 fall slightly short given they include rear dormers serving habitable rooms. In this case the interface distance is considered acceptable having regard to the character



set by existing properties in the surrounding area and the need for the development to have regard to existing building lines so as to integrate sympathetically.

- 10.6 There are no side facing habitable room windows proposed other than at the second floor level of each house type which serves non-habitable rooms. Each of the proposed dwellings exceeds the minimum requirement of floor space set out by the DCLG Technical housing standards – nationally described space standard document – which is a requirement of UDP Policy H10 through the associated SPD. Furthermore, having regards to RD11 and RD12 in the SPD, the private outdoor amenity space is considered to be an acceptable size for a family home accepting that for Plots 3 and 4 this provision is more limited due to the tapered northern boundary of the application site.
- 10.7 The relationship of the proposed dwellings with existing dwellings particularly on Duke Street, Marle Rise and Marle Avenue is also an important consideration. No.39 Duke Street is located adjacent to Plot 9 and has a small first floor window in the gable elevation serving a non-habitable room and this relationship is considered acceptable. No.40 Duke Street has a staggered relationship with Plot 5 but has no windows within its side elevation facing the application site. Plot 5 is at a higher level and therefore it is important to consider whether the impact on no.40 would be overbearing and/or result in overshadowing or loss of privacy to its garden area. Amendments have been made to reduce the extent of the stagger and despite being at a higher level it is how considered acceptable having regard to the orientation and need to find a balance between interface distances between the new properties and between new and existing dwellings. The relationship with the gable of 6 Breezehill Cottages is considered acceptable given this property has no side elevation windows and has a large two storey rear extension extending the side elevation rearward.
- 10.8 In terms of the design of the proposed dwellings it is firstly acknowledged that there is no uniformity to the character of surrounding properties which are a mix of sizes, heights, ages and type. Whilst the three house types proposed are therefore different to those in the immediate vicinity it is nevertheless considered that they will readily integrate without causing harm to established street scenes.
- 10.9 In summary, having regard to the above matters, it is considered that the proposal adheres to the aims and objectives of UDP policy H10 and the adopted SPD which highlight the importance of residential development being of an appropriate design, scale, density and layout. However, this would be subject to the imposition of conditions requiring samples of materials to be approved, and a detailed scheme for hard and soft landscaping works which would include boundary treatments.
- 10.10 Enclosed bin stores are provided serving Plots 9 to 14 close to Micklehurst Road whilst provision within the curtilages of plots 1 to 8 is proposed as identified on the proposed site plan. This arrangement is considered to be acceptable.

## **11.0 HIGHWAY SAFETY**

- 11.1 Access to the proposed development is achieved from Marle Rise to serve Plots 1 to 8 whilst Plots 9 to 14 would be served from a new vehicular entrance created from Micklehurst Road. Each dwellinghouse would be provided with two off road parking spaces which is considered sufficient given the size of the properties and is consistent with the requirements of the SPD.
- 11.2 The Local Highway Authority (LHA) have been consulted on the application and are satisfied that the access and egress arrangements from the development onto both Marle Rise and Micklehurst Road is satisfactory and meets the requirements for a maximum gradient of 1:14. Furthermore, the visibility splays comply with the requirements of Manual for Streets, and the LHA considers that provision is made for vehicles to enter and exit the development in a forward gear.

- 11.3 It is acknowledged that many of the objections received raise objections about highway safety in terms of traffic generation on Micklehurst Road in particular. The LHA are satisfied that the vehicle trips generated by the proposals is expected to generate only a minimal increase in vehicular trips over the course of an entire day. It is expected to generate an addition 18 trips in the morning and afternoon peak and the LHA consider this additional demand can be accommodated by the existing local highway network without any significant detrimental impact.
- 11.4 It is also acknowledged that some objections refer to an increase in parking demand in the area. The development proposed a minimum of 26no. off-road parking spaces which is considered acceptable by the LHA. This, together with the proposals for secure/covered cycle storage facilities and the sustainable location of the development, means the LHA have no objection to the level of parking provision proposed to serve the proposed development. In addition, a condition is attached to the recommendation requiring the provision of electric vehicle charging points.
- 11.5 However, the impact of the proposed development on vehicular movements from the creation of 14no. dwellings must also be considered in the context of vehicular movements associated with the former care home which remains its established lawful use. Having regard to this, and the lack of objection from the Local Highway Authority who have considered the information submitted with the application, it is not considered the development would result in a cumulative severe impact to highway safety which is the necessary planning test set out in paragraph 109 of the National Planning Policy Framework. However, this is on the basis of the conditions attached to the recommendation.
- 11.6 The existing access to the former care home from Micklehurst Road is flanked either side by large stone pillars one on which contains a post box. However, this entrance would be closed up, and a condition is attached to the recommendation requiring this. It would be replaced with a new entrance in a more central position relative to the southern boundary of the application site.
- 11.7 As such, having regard to the requirements of UDP policies T1, T10, and the guidance in the SPD associated with UDP Policy H10, the layout, parking and access proposals are considered to be acceptable.

## **12.0 DRAINAGE AND FLOOD RISK**

- 12.1 The Lead Local Flood Authority and United Utilities have been consulted on the planning application. The site is in Flood Zone 1 on the Environment Agency's Flood Risk Maps and is therefore considered to be at a lower risk of flooding. United Utilities have requested the imposition of conditions requiring a scheme for surface water runoff to be submitted for approval and that foul and surface water are discharged on separate systems. Such conditions are attached to the recommendation and will ensure that appropriate schemes are designed and agreed with the Local Planning Authority as part of the development.

## **13.0 TREES**

- 13.1 Policy N5 seeks to protect trees of a recognised quality, which are located within development sites.
- 13.2 The site is largely overgrown and semi-natural – particularly to the north. There are trees of significance to the south east, west and north boundaries of the site. The application site is subject to a Tree Preservation Order ("The TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997. Permission was granted in March 2020 to fell a Lime Tree (20/00012/TPO) immediately adjacent to the existing vehicular entrance to the site on

Micklehurst Road. Alongside this, on the other side of the entrance and parallel to Micklehurst Road, the TPO is relevant as a Group Order known as G3.

- 13.3 The TPO also applies to two individual trees including an Ash which is identified as T2 on the Proposed Masterplan and is to be removed. The Tree Appraisal Report submitted with the application identifies that this tree, which is approximately 19m high, as a mature tree in fair condition but is rated as a C1 category tree which are those of low quality with an estimated remaining life expectancy of at least 10 years. The tree has been topped in the past, is of low vigour, with early signs of ash die back disease. The Council's Arboricultural Officer has been consulted on the planning application and raised no objections to the removal of the trees.
- 13.4 The absence of an objection from the Council's Arboriculturalist is on the basis that the proposed root protection system should be used to protect the root areas of the trees on the Micklehurst Road boundary and other retained trees be protected to the recommendations in BS5837 during all works. Furthermore, a Landscape Plan should be submitted detailing adequate new tree planting in mitigation for the losses. Conditions requiring these are attached to the recommendation.

#### **14.0 ECOLOGY**

- 14.1 UDP Policy N7 states that the Council will not permit development which would have an adverse impact on badgers or species protected by the Wildlife and Countryside Act unless it can be demonstrated that such impact can be successfully mitigated. Furthermore, Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes across the development.
- 14.2 The existing building has the potential to support roosting bats and the Greater Manchester Ecology Unit have reviewed the Preliminary Roost Assessment report submitted with the application. This has followed reasonable efforts to survey the structure of the building internally and externally for signs of current or historic use by bats and made an assessment of the likelihood that bats would use the structure at other times. The report acknowledges that the survey was carried out outside the bat activity season and although it found no evidence of bat use it assessed the building as having moderate potential to support bats despite its poor condition. The report recommends that two additional bat activity surveys are required during the active season (May to August).
- 14.3 The Greater Manchester Ecology Unit agree with the findings and conclusions of the report and, as such, recommend that the planning application is not determined until such a time as the additional survey work has been undertaken. This stance is supported by Defra Circular 01/2005 paragraph 99 which discourages the use of planning conditions to require such surveys except in exceptional circumstances. As such, the recommendation is made on the basis that the decision is not issued until such a time as the surveys have been carried out and satisfy the requirements of GMEU.
- 14.4 GMEU have also recommended conditions in relation to nesting birds and biodiversity enhancements which are attached to the recommendation.

#### **15.0 GROUND CONDITIONS**

- 15.1 The site does falls outside of a high risk mining area and therefore consultation with the Coal Authority has not been necessary. The development is therefore not prejudiced by any mining legacy issues.

- 15.2 The Environmental Protection Unit has no objection to the proposed development from a contaminated land perspective. However, the site and adjacent areas have had a number of uses that may potentially pose a contamination risk to the site. A brief review of historical mapping available for the area has been undertaken which shows that the site in the mid nineteenth century appears to form part of the Marle House Stately home. In the 1940s a Vale Mills (woollen) is shown adjacent to the site. From the 1950s the description of Vale Mills as a woollen mill is no longer present on mapping and it is possible that it was used for other manufacturing purposes. The area appears to have been redeveloped in the 1960s/1970s and only Marle House is shown to be located on the site, a number of other buildings have been demolished. The surrounding area also appears to have been redeveloped for housing.
- 15.3 The former mill and also the development of the area during the 1960s/1970s may have introduced contamination into the soils at the site, which will need to be assessed as part of the above planning application. As such, a condition is attached to the recommendation requiring further survey works to be undertaken.

## **16.0 AFFORDABLE HOUSING**

- 16.1 Policy H4 set out that developments of 25 or more dwellings should, when in areas of the borough where there is a demonstrable lack of affordable housing, make provision for it.
- 16.2 However, paragraph 64 of the NPPF supersedes the trigger point identified in UDP Policy H4, and identifies that all major (10 units and above) residential developments should involve the provision of affordable housing. The Housing Needs Assessment identifies an expectation of on-site provision of 15% of units on an affordable basis.
- 16.3 However, planning policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is to be brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 16.4 A 15% provision of affordable housing units on the site equates to two of the units being 'affordable'. The applicant has submitted a statement explaining that the net affordable housing requirement is 119m<sup>2</sup> which is less than the average dwelling size proposed. As such, it is considered that no affordable housing is required in this case on the basis of vacant building credit.
- 16.5 As such, having regard to the Council's policies on the provision of affordable housing, it is not considered appropriate in this instance to require it as part of the proposals.

## **17.0 CONTRIBUTIONS**

- 17.1 Notwithstanding the affordable housing matters above, since the scale of the development constitutes a major development, it would also trigger potential requirements for Green Space and Highways contributions as per the requirements of policies H5 (Open Space) and T13 (highways) of the Development Plan. The Developer Contributions calculator identified the following commuted sums providing they can be used to satisfy mitigation measures linked to the proposals:

Highways - £10,967.97  
Green Space - £8,845.79.

- 17.2 The LHA have requested that the Highway contributions is used towards upgrades and improvements to signage and footpaths from the development to Mossley Hollins High School including lining to secure safe access into the development.
- 17.3 The Green Space Manager has been consulted and requested that the Green Space Contribution is used towards infrastructure improvements to green space in Mossley and in particular Roaches which is located nearby.
- 17.4 These commuted sum payments are considered to satisfy the CIL requirements for their use since they are considered to mitigate against the impacts likely to be caused by the proposals.

## **18.0 OTHER**

- 18.1 Greater Manchester Police (Design for Security) support the application subject to the layout issues within Section 3.3 being addressed and recommend that the physical security measures within Section 4 of the Crime Impact Statement are conditioned. A condition requiring this is attached to the recommendation.

## **19.0 CONCLUSION**

- 19.1 At the heart of the NPPF is a presumption in favour of sustainable development. This requires planning applications that accord with the Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 19.2 Taking into account the relevant development plan policies and other material considerations, and subject to the identified mitigation measures, it is considered that there are no significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

## **RECOMMENDATION:**

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

- 1) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
  - Contribution of £8,845.79 towards off site green space infrastructure improvements in Mossley and in particular Roaches; and,
  - Contribution of £10,967.97 towards used towards upgrades and improvements to signage and footpaths from the development to Mossley Hollins High School including lining to secure safe access into the development.
- 2) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;



- 3) That Officers are afforded discretion to amend the wording of any conditions;
- 4) That before planning permission is granted the applicant first carries out further bat surveys as required by the submitted Ecology Report and provides evidence of this to the Local Planning Authority which is accepted by the Greater Manchester Ecology Unit; and,
- 5) Upon satisfactory completion of the above, GRANT planning permission subject to the following conditions:

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

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

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

- Drawing Number DA20020.5.001 Rev 2 – Site Location Plan and Block Plan
- Drawing Number DA20020.5.004 Rev 6 – Proposed Site Masterplan
- Drawing Number DA20020.5.402 Rev 1 – Site Sections
- Drawing Number 1722/05 Rev C – Proposed Micklehurst Road Access
- Drawing Number DA200.20.4.005 Rev 2 – Proposed House Plans and Elevations – Type A
- Drawing Number DA20020.4.006 Rev 1 – Proposed House Plans and Elevations – Type B
- Drawing Number DA20020.4.007 Rev 007 – Proposed House Plans and Elevations – Type C
- Drawing Number DA20020.4.008 – Proposed House Plans and Elevations – Type D
- Drawing Number DA20020.4.301 – Materials Schedule – Type A
- Drawing Number DA20020.4.303 – Materials Schedule – Type B
- Drawing Number DA20020.4.302 – Materials Schedule – Type C
- Drawing Number DA20020.4.304 – Materials Schedule – Type D
- Drawing Number DA20020.5.008 Rev 2 – Street Scene Elevations
- Drawing Number 1722/06 Rev A – Swept Path Tracking: Fire Tender
- Drawing Number WJR/17082020 21 TPP 004 – Tree Protection Plan 004

- 3) Notwithstanding any description of materials in the application, 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.

Reason: In the interests of the visual amenities of the locality, in accordance with policies H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 4) 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;
- Any arrangements for temporary construction access;

- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and,
- Details of on-site storage facilities.

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

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 5) Prior to the first occupation of the development hereby approved each house shall be provided with an electric vehicle charging facility. The specification of the charging points installed shall:

- Be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
- Have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
- Be fitted with a universal socket (known as an untethered electric vehicle charge point);
- Be fitted with a charging equipment status indicator using lights, LEDs or display; and
- A minimum of Mode 3 or equivalent.

Reason: In the interest of sustainability to encourage electric vehicle ownership in the interests of air quality.

- 6) No part of the development hereby approved shall be occupied until details of the secured cycle storage provision been submitted to and approved in writing by the local planning authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of that each dwelling and shall be retained as such thereafter.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management.

- 7) 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:

- Phasing plan of highway works;
- Stage 1 Safety Audit – ‘Completion of preliminary design’ and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit;
- Surface and drainage details of all carriageways and footways;
- 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;
- Details of an Approval in Principle must be obtained for proposed retaining walls within the development including temporary retaining structures required for the proposed site be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, (this does not define adoption of the asset but merely the design constraints should they be approved by the LHA.);
- 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;
- Details of carriageway markings and signage; and,

- Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.

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.

Reason: In the interests of highway safety.

- 8) A clear view shall be provided at the junction of the proposed with Micklehurst Road. Its area shall measure 2.4 metres along the centre of the proposed road and 43 metres along the edge of the roadway in Micklehurst Road. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.

Reason: To allow users of the development and Micklehurst Road to see each other approaching.

- 9) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plans shall be provided in full and shall thereafter be kept unobstructed and retained as such thereafter to enable vehicles to enter and leave the site in forward gear at all times.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

- 10) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

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

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

- 12) Dust suppression equipment in the form of sprinklers or water bowsers shall be employed at the site at all times. During periods of hot or dry weather water suppression shall be undertaken at regular intervals to prevent any migration of dust from the site. All surface water run off associated with the equipment shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway at any time.

Reason: In the interests of air quality and local residential amenity.

13) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

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

Prior to occupation, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

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

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

14) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and,
- A timetable for its implementation.

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

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with UDP Policy U3 and Section 14 of the NPPF.

- 15) Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 16) A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas for shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape management plan shall be carried out in accordance with the approved plan and in accordance with timetable to be agreed in writing with the local planning authority.

Reason: In the interests of the visual amenities of the locality, in accordance with policies H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 17) No works to trees or shrubs shall occur between 1 March and 31 August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority.

Reason: In the interests of biodiversity in accordance with policy N7: Protected Species

- 18) A scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species and to provide mitigation for the trees to be felled.

- 19) The root structures of trees on the site which are to be retained adjacent to Micklehurst Road, as identified on drawing number WJR/17082020 21 TPP 004, shall be protected from the development using the 'Protectaweb Tree Root Protection System' unless an alternative solution has first been submitted to and approved in writing by the Local Planning Authority. All other trees to be retained shall be protected to the recommendations of BS5837 during the development.

Reason: To ensure that retained trees are adequately protected from the proposed development and in accordance with UDP Policy N5.

20) Prior to the first occupation of any of the dwellings hereby approved a Crime Mitigation Statement shall be submitted to and approved by the Local Planning Authority demonstrating:

1. How the recommendations in Section 3.3 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been incorporated into the discharge of condition 3 (boundary treatments);
2. That the Physical Security requirements set out in Section 4 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been provided in full unless otherwise justified and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing opportunities for crime in accordance with Unitary Development Plan Policy H10.

21) Notwithstanding the plans hereby approved the second floor side elevation windows to each of the house types shall be installed with obscure glazing achieving at least Level 4 on the Pilkington Scale of Obscuration. The windows shall be maintained in such specification at all times thereafter.

Reason: In the interests of residential amenity to prevent opportunities for overlooking and loss of privacy having regard to the requirements of Unitary Development Plan Policy H10.



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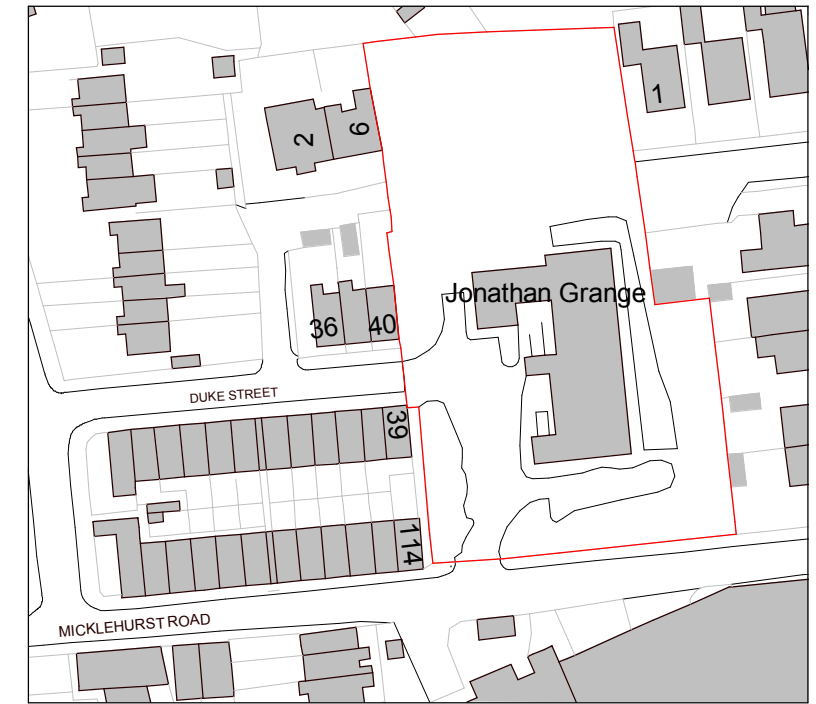


1. Site - Block Plan - Proposed  
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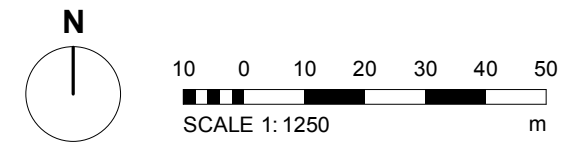
Page 199

Legend - Boundaries


- Site Boundary
- Site Ownership



2. Site - Location Plan - Existing  
1 : 1250



2	Planning	PY	01/07/21
1	For Planning	JK	29/05/21
REV	DESCRIPTION	BY	DATE

PROJECT	SCALE @ A3	DATE	DRAWN BY
Jonathan Grange	As indicated	16 March 2021	JK
CLIENT	STATUS		
Rayton Ltd	PLANNING		
TITLE	PROJECT NO.	DRAWING NO.	REV.
Site - Location and Block Plan	DA20020.5.	001.	2
NOTES			
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Photo 1: View of the site from Duke Street





Photo 2: The existing building viewed from the west



Photo 3: The existing building viewed from the south west of the site





Photo 4: The eastern elevation of the existing building





Photo 5: Views towards the site from Marle Rise.



Photo 6: View across the site taken from the end of Marle Rise.





Photo 7: View along Micklehurst Road showing the blocked existing entrance to the site.



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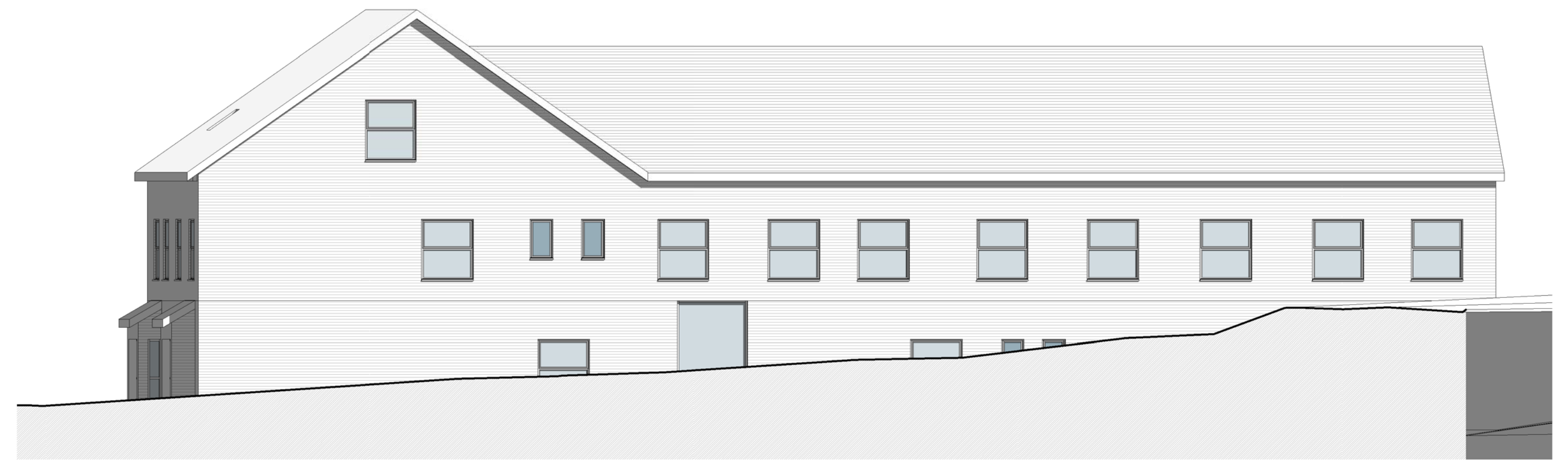
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2. Left Side - Existing  
1 : 100



3. Rear - Existing  
1 : 100



4. Right Side - Existing  
1 : 100

PROJECT	SCALE	DATE	DATE	DRAWN BY
Jonathan Grange	1 : 100	07/17/20		Author
CLIENT	STATUS			
Shoime Eckstein				
TITLE	PROJECT NO.	DRAWING NO.	REV.	
Existing Elevations	DA20020.5.	003.		
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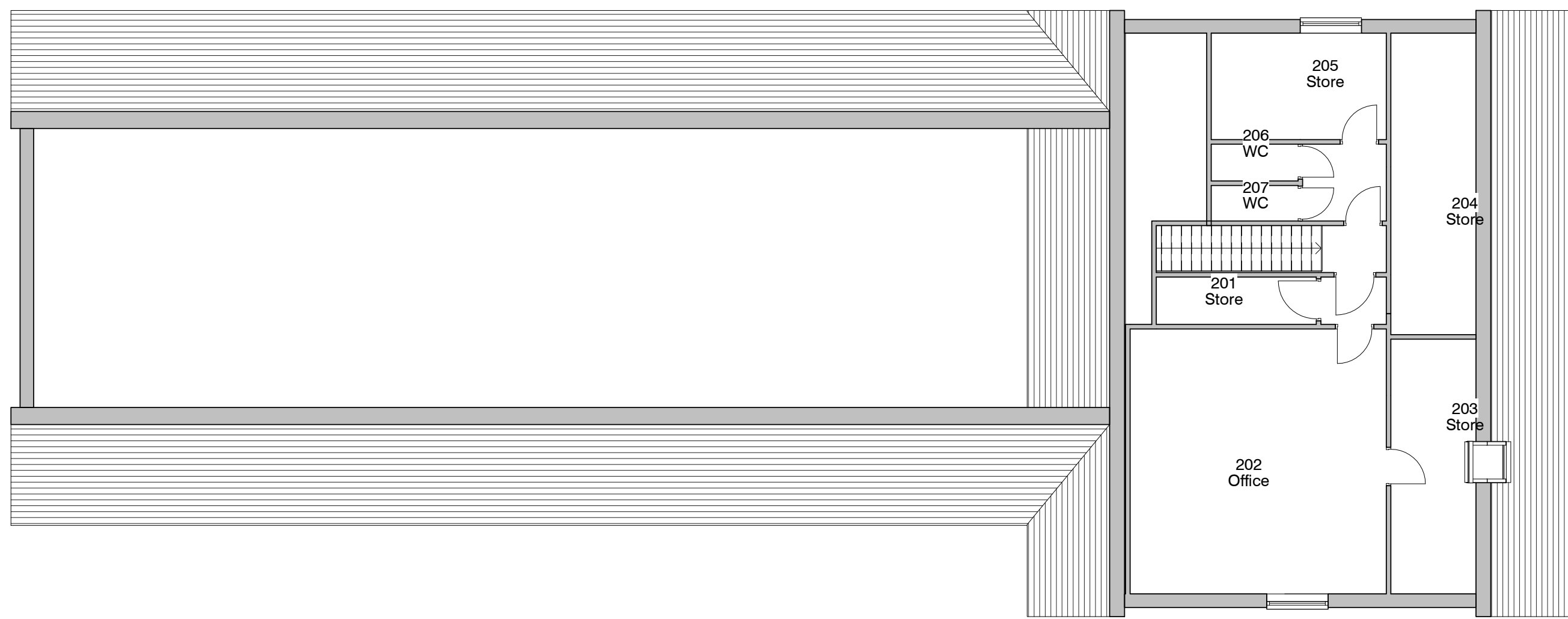


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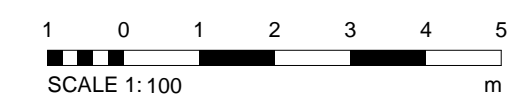
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2. Level 1 - GA Existing  
1:100



3. Level 2 - GA Existing  
1:100



PROJECT	SCALE & A1	DATE	BY
Jonathan Grange	1 : 100	09 July 2020	AP
CLIENT	STATUS		
Shloime Eckstein	PRE- APPLICATION		
TITLE	PROJECT NO.	DRAWING NO.	REV.
Existing GA Plans	DA20020.5.	002.	1
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<b>DA</b> DEBTAL ARCHITECTURE <small>www.debtal.co.uk</small>			

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0m 5m 10m 20m



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Key:  
 2.4m x 43m visibility splay

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Rev	Description	Date
C	Updated architect's plan added to Drawing	12.07.21
B	Change to visibility splays following highway authority Comments	29.06.21
A	Visibility splays derived from speed survey	07.06.21

Project: JONATHAN GRANGE, MOSSLEY

Client: DEBTAL

Drawing No: 1722/05

Rev: C

Title: PROPOSED MICKLEHURST ROAD ACCESS

Page 213

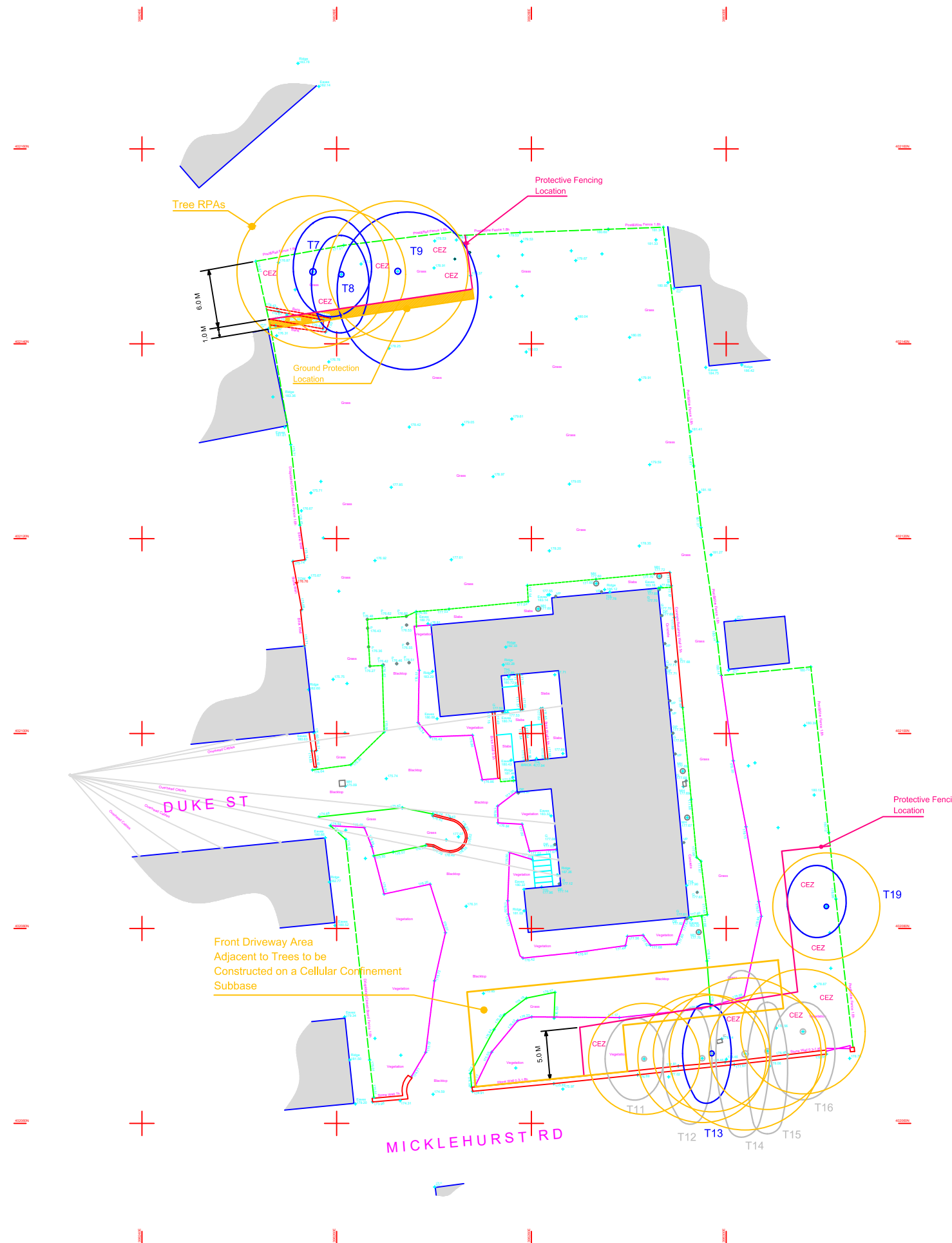
Date: JUNE 2021







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- 
**Category A Tree**  
 Trees of high quality with an estimated remaining life expectancy of at least 40 years
- 
**Category B Tree**  
 Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
- 
**Category C Tree**  
 Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm
- 
**Category U Tree**  
 Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years
- 
**RPA**  
 Calculated root protection area (RPA), depicted as a measured radius around a tree that should remain undisturbed during demolition and construction activity, a construction exclusion zone (CEZ)
- 
**CEZ**  
 Protective fencing location

Client:  
**Rayton Ltd**

Project:  
Tree Protection Plan 004  
Jonathan Grange Nursing Home,  
Micklehurst Road,  
Mossley, OL5 9JF

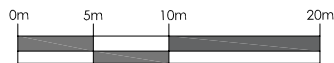
Dwg No: WJR/17082020 21 TPP 004

Date: 26/03/2021

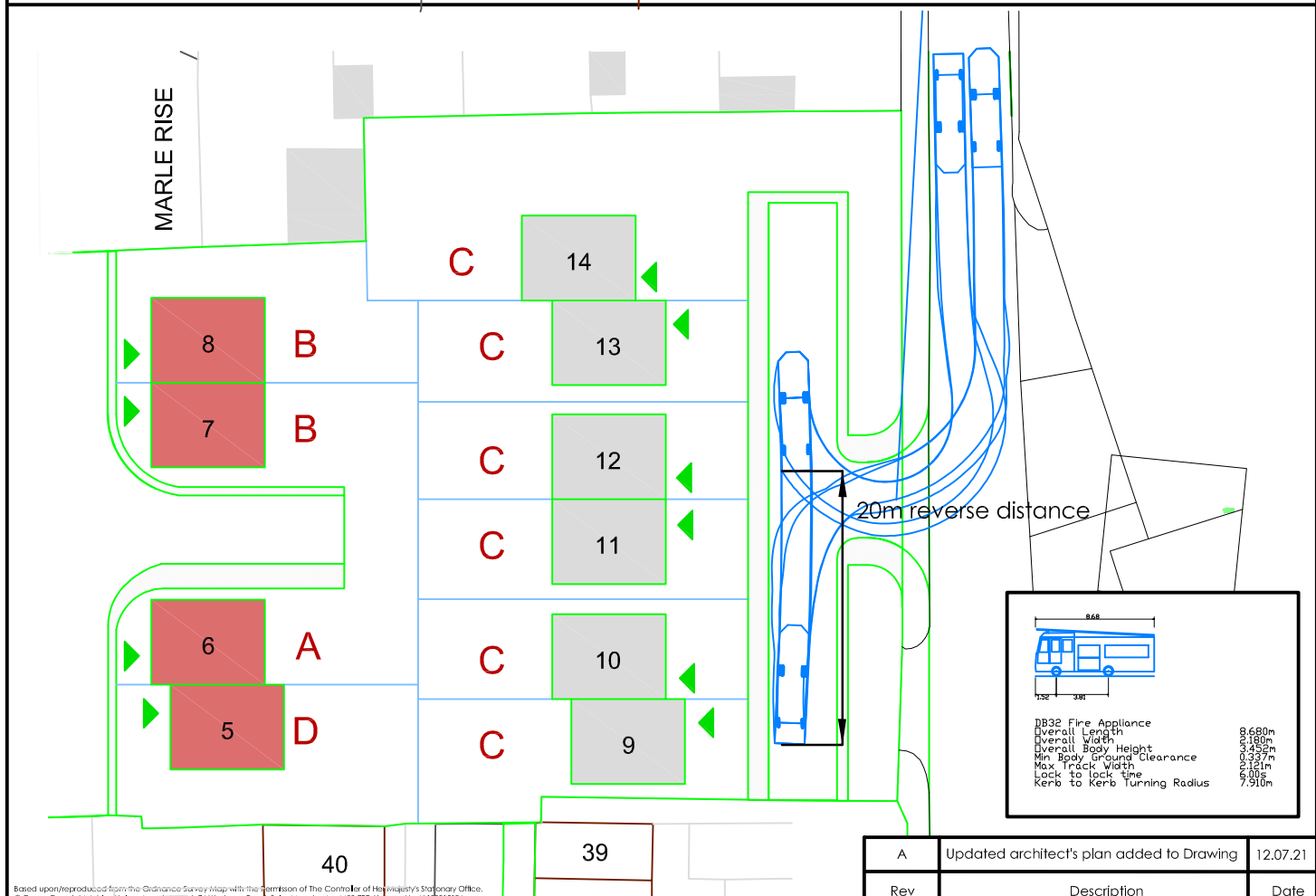
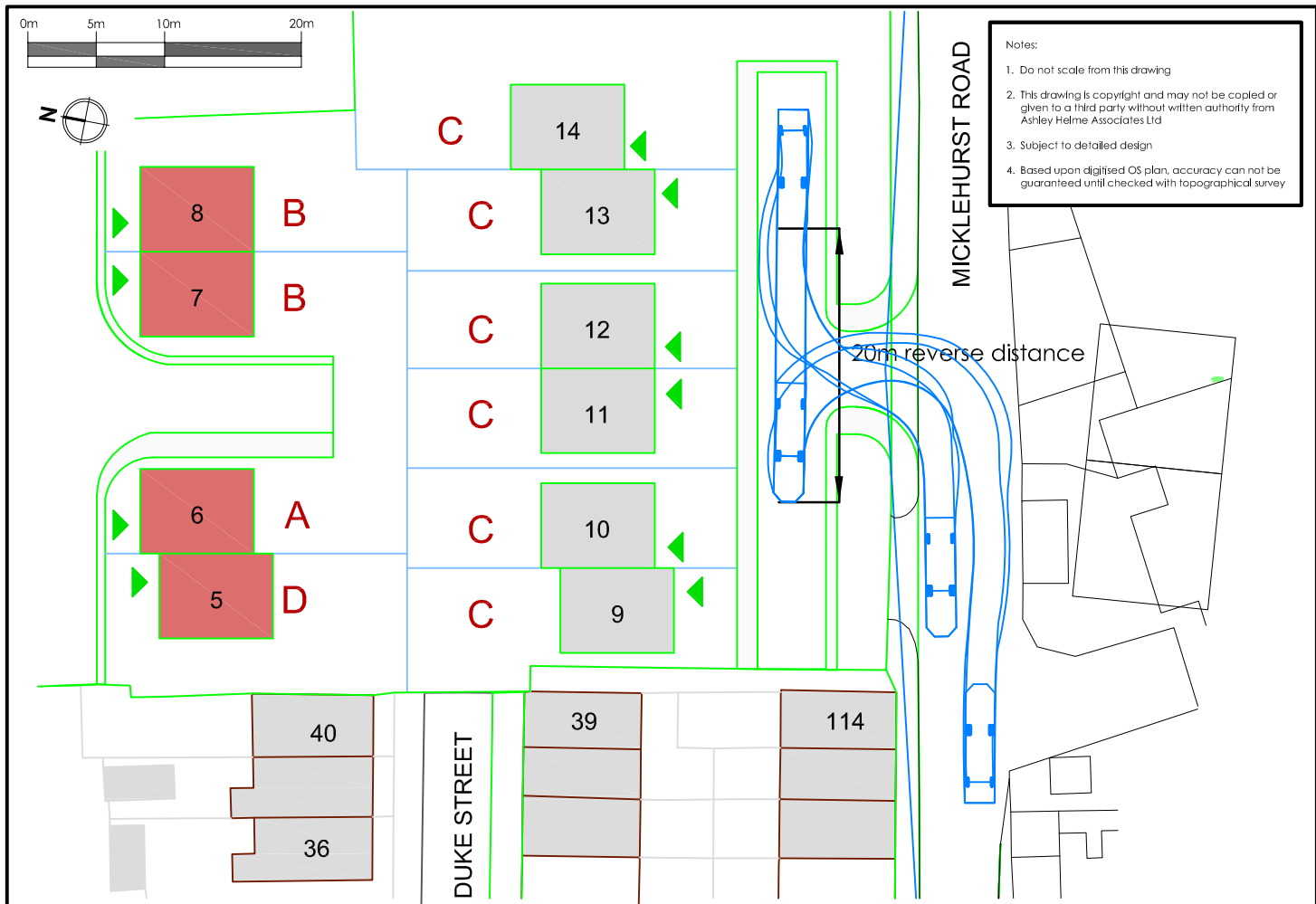
Scale: 1:500      Size: A3

Rowbottom's Tree Services Ltd  
Cheddleton Lodge, West Road,  
Prestwich, Manchester, M25 3FB  
Tel: 0161 773 2788  
www.rowbottoms.co.uk  
email:  
bill@rowbottoms-tree-services.co.uk

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Project	JONATHAN GRANGE, MOSSLEY	Client	DEBTAL	Drawing No	1722/06	Rev	A
Title	SWEPT PATH TRACKING: FIRE TENDER		Date	MAY 2021	Scale	1:500@A4	
				Rev	A	Updated architect's plan added to Drawing 12.07.21	
				Rev		Description	Date



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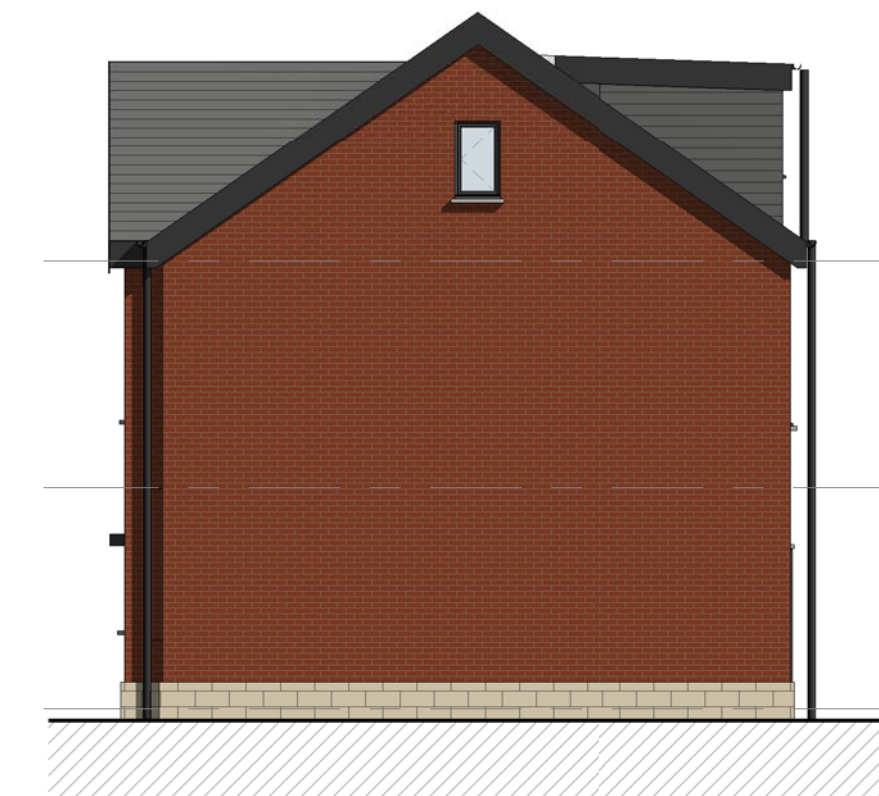
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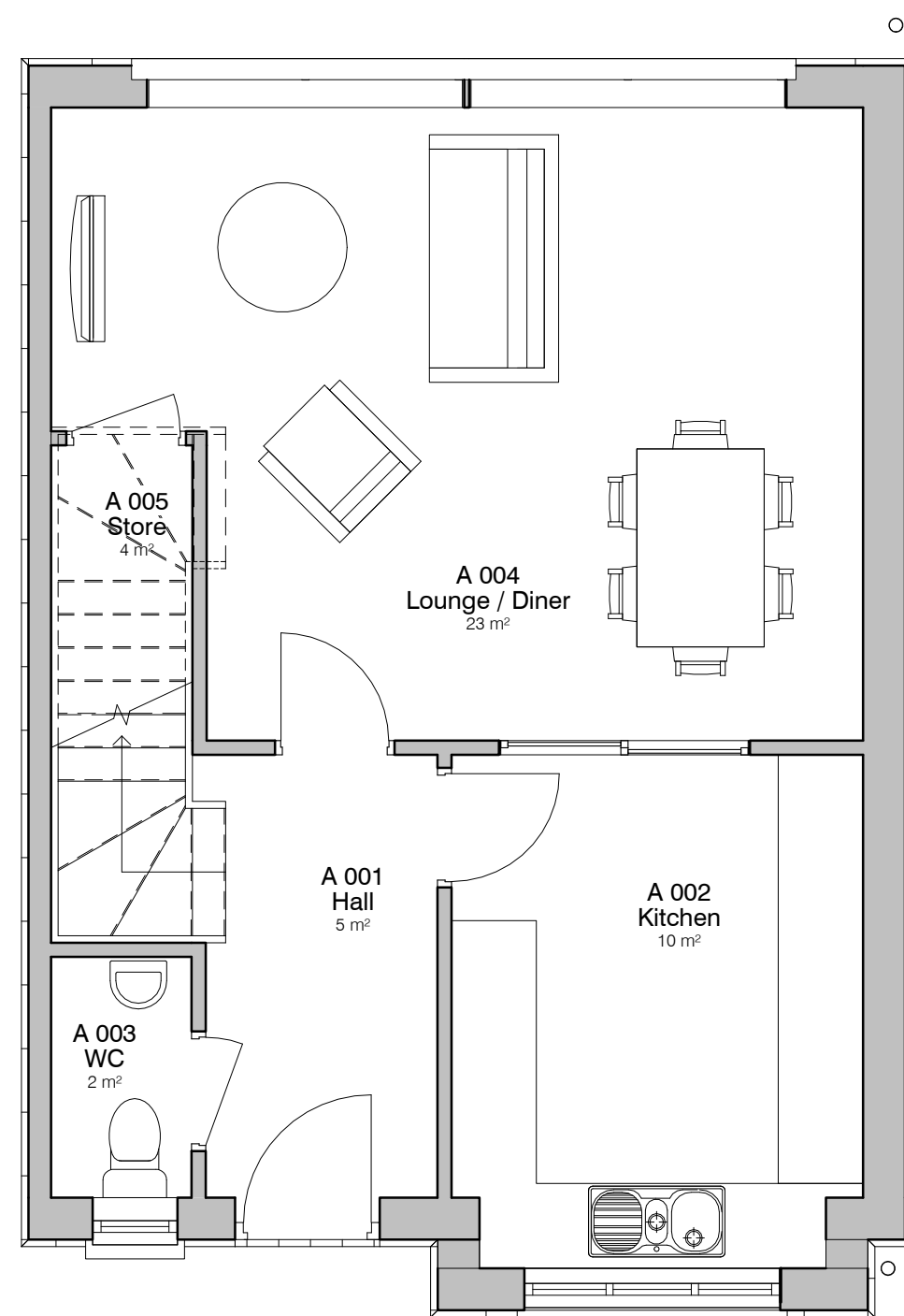
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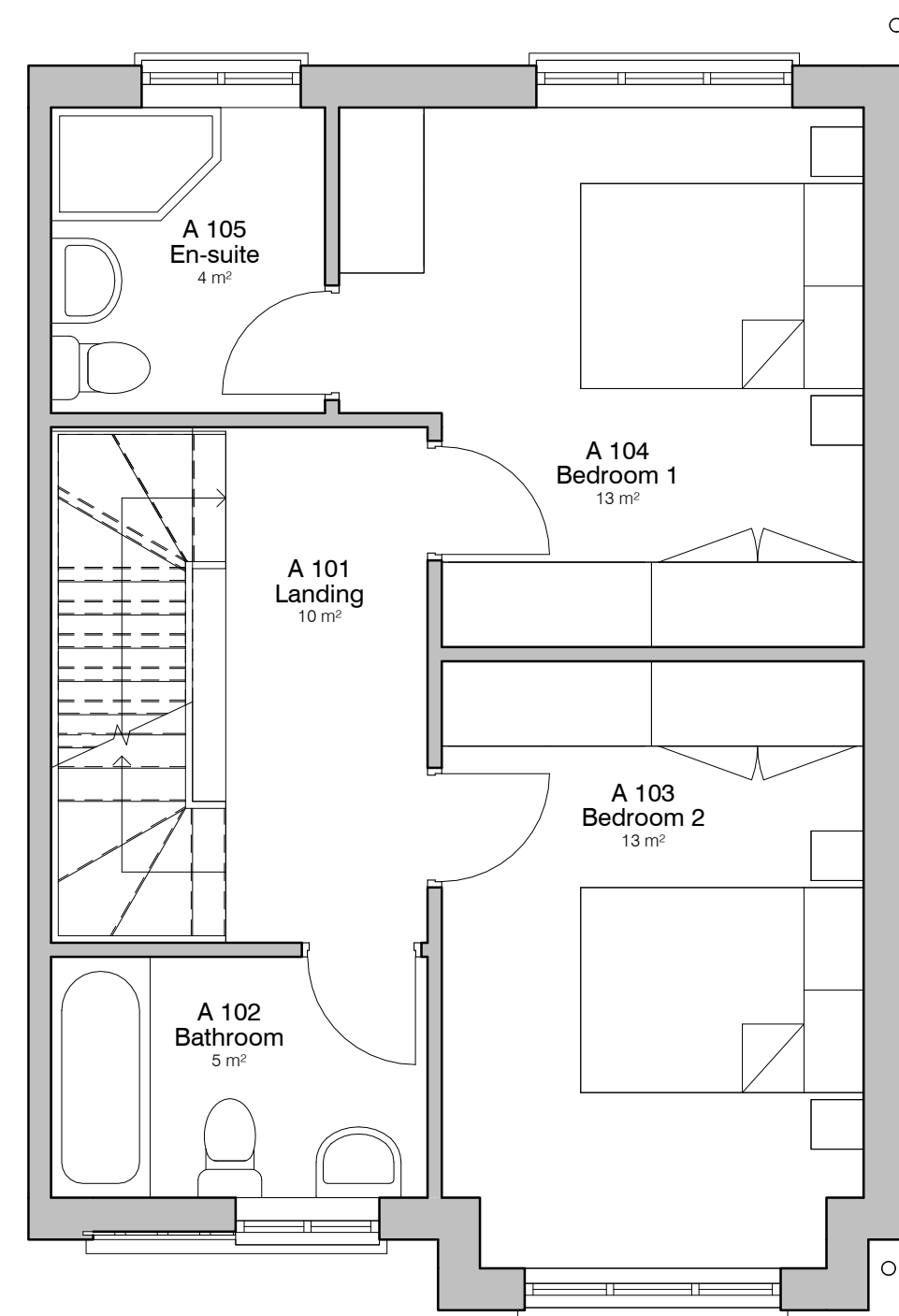
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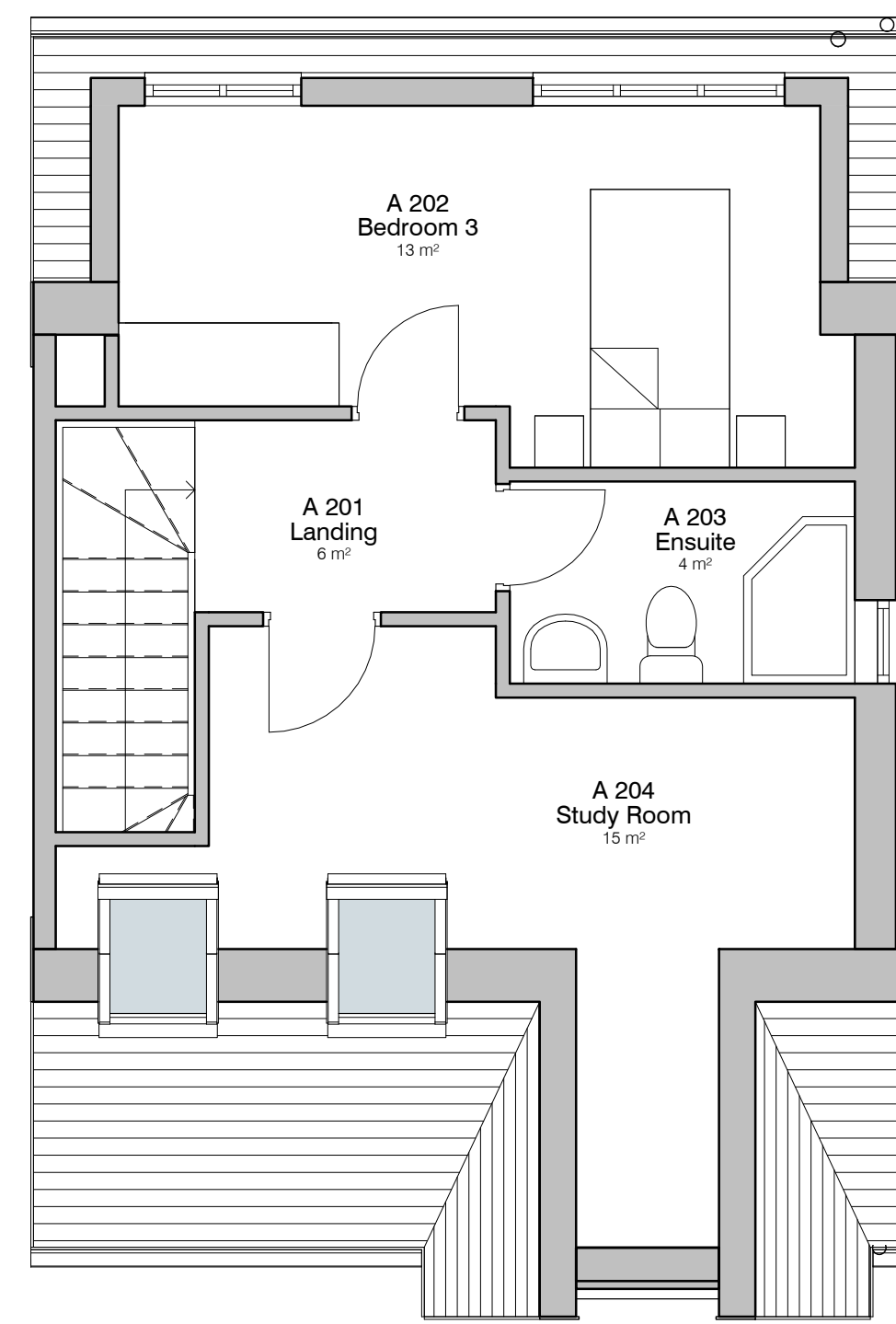
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① Level 0 - GA Proposed  
1 : 50

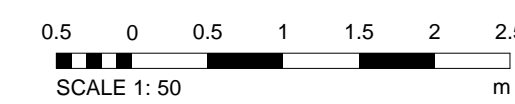
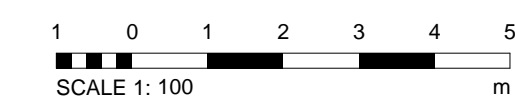


② Level 1 - GA Proposed  
1 : 50



③ Level 2 - GA Proposed  
1 : 50

Schedule - Room - Proposed			
Level	Number	Name	Area
LEVEL 0	A 001	Hall	5 m <sup>2</sup>
LEVEL 0	A 002	Kitchen	10 m <sup>2</sup>
LEVEL 0	A 003	WC	2 m <sup>2</sup>
LEVEL 0	A 004	Lounge / Diner	23 m <sup>2</sup>
LEVEL 0	A 005	Store	4 m <sup>2</sup>
LEVEL 1	A 101	Landing	10 m <sup>2</sup>
LEVEL 1	A 102	Bathroom	5 m <sup>2</sup>
LEVEL 1	A 103	Bedroom 2	13 m <sup>2</sup>
LEVEL 1	A 104	Bedroom 1	13 m <sup>2</sup>
LEVEL 1	A 105	En-suite	4 m <sup>2</sup>
LEVEL 2	A 201	Landing	6 m <sup>2</sup>
LEVEL 2	A 202	Bedroom 3	13 m <sup>2</sup>
LEVEL 2	A 203	Ensuite	4 m <sup>2</sup>
LEVEL 2	A 204	Study Room	15 m <sup>2</sup>
			125 m <sup>2</sup>



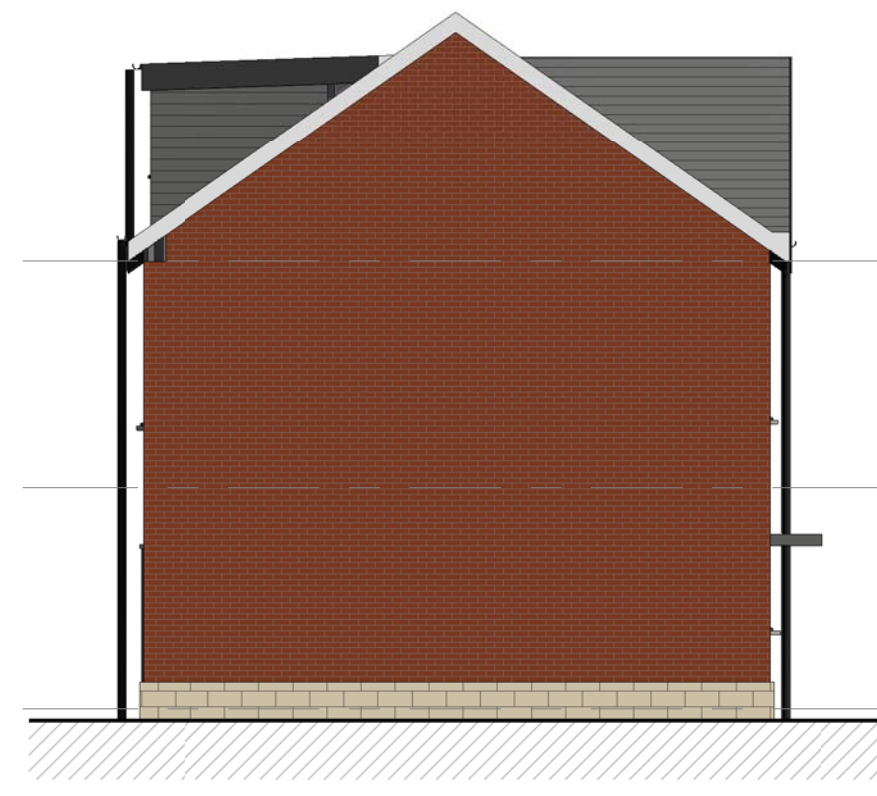
PROJECT	JG - Type A	SCALE @ A1	As indicated	DATE	20 JULY 2020	DRAWN BY	PY
CLIENT	Rayton Ltd	STATUS	PLANNING				
TITLE	Proposed House Plans and Elevations - Type A	PROJECT NO.	DA20020.4. 005.	DRAWING NO.		REV.	2
		<small>NOTES</small> THIS DRAWING MUST NOT BE REPRODUCED WITHOUT THE WRITTEN CONSENT OF DEBTAL ARCHITECTURE. ALL DIMENSIONS AND MATERIALS SHALL BE CHECKED AND CONFIRMED ON SITE AND CORRECTED TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACCORDANCE WITH CURRENT STATUTORY LEGISLATION RELEVANT CODES OF PRACTICE AND BEST PRACTICES. ALL DIMENSIONS ARE TO THE DRAWING UNLESS OTHERWISE SPECIFIED.					



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④ Front - Proposed  
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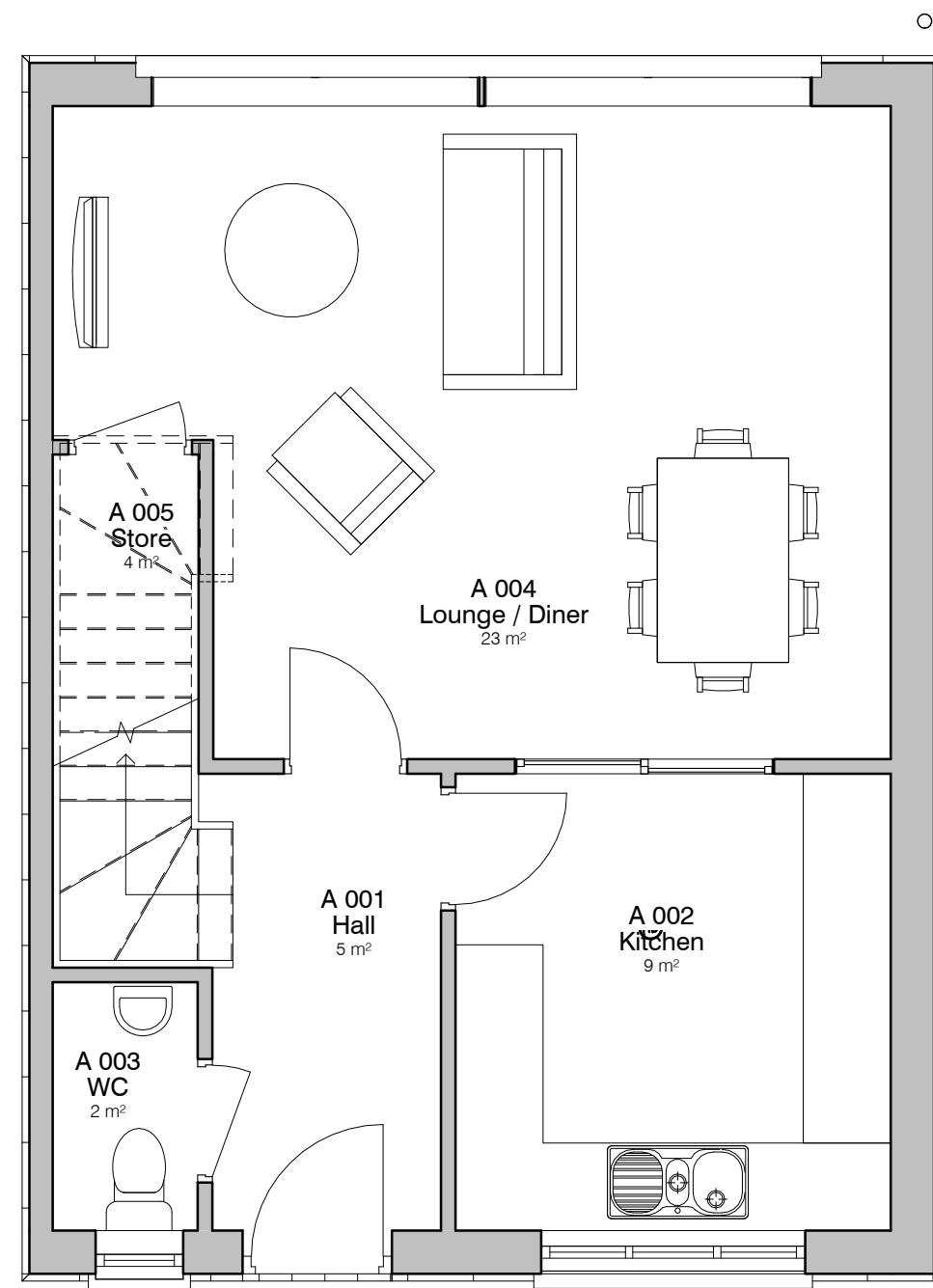
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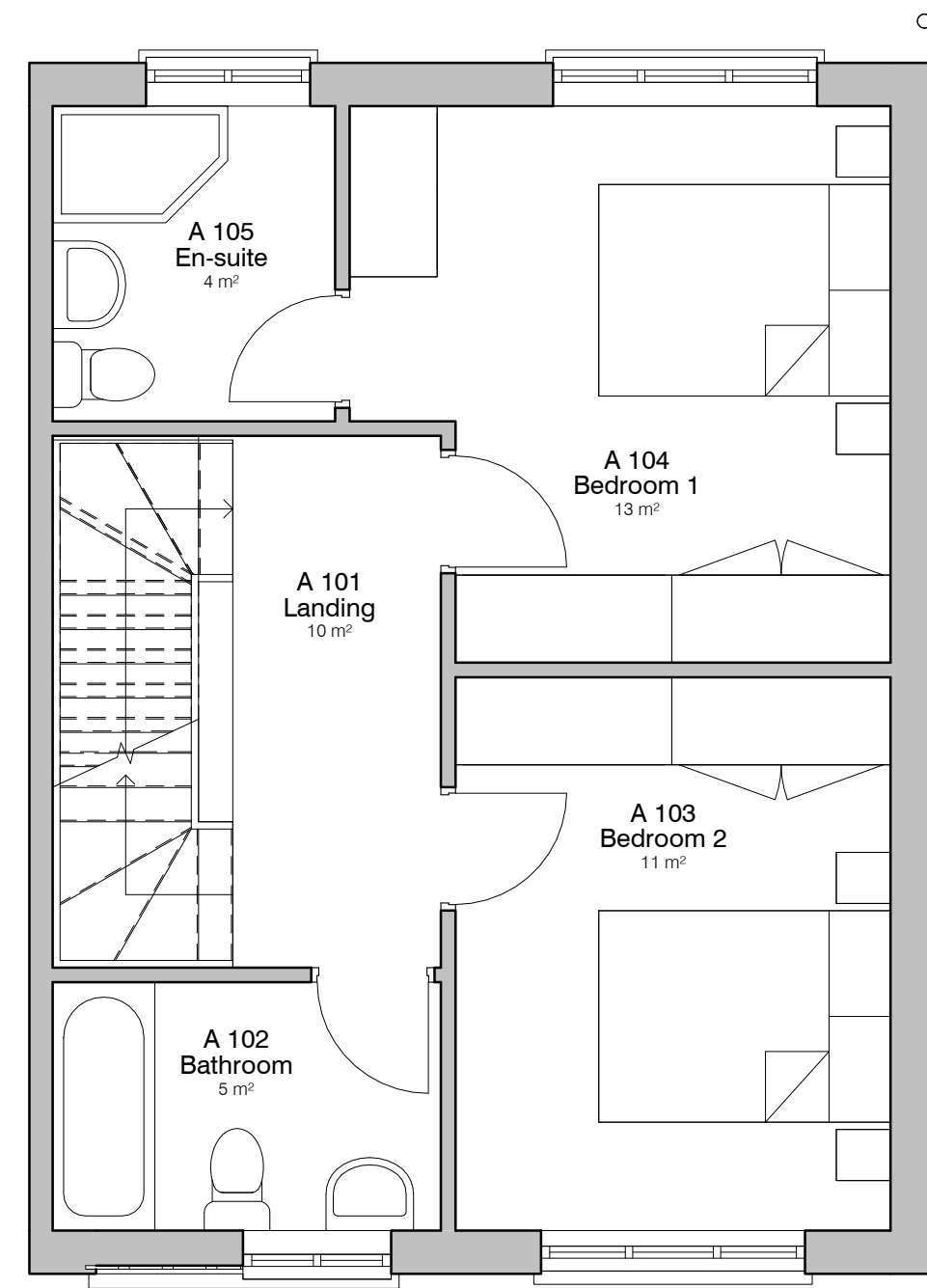
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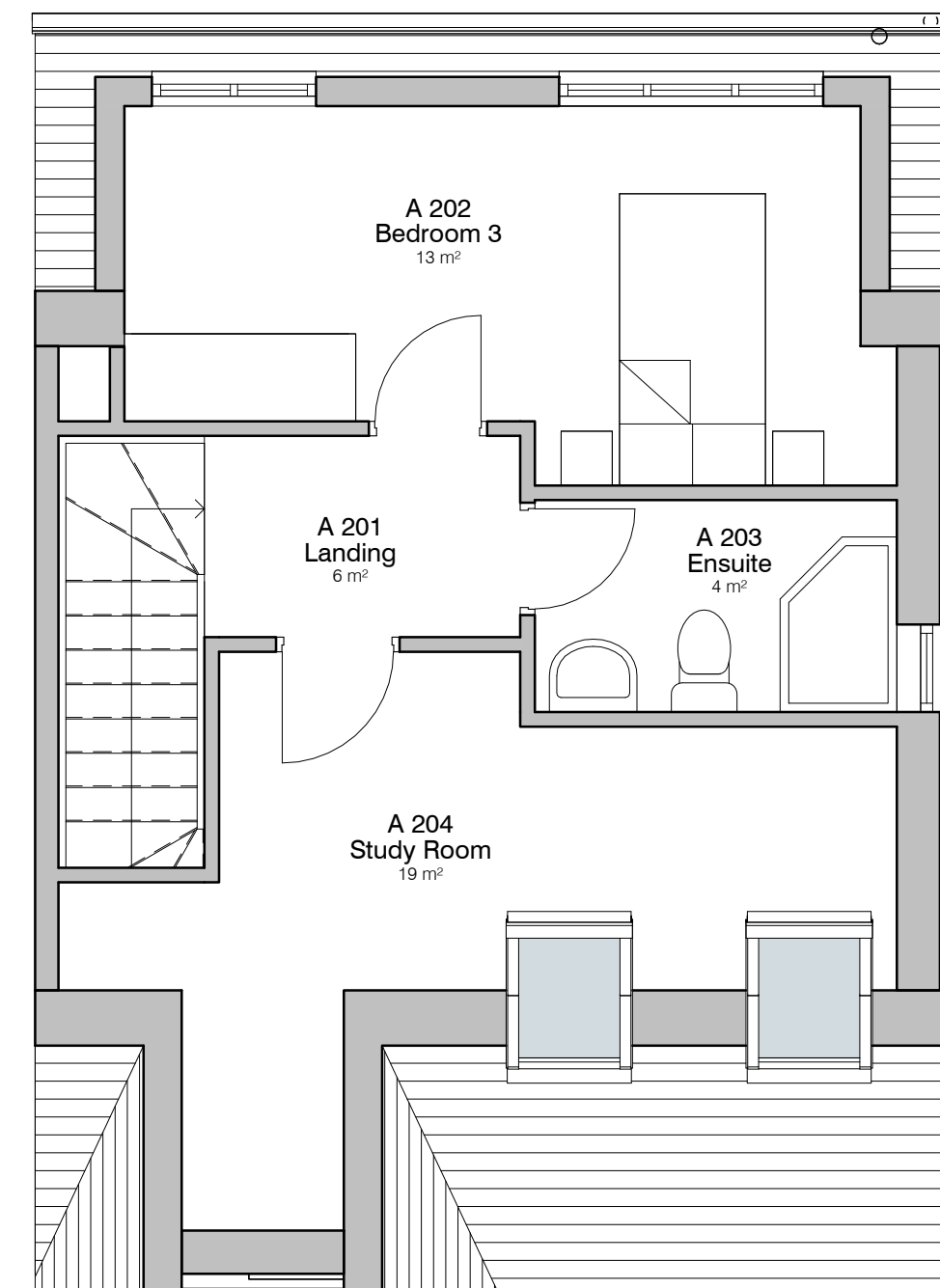
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① Level 0 - GA Proposed  
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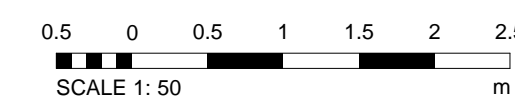
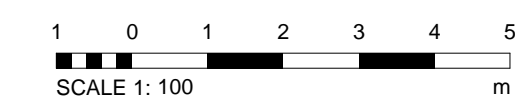


② Level 1 - GA Proposed  
1 : 50



③ Level 2 - GA Proposed  
1 : 50

Schedule - Room - Proposed			
Level	Number	Name	Area
LEVEL 0	A 001	Hall	5 m <sup>2</sup>
LEVEL 0	A 002	Kitchen	9 m <sup>2</sup>
LEVEL 0	A 003	WC	2 m <sup>2</sup>
LEVEL 0	A 004	Lounge / Diner	23 m <sup>2</sup>
LEVEL 0	A 005	Store	4 m <sup>2</sup>
LEVEL 1	A 101	Landing	10 m <sup>2</sup>
LEVEL 1	A 102	Bathroom	5 m <sup>2</sup>
LEVEL 1	A 103	Bedroom 2	11 m <sup>2</sup>
LEVEL 1	A 104	Bedroom 1	13 m <sup>2</sup>
LEVEL 1	A 105	En-suite	4 m <sup>2</sup>
LEVEL 2	A 201	Landing	6 m <sup>2</sup>
LEVEL 2	A 202	Bedroom 3	13 m <sup>2</sup>
LEVEL 2	A 203	Ensuite	4 m <sup>2</sup>
LEVEL 2	A 204	Study Room	19 m <sup>2</sup>
			127 m <sup>2</sup>

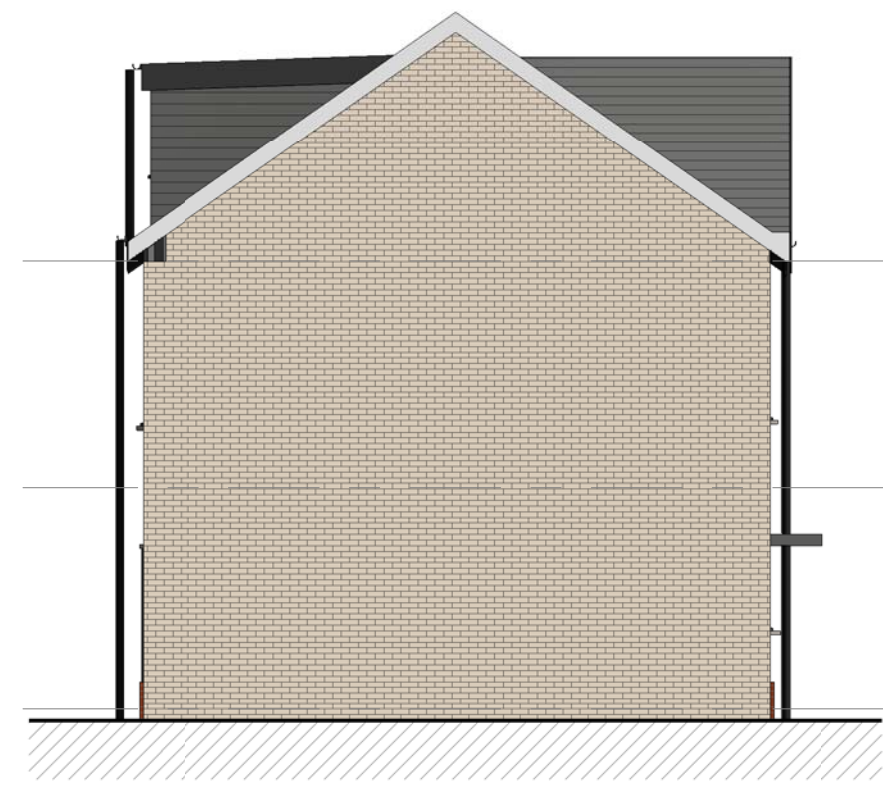


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JG - Type B		As indicated		18 March 2021 JK	
CLIENT		STATUS		PROJECT NO.	
Rayton Ltd		PLANNING		DA20020.4. 006.	
TITLE		DRAWING NO.		REV.	
Proposed House Plans and Elevations - Type B		DA20020.4. 006.		1	
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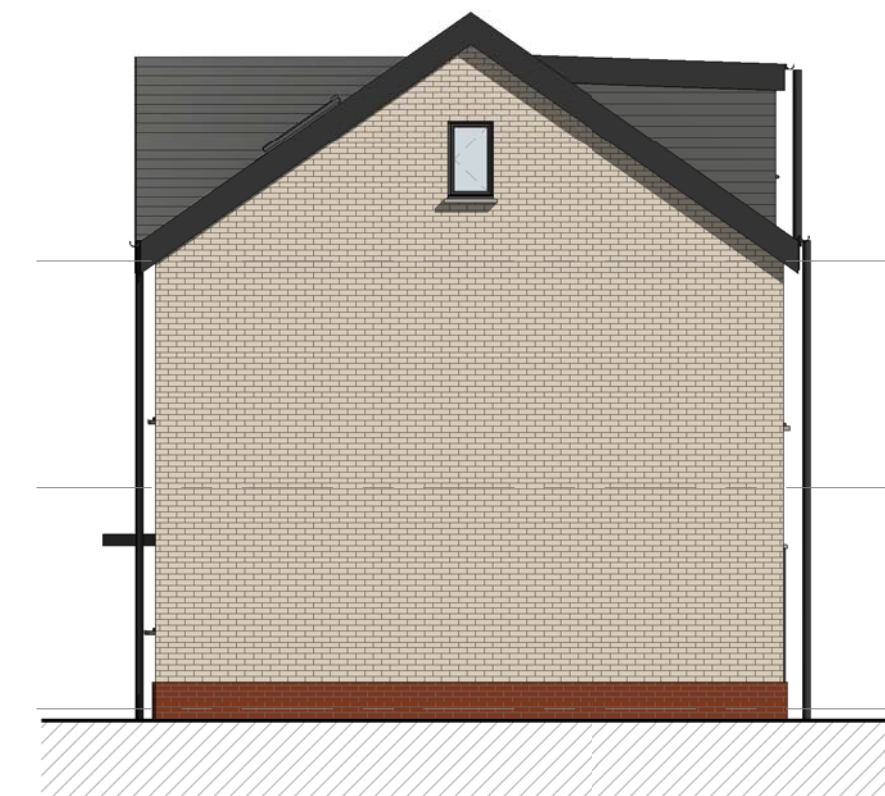
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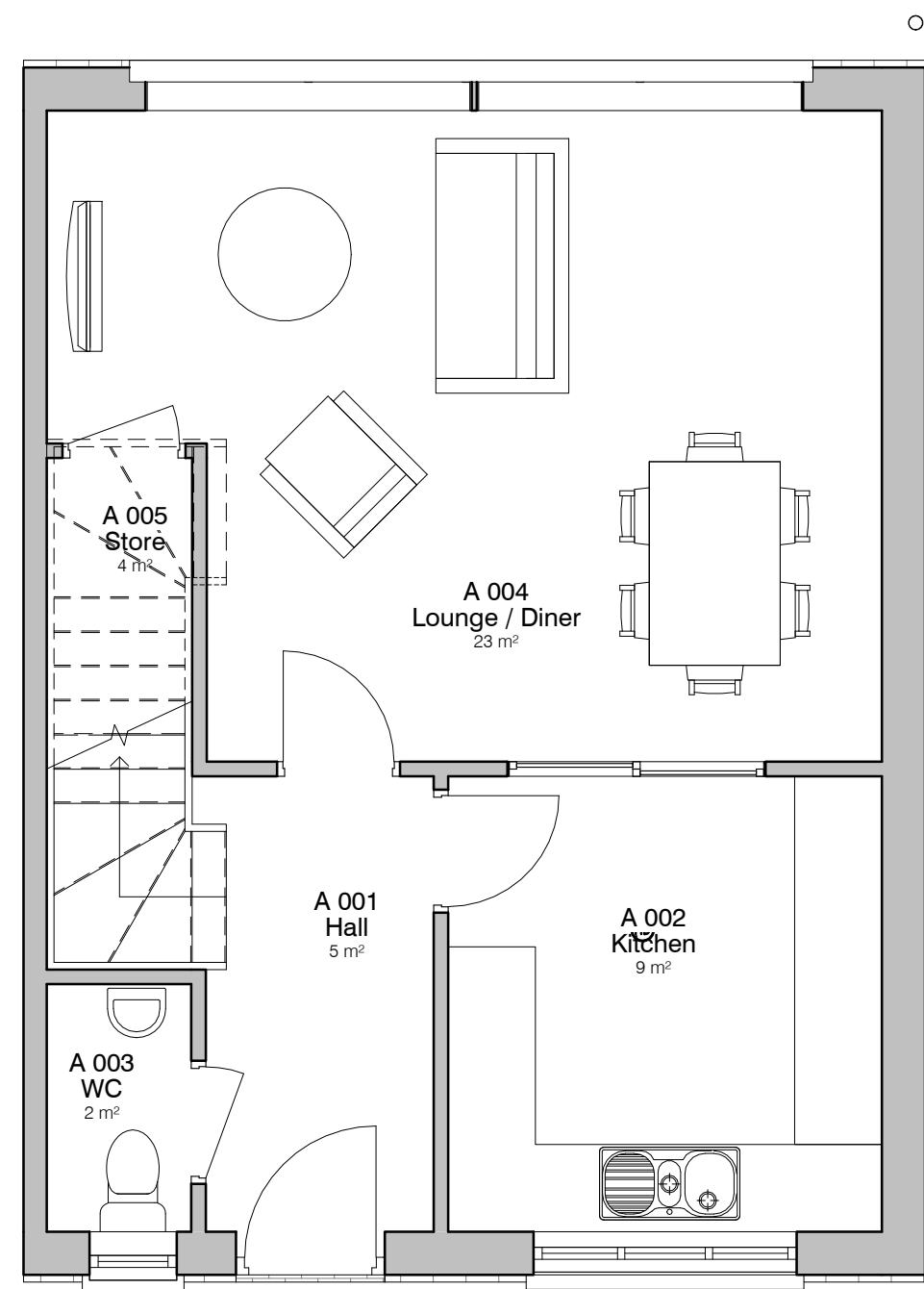
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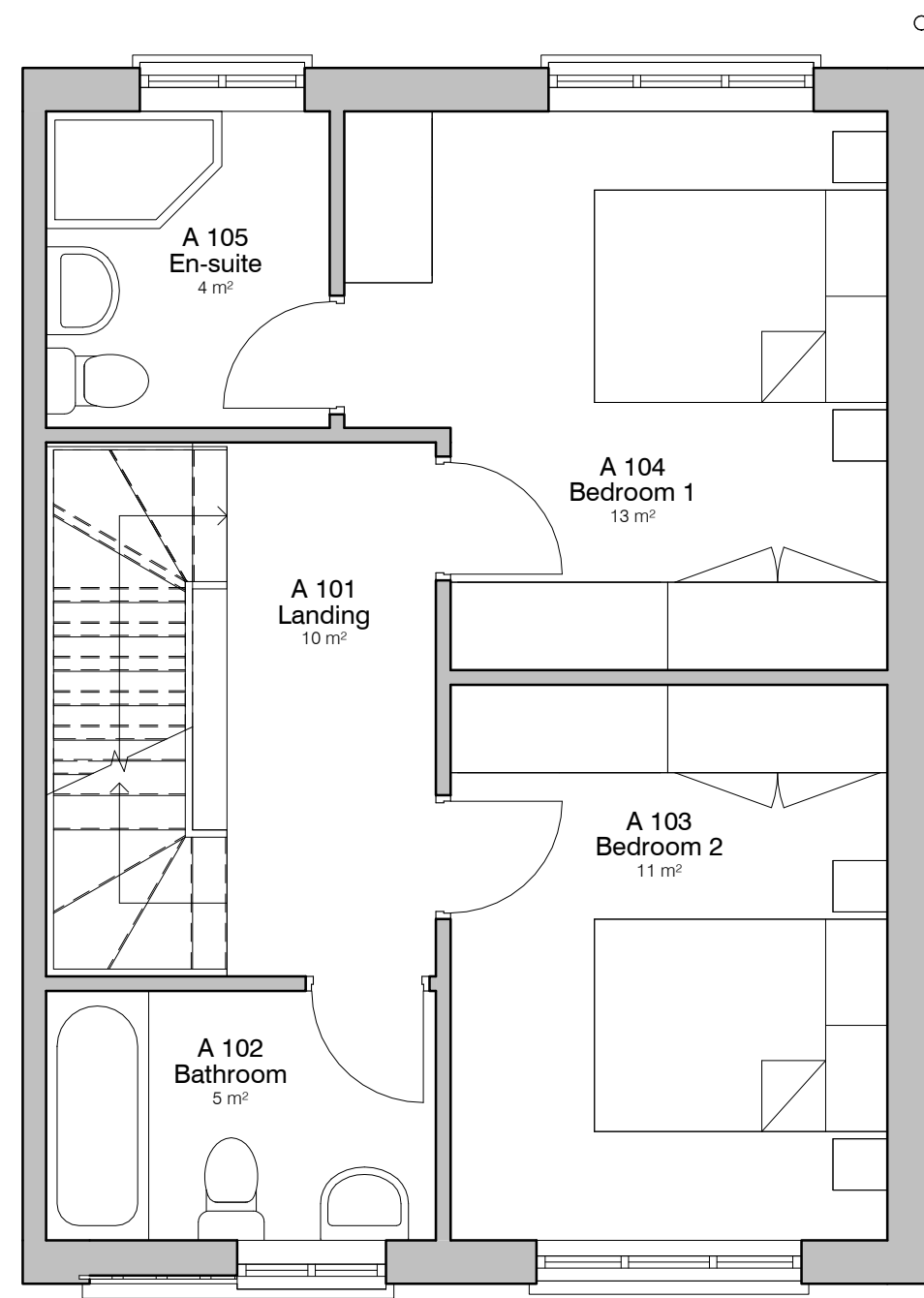
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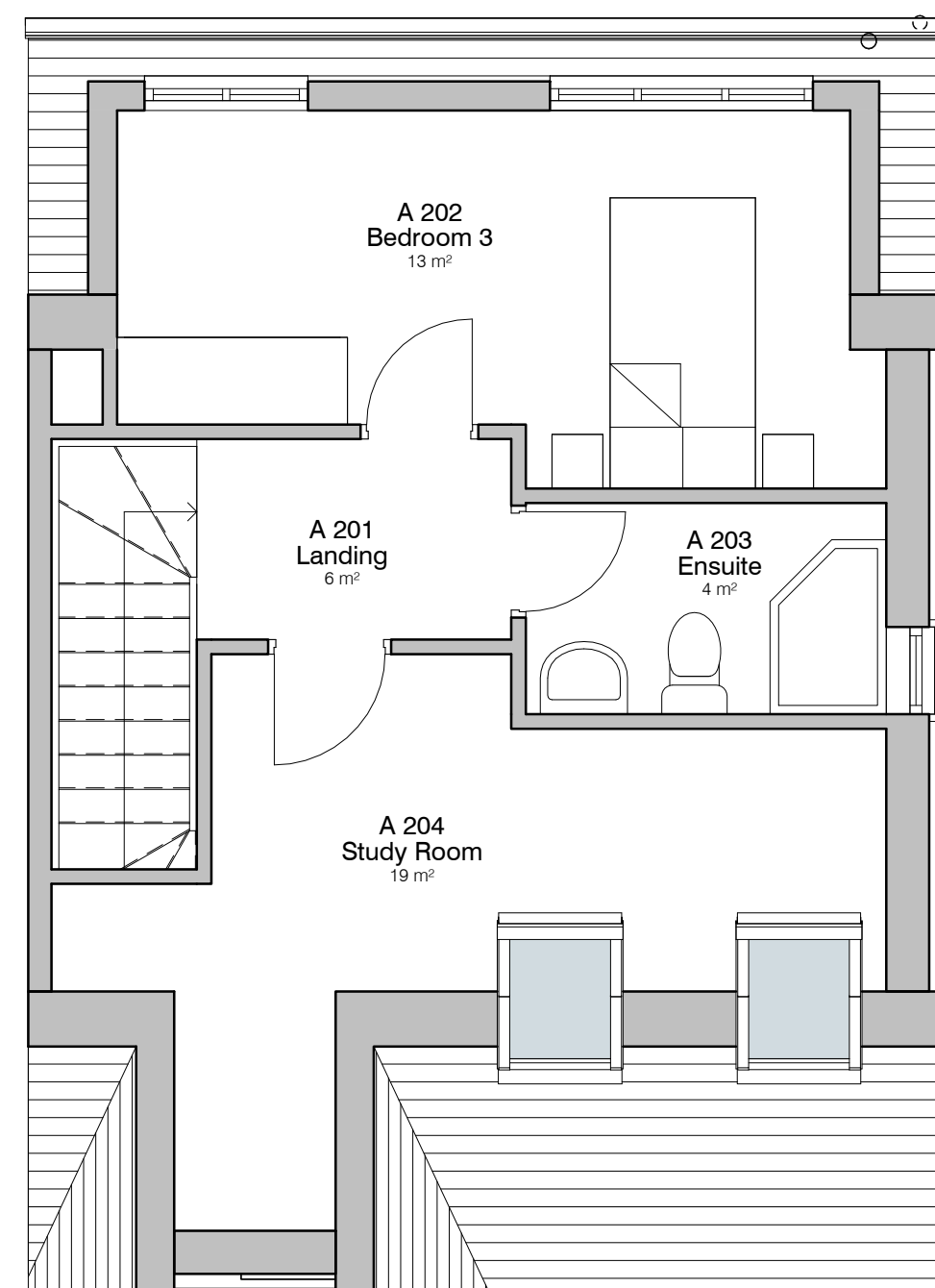
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① Level 0 - GA Proposed  
1 : 50

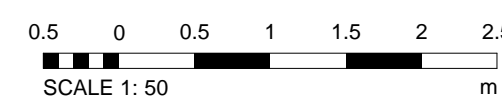
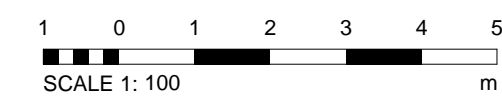


② Level 1 - GA Proposed  
1 : 50



③ Level 2 - GA Proposed  
1 : 50

Schedule - Room - Proposed			
Level	Number	Name	Area
LEVEL 0	A 001	Hall	5 m <sup>2</sup>
LEVEL 0	A 002	Kitchen	9 m <sup>2</sup>
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LEVEL 0	A 005	Store	4 m <sup>2</sup>
LEVEL 1	A 101	Landing	10 m <sup>2</sup>
LEVEL 1	A 102	Bathroom	5 m <sup>2</sup>
LEVEL 1	A 103	Bedroom 2	11 m <sup>2</sup>
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LEVEL 2	A 201	Landing	6 m <sup>2</sup>
LEVEL 2	A 202	Bedroom 3	13 m <sup>2</sup>
LEVEL 2	A 203	Ensuite	4 m <sup>2</sup>
LEVEL 2	A 204	Study Room	19 m <sup>2</sup>
			127 m <sup>2</sup>



PROJECT	SCALE & AS	DATE	DATE	BY	DATE
JG - Type C	As indicated	19 March 2021		JK	
CLIENT	Rayton Ltd				
STATUS	PLANNING				
TITLE	PROJECT NO.	DRAWING NO.	REV.		
Proposed House Plans and Elevations - Type C	DA20020.4.	007.			
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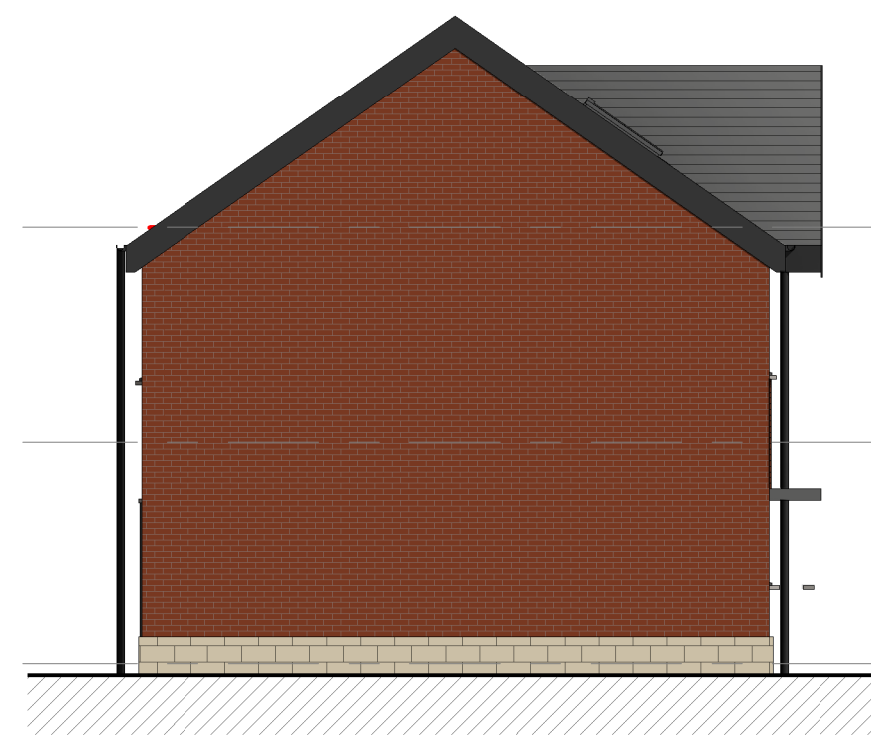


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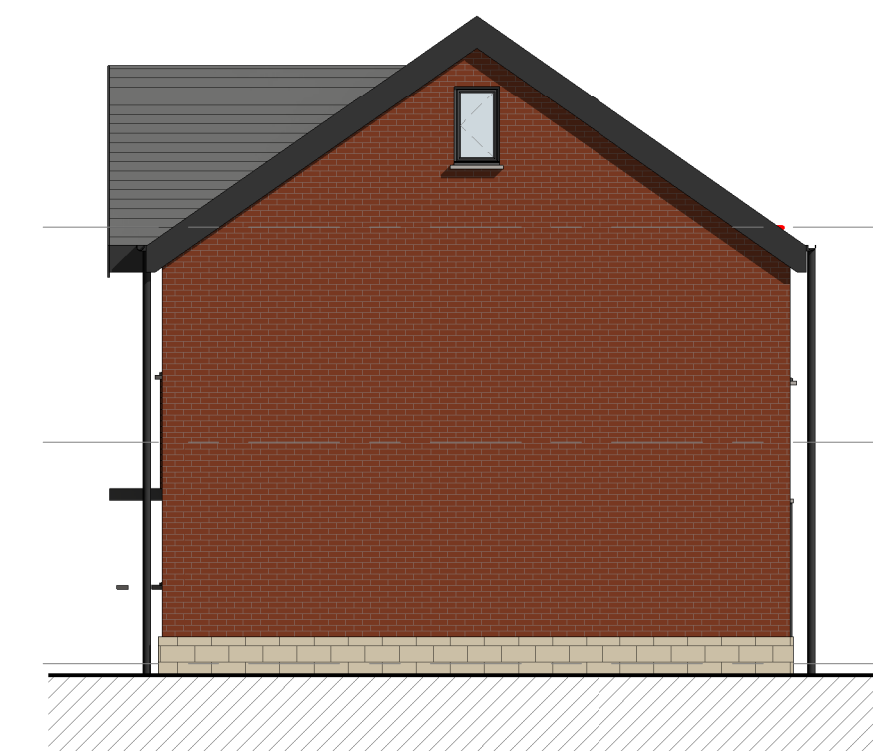
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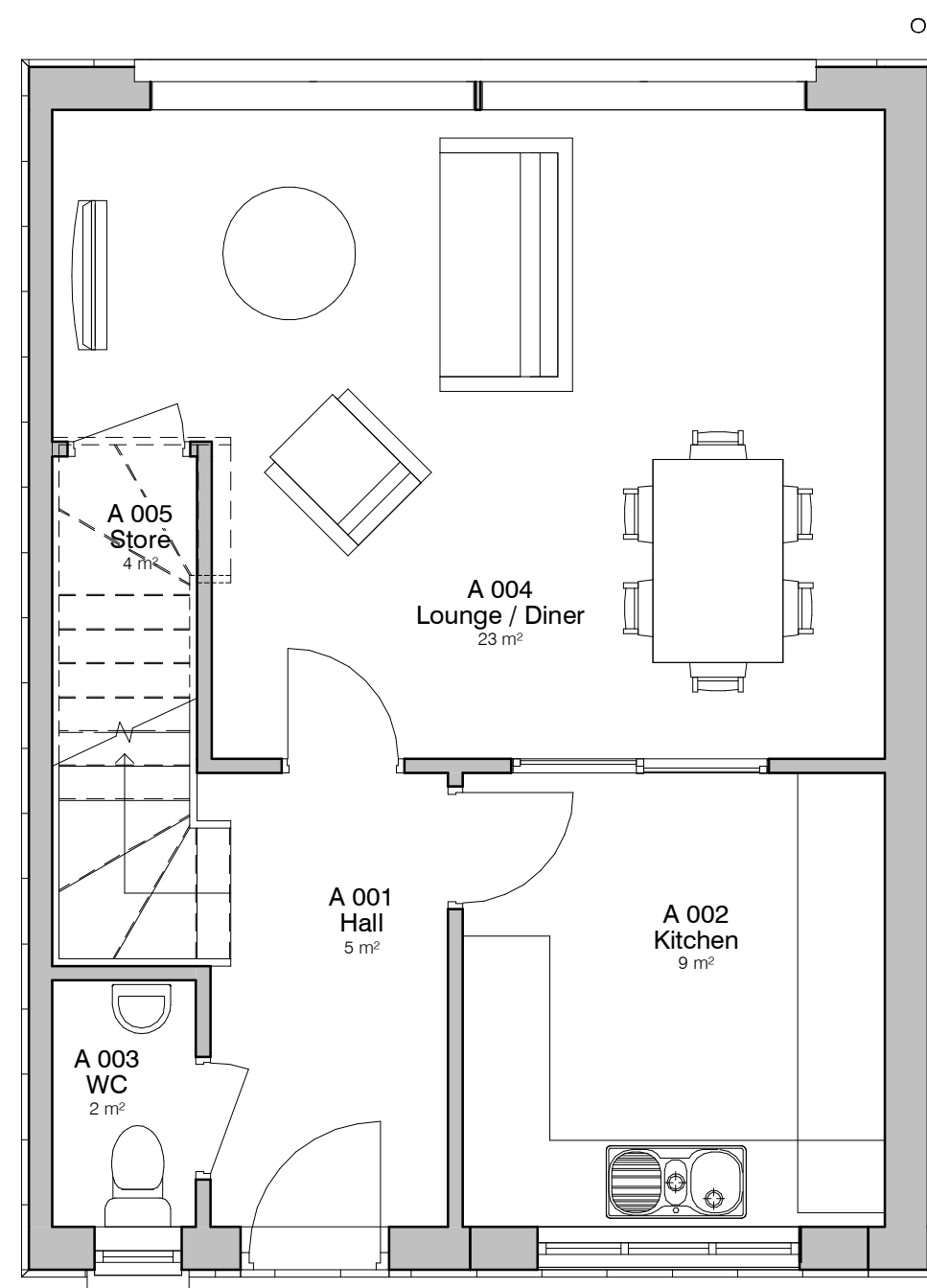
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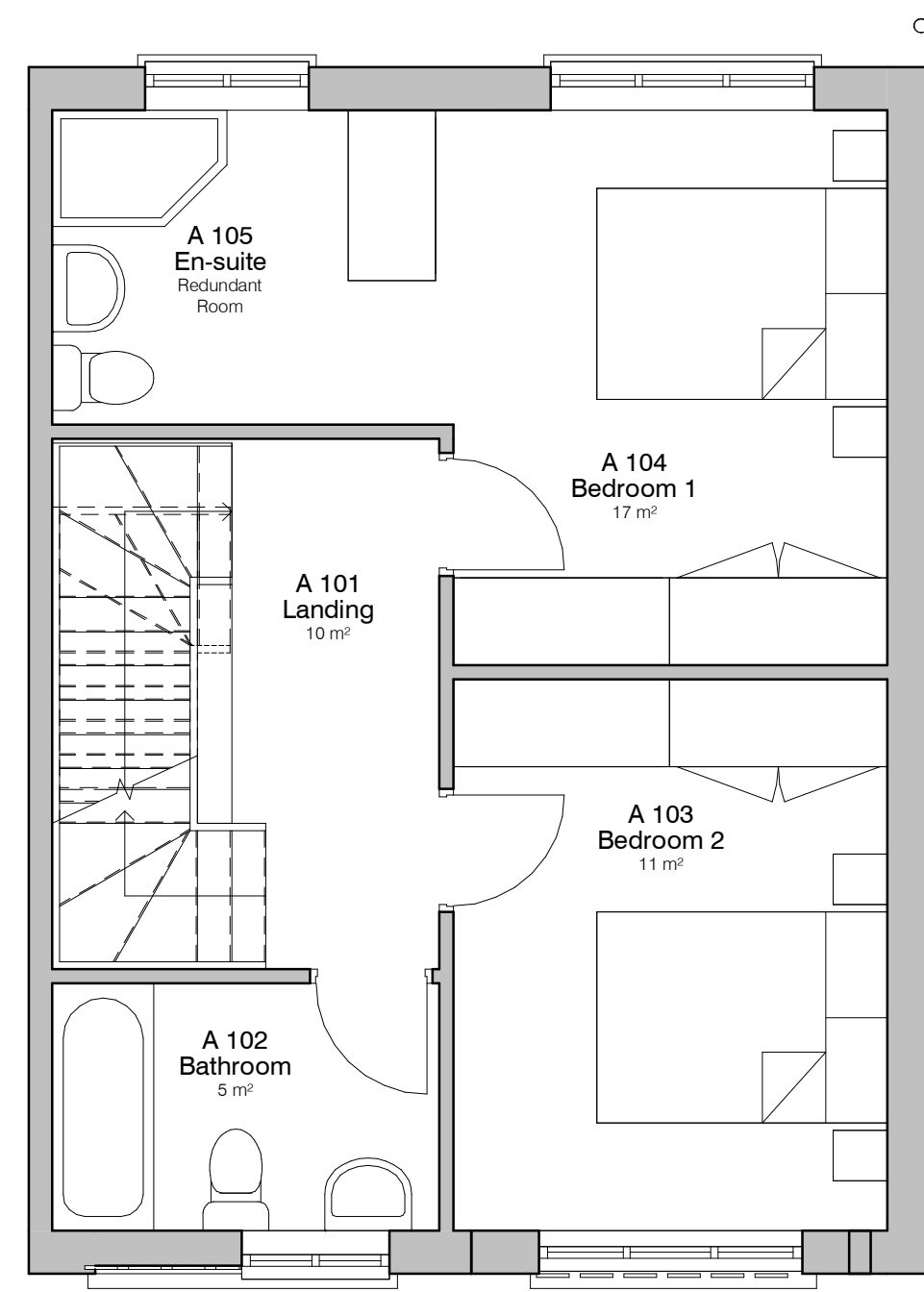
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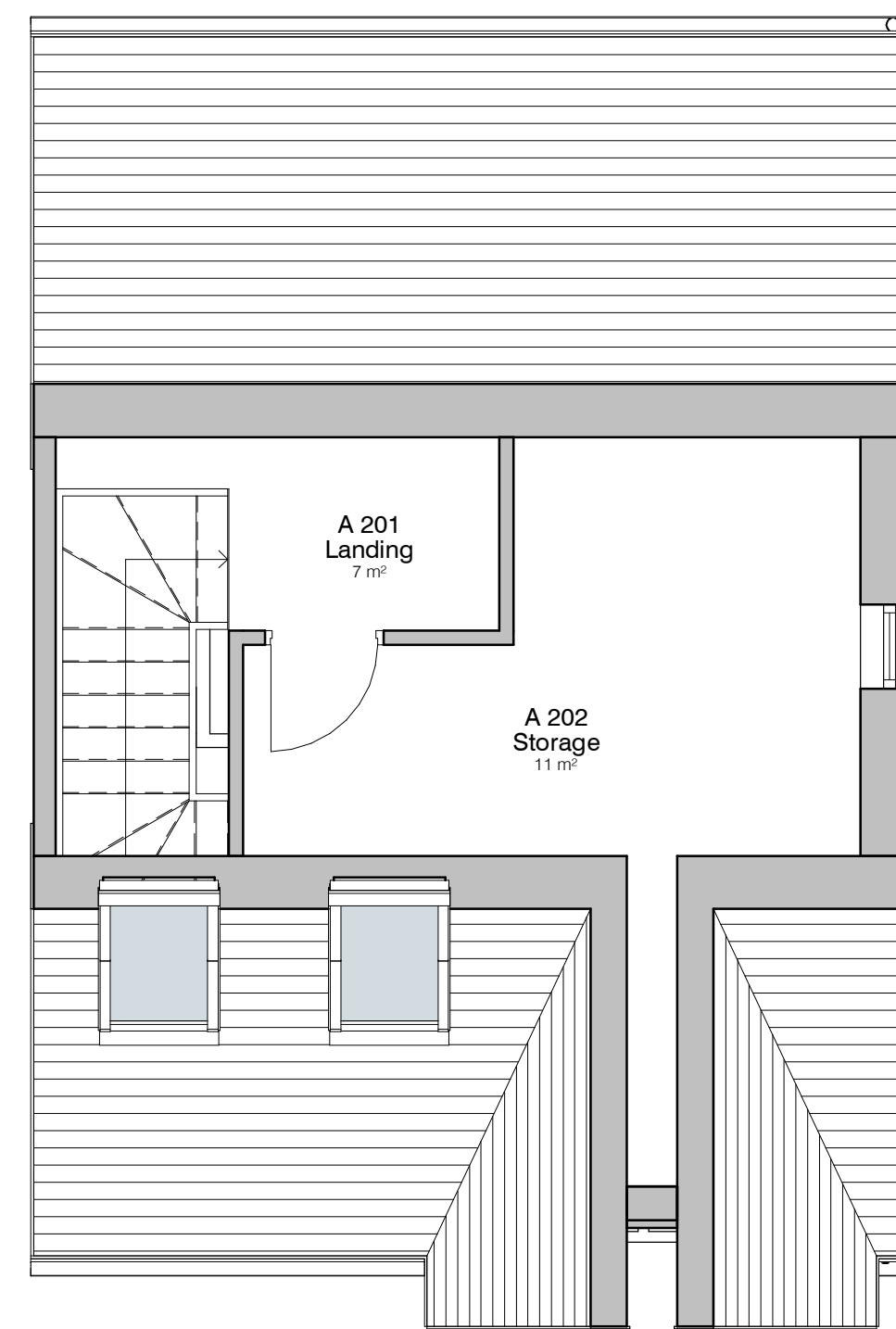
⑦ Right Side - Proposed  
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① Level 0 - GA Proposed  
1 : 50

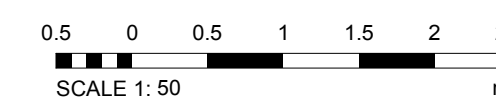
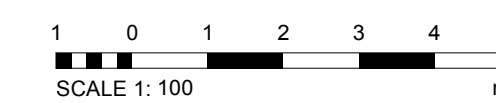


② Level 1 - GA Proposed  
1 : 50



③ Level 2 - GA Proposed  
1 : 50

Schedule - Room - Proposed			
Level	Number	Name	Area
LEVEL 0	A 001	Hall	5 m <sup>2</sup>
LEVEL 0	A 002	Kitchen	9 m <sup>2</sup>
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LEVEL 0	A 004	Lounge / Diner	23 m <sup>2</sup>
LEVEL 0	A 005	Store	4 m <sup>2</sup>
LEVEL 1	A 101	Landing	10 m <sup>2</sup>
LEVEL 1	A 102	Bathroom	5 m <sup>2</sup>
LEVEL 1	A 103	Bedroom 2	11 m <sup>2</sup>
LEVEL 1	A 104	Bedroom 1	17 m <sup>2</sup>
LEVEL 1	A 105	En-suite Redundant Room	
LEVEL 2	A 201	Landing	7 m <sup>2</sup>
LEVEL 2	A 202	Storage	11 m <sup>2</sup>
			103 m <sup>2</sup>



REV	DESCRIPTION	DATE	BY
PROJECT	JG - Type D	As indicated	01 JULY 2021
CLIENT	Rayton Ltd	STATUS	PLANNING
TITLE	Proposed House Plans and Elevations - Type D	PROJECT NO.	DA20020.4. 008.



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1 Front - Materials Schedule  
1 : 50



Cast stone plinth



Concrete roof tiles and grey rainwater goods



Facing red brick



Cast stone cills and lintels




Grey uPVC windows



Oak entrance door



Textured brick wall

PROJECT	SCALE @ A3	DATE	BY	DATE
JG - Type A	1 : 50	19 March 2021	JK	
CLIENT	STATUS			
Rayton Ltd	PLANNING			
TITLE	PROJECT NO.	DRAWING NO.	REV.	
Materials Schedule - Type A	DA20020.4.	301.		
NOTES				
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Cast stone plinth



Concrete roof tiles and grey rainwater goods



Facing red brick



Cast stone cills and lintels



Grey uPVC windows



Oak entrance door



Textured brick wall

1 Front - Materials Schedule  
1 : 50

PROJECT	SCALE @ A3	DATE	BY	DATE
JG - Type B	1 : 50	07 July 2021	JK	
CLIENT	STATUS			
Rayton Ltd	PLANNING			
TITLE	PROJECT NO.	DRAWING NO.	REV.	
Materials Schedule - Type B	DA20020.4.	303.		
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1 Front - Materials Schedule  
1 : 50



Red brick plinth



Concrete roof tiles and grey rainwater goods



Cream facing brick



Cast stone cills and lintels



Grey uPVC windows



Oak entrance door



Textured brick wall

PROJECT	SCALE @ A3	DATE	BY	DATE
JG - Type C	1 : 50	19 March 2021	JK	
CLIENT	STATUS			
Rayton Ltd	PLANNING			
TITLE	PROJECT NO.	DRAWING NO.	REV.	
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		<p>www.debtal.co.uk</p>		

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Cast stone plinth



Concrete roof tiles and grey rainwater goods



Facing red brick



Cast stone cills and lintels



Grey uPVC windows



Oak entrance door



Textured brick wall

1 Front - Materials Schedule  
1 : 50

PROJECT	SCALE @ A3	DATE	BY	DATE
JG - Type D	1 : 50	08 July 2021	JK	
CLIENT	STATUS			
Rayton Ltd	PLANNING			
TITLE	PROJECT NO.	DRAWING NO.	REV.	
Materials Schedule - Type D	DA20020.4.	304.		
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**Application Number:** 21/00487/FUL

**Proposal:** Two-storey side/rear wraparound extension necessitating removal of existing single storey rear extension

**Site:** 5 Wilson Crescent, Ashton-under-Lyne, OL6 9SA

**Applicant:** Mr and Mrs Thomas

**Recommendation:** Grant approval subject to conditions.

**Reason for Report:** Applicant is employed by Tameside MBC.

## 1.0 APPLICATION DESCRIPTION

1.1 Planning permission is sought for additions/alterations to the dwellinghouse '5 Wilson Crescent' consisting of the erection of a two-storey side/rear wraparound extension, including a part two-storey side extension with flat roof with the main two-storey side/rear extension to be topped with a hipped roof. The proposed additions will necessitate the removal/incorporation of an existing single storey rear extension.

## 2.0 SITE & SURROUNDINGS

2.1 No.5 Wilson Crescent is a two-storey, semi-detached dwellinghouse located at the end of the cul-de-sac, to the northeast of the turning head. The application property is orientated southwest and is adjoined to no.7 Wilson Avenue to the southeast and adjacent to no.3 Wilson Crescent to the west, which is orientated towards the application property by approximately 45 degrees. The application property has a modest front yard area and a larger back garden, with no provision for off-street parking to the front, but a driveway, which is accessed from Crompton Street to the rear. The rear boundary is shared partly with the rear yard areas of dwellings to Crompton Street and partially with Crompton Street.

## 3.0 PLANNING HISTORY

3.1 No relevant planning history identified

## 4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) (2004)

4.2 UDP Allocation: No Allocation

### 4.3 Part 1 Policies:

- 1.3 Creating a Cleaner and Greener Environment
- 1.5 Following the Principles of Sustainable Development
- 1.12 Ensuring an Accessible, Safe and Healthy Environment

### 4.4 Part 2 Policies:

- C1 Townscape and Urban Form
- H10 Detailed Design of Housing Developments
- T10 Parking

#### 4.5 **Other Policies**

Ministry of Housing, Communities and Local Government: National Design Guide

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

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

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Section 2 - Achieving sustainable development

Section 12 - Achieving well-designed places

#### 4.8 **Planning Practice Guidance (PPG)**

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

4.9 Tameside's Supplementary Planning Document (Residential Design Guide)

### 5.0 **PUBLICITY CARRIED OUT**

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

### 6.0 **RESPONSES FROM CONSULTEES**

6.1 None

### 7.0 **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 None

### 8.0 **ANALYSIS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- Approving development proposals that accord with the development plan without delay; and,
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
  - o Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or,
  - o Specific policies in the Framework indicate development should be restricted.

8.4 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 amenity; and,
- Impact on highway safety.

The above matters, and other considerations, are considered in more detail below.

## **9.0 PRINCIPLE OF DEVELOPMENT**

9.1 The site is situated on unallocated land as per Tameside's adopted Unitary Development Plan (2004). As such, the principle of the development proposed is acceptable.

## **10.0 CHARACTER OF THE SURROUNDING AREA**

10.1 Section 12 of the NPPF places great importance on good design and states that good design is a key aspect of sustainable development. Unitary Development Plan policies C1 and H10 require that developments contribute appropriately to the townscape and that they are well designed and of a high quality. Furthermore, the Local Planning Authority's Residential Design Guide Supplementary Planning Document details specific standards and guidelines that should be adhered to in order to achieve well designed developments.

10.2 The proposed two-storey side/rear extension will be setback from the front elevation of the application property and have very limited impact on the street scene and design/appearance of the dwelling from Wilson Street. There is a somewhat unusual side elevation element to the extension, with a blank front elevation and flat roof with roof lantern. Despite this element of the proposal being somewhat out of keeping, it would not have a considerable detrimental impact on the street scene, given the setback and orientation of neighbouring no.3 Wilson Crescent, so is acceptable on balance.

10.3 The rear elevation of the proposed two-storey side/rear extension will be relatively prominent from Crompton Street, which runs along the rear boundary of the application property. However, the extension will be set away from the boundary and would be visually in keeping with the host dwelling, with matching brickwork and suitable fenestration, as well as roof type. As such, the proposed extension would not unduly affect the street scene along Crompton Street.

10.4 Proposed materials, roof type and fenestration throughout are appropriate.

10.5 Overall and on balance, the proposal is acceptable and would have limited impact on the character of the host dwelling and surrounding area. The proposal complies with UDP Policies C1, H10 and SPD Policies RED1, RED4 and RED5.

## **11.0 AMENITY**

11.1 Paragraph 127 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants. UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing. In addition, the SPD contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties.

11.2 The proposed two-storey side/rear extension will add bulk and mass to the dwellinghouse to the elevation closest to the shared boundary with adjacent no.3 Wilson Crescent. No.3 has 2.no side elevation, first floor windows as well as a single storey side extension. It is observed that the two windows serve non-habitable rooms (a bathroom and landing) and, as such, SPD Policy RED2 specifies no minimum separation distance between them and any development. Impact to amenity by way of loss of light/outlook from the affected windows would be limited.

11.3 The existing single storey side extension to no.3 is observed to have a glass roof. As such, it may be expected that some loss of light will occur to this room as a result of the proposed two-storey side extension. However, it is not considered that this fact would be grounds for a refusal of the application, given that it is not typical to rely on light from a roof. In addition, it is observed that adequate access to light and outlook will be maintained from rear elevation windows and patio doors to the extension at no.3.

11.4 A side elevation, habitable room windows is proposed to the ground floor of the extension. This window would be a secondary window to a habitable room. Due to potential amenity impacts by way of overlooking/loss of privacy, it will be conditioned that this window is obscure glazed and non-opening, which will still allow the window to increase light levels in the habitable room, whilst avoiding a risk of neighbour amenity impact.

11.5 Submitted plans demonstrate that the proposed extension will comply with SPD Policy RED2 and the relevant interface distances to be maintained contained therein. As such, it is not expected that the proposal would lead to undue overlooking/loss of privacy between habitable room windows of the extension and surrounding dwellings.

11.6 Due to the position of the proposed two-storey side/rear extension away from the shared boundary with no.7 and the orientation of the rear elevation of no.3 away from the application property, the proposal would comply with SPD Policy RED3 and not be expected to cause undue amenity impacts to neighbouring occupiers.

11.7 Overall, the proposed two-storey, side/rear extension is acceptable and would not cause undue amenity impacts to neighbouring occupiers, complying with UDP Policy H10 and SPD Policies RED2 and RED3.

## **12.0 HIGHWAY SAFETY**

12.1 The application property currently has off-street car parking accessed from the rear boundary from Crompton Street. The proposed development would not materially alter this arrangement and, as such, it is not expected that the proposed development would have any impact on highway safety. Therefore, it is considered the proposal duly complies with UDP Policies T1, T10 and Paragraph 109 of the NPPF.

## 13.0 CONCLUSION

13.1 The proposal is considered sustainable development under the terms of the NPPF, whilst also complying with relevant policies of the Tameside Unitary Development Plan, as well as meeting the standards and guidelines set out in the Tameside Residential Design Supplementary Planning Document. The proposal is accordingly recommended for approval.

### RECOMMENDATION:

Grant planning permission subject to the following conditions:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Existing Floor Plans (Drawing Number 200815/001 dated April 2021) – Received by the Council 19 May 2021;
- Proposed Ground Floor Plan (Drawing Number 200815/002 dated April 2021) – Received by the Council 19 May 2021;
- Proposed First Floor Plan (Drawing Number 200815/003 dated April 2021) – Received by the Council 19 May 2021;
- Existing Elevations (Drawing Number 200815/004 dated April 2021) – Received by the Council 19 May 2021;
- Proposed Elevations (Drawing Number 200815/005A dated April 2021) – Received by the Council 19 May 2021);
- Proposed Site Plans (Drawing Number 200815/006 dated April 2021) – Received by the Council 19 May 2021;
- Existing and Proposed Roof Plans (Drawing Number 200815/007A dated April 2021) – Received by the Council 19 May 2021; and,
- Site Location Plan and Site Block Plan (Drawing Number 200815/008 dated April 2021) – Received by the Council 19 May 2021.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Tameside Unitary Development Plan and National Planning Policy Framework.

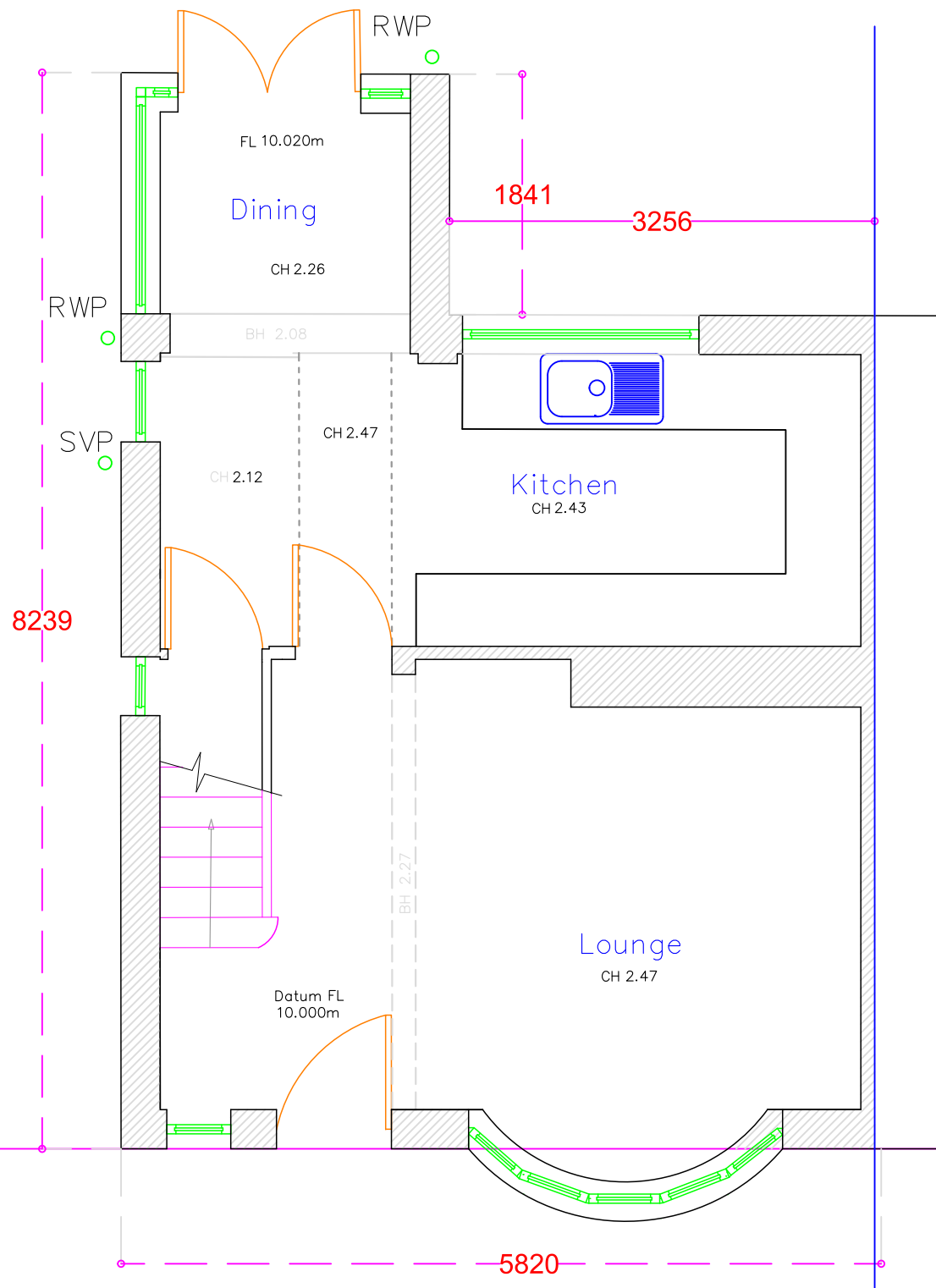
3. The external surfaces of the development hereby approved shall match those applied to the external surfaces of the existing dwellinghouse.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies C1 and H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

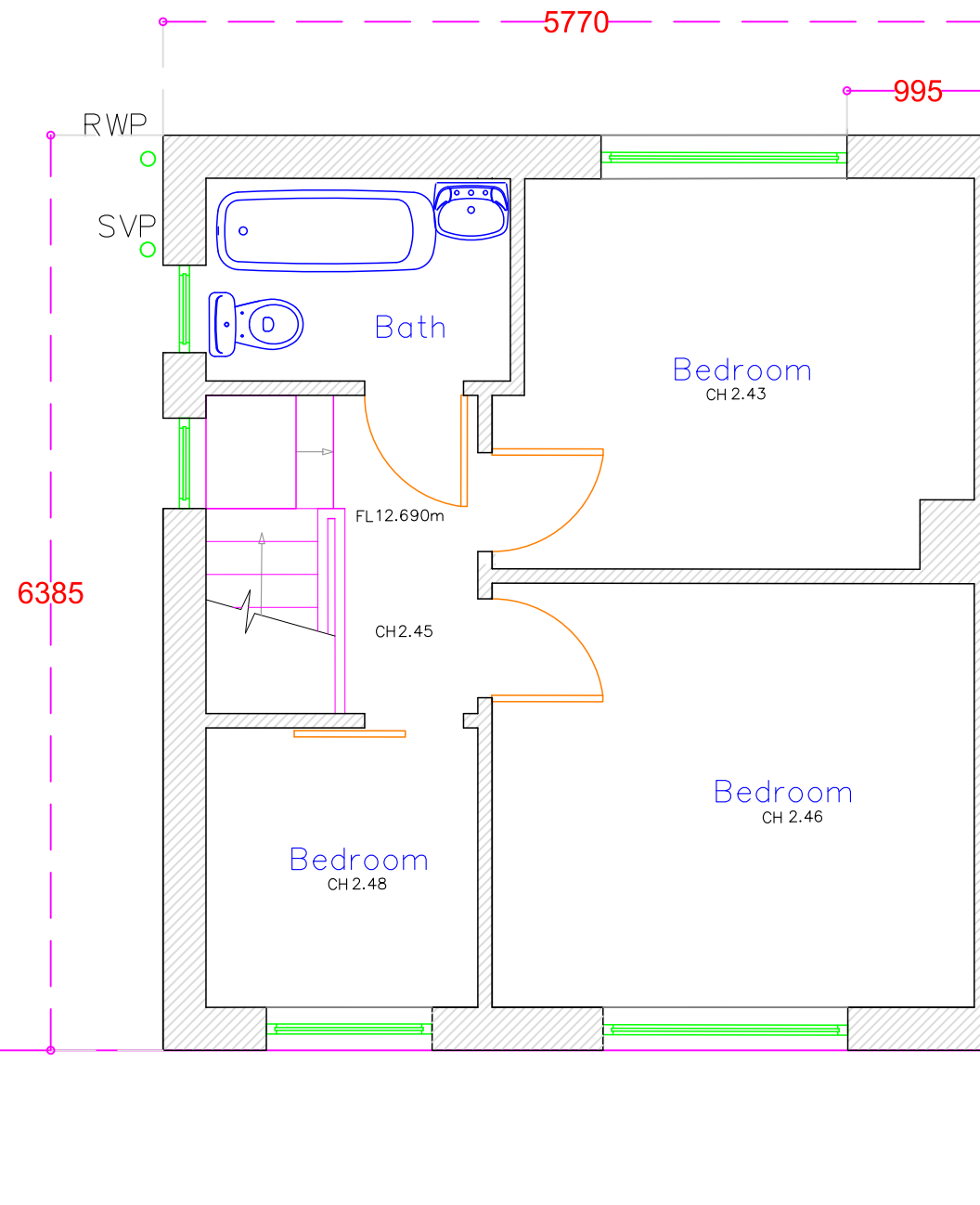
4. Prior to the first occupation of the development hereby approved, the proposed ground floor side elevation window to the living room (as shown in Proposed Elevations (Drawing Number 200815/005A dated April 2021) shall be installed with obscure glazing (using glazing that meets Pilkington Level 4 in obscurity to a minimum and be non-opening to a height of 1.7-metres above internal floor level) in accordance with the approved plan and retained as such thereafter.



Reason: In order to ensure a satisfactory level of neighbour amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.



GROUND FLOOR PLAN  
AS EXISTING



FIRST FLOOR PLAN  
AS EXISTING

**General Notes**  
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**Oldham, Rochdale & Tameside**

www.architectural.uk.com  
07872 577 565

**Project Description:**  
New side and rear two-storey extension

**For:**  
Mr & Mrs A & K Thomas

**Site Address:**  
5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA

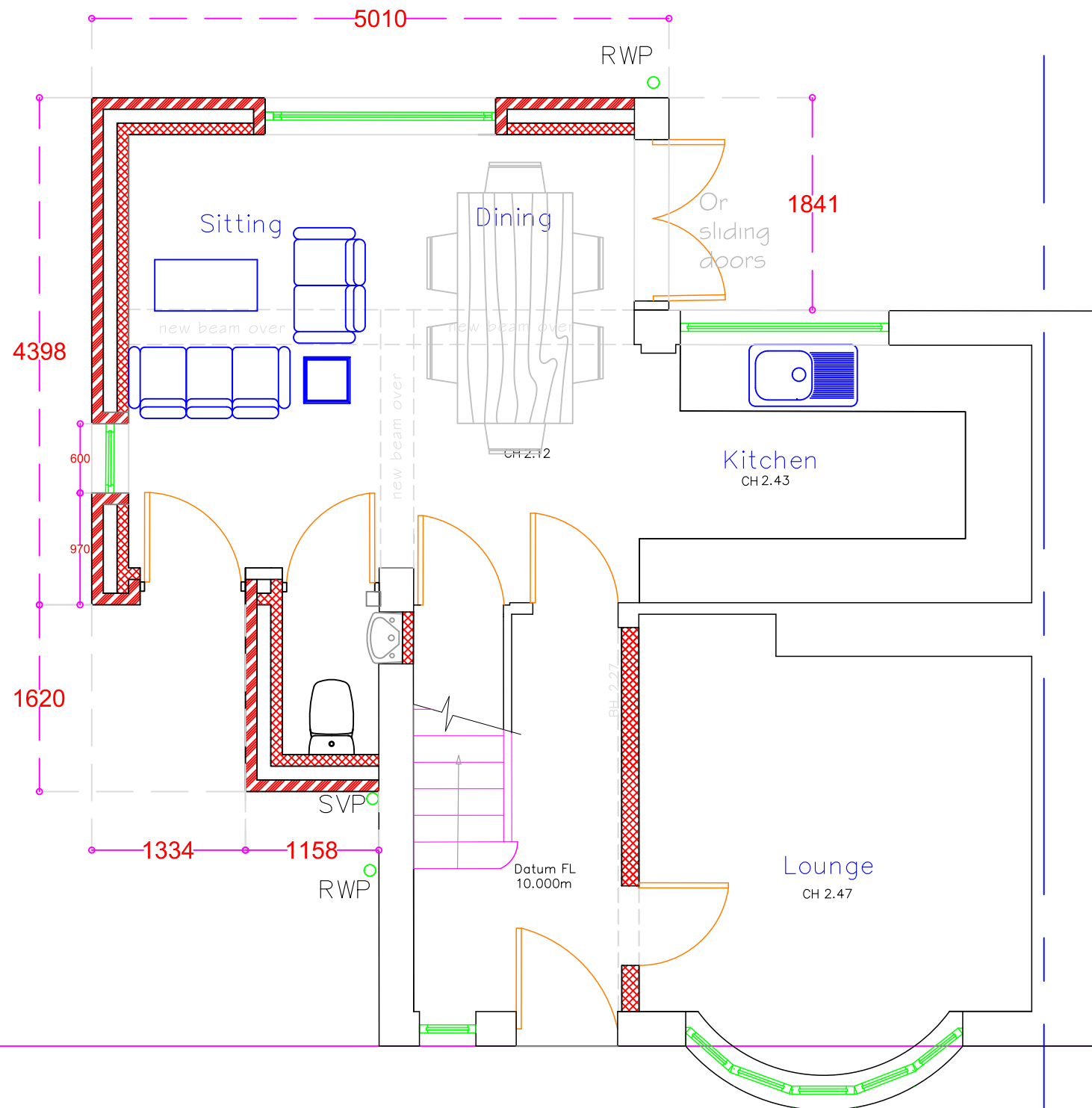
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**Sheet Description:**  
Floor Plans  
As Existing

No.	Revision / Issue

**Drawing Number:**  
200815/001



# GROUND FLOOR PLAN AS PROPOSED

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**Project Description:**  
New side and rear two-storey extension

**For:**  
Mr & Mrs A & K Thomas

**Site Address:**  
5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA

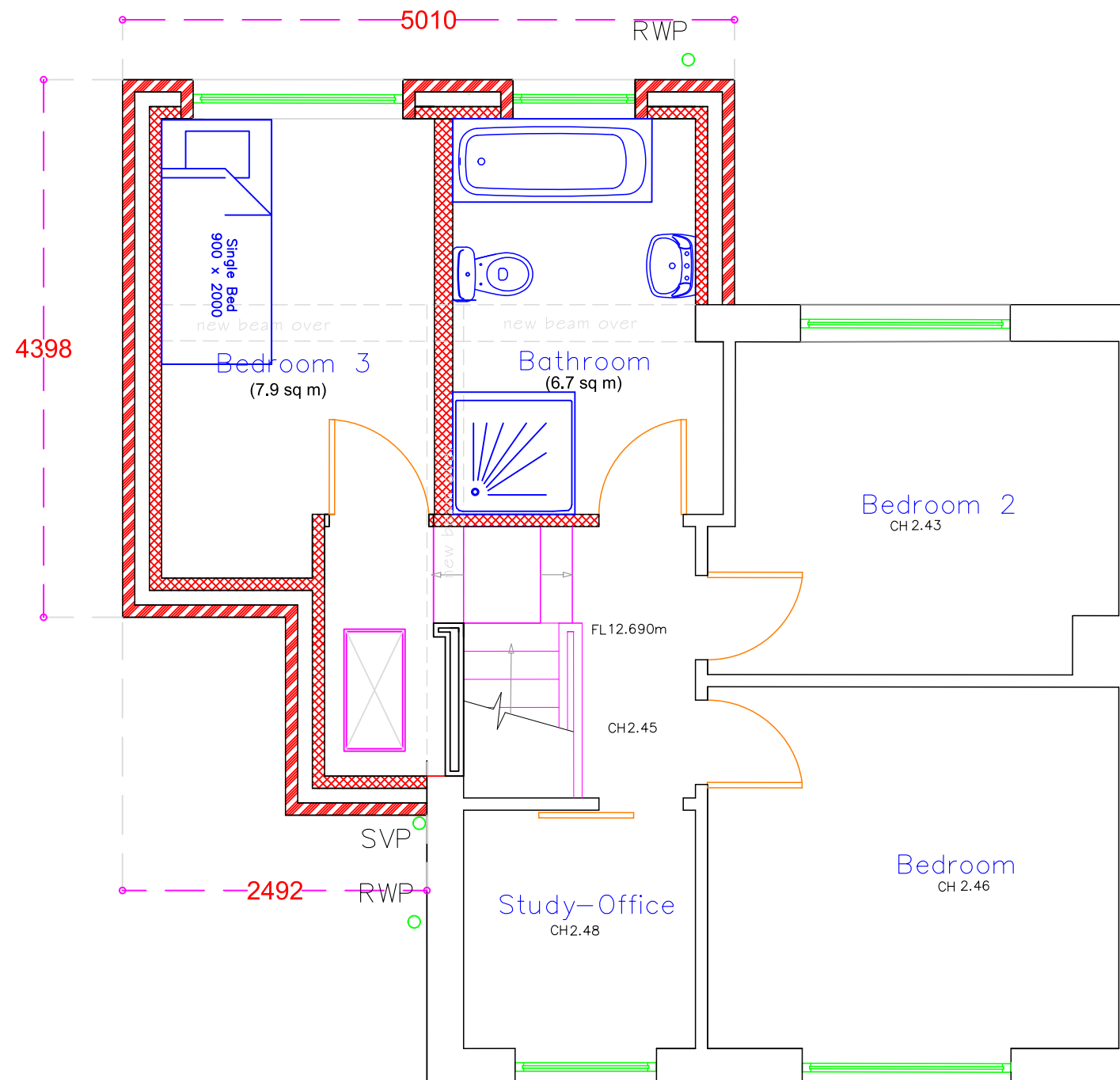
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**Sheet Description:**  
Ground Floor Plan  
As Proposed

No.	Revision / Issue

**Drawing Number:**  
200815/002



# FIRST FLOOR PLAN AS PROPOSED

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07872 577 565

**Project Description:**  
New side and rear two-storey extension

**For:**  
Mr & Mrs A & K Thomas

**Site Address:**  
5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA

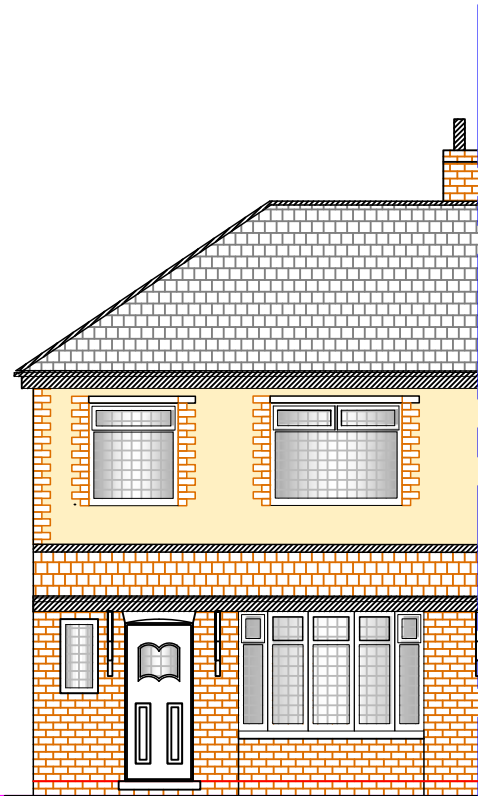
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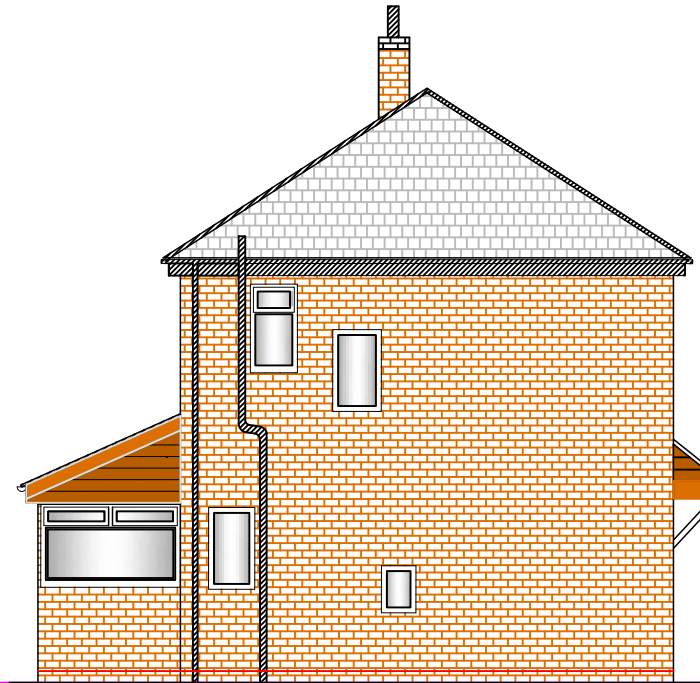
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First Floor Plan  
As Proposed

No.	Revision / Issue

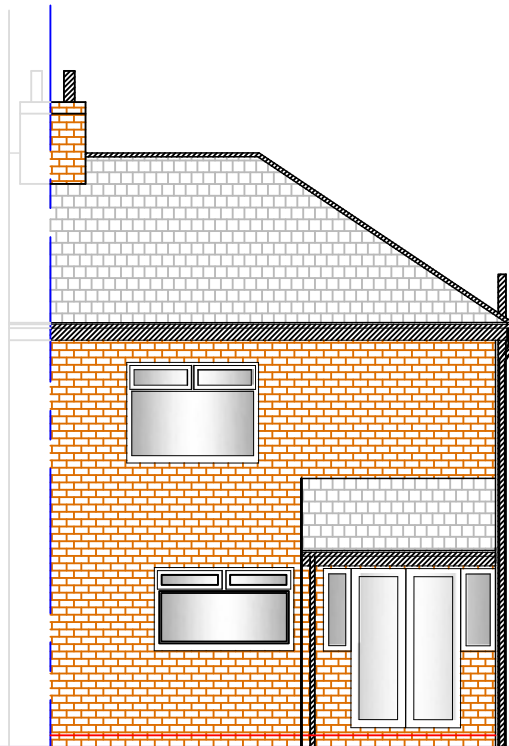
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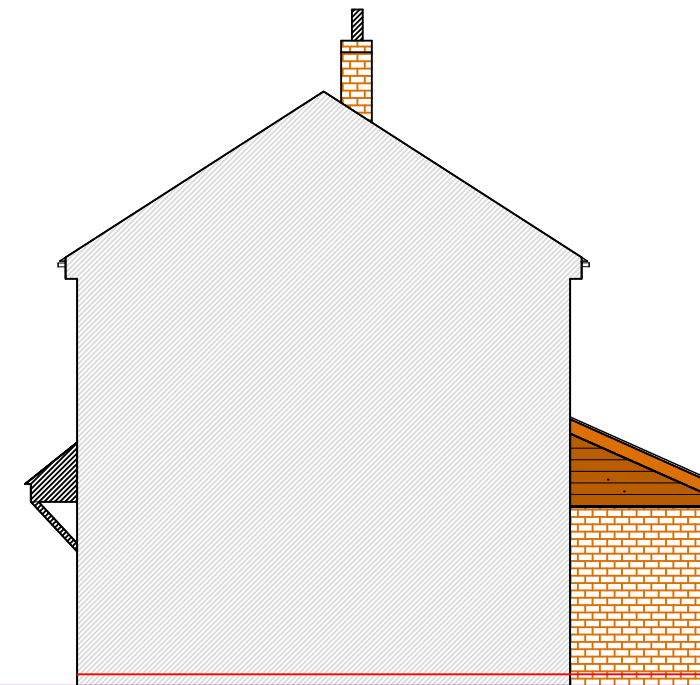
FRONT ELEVATION  
AS EXISTING



LH SIDE ELEVATION  
AS EXISTING



REAR ELEVATION  
AS EXISTING



RH SIDE ELEVATION  
AS EXISTING

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**Oldham, Rochdale & Tameside**

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07872 577 565

Project Description:  
**New side and rear two-storey extension**

For:  
**Mr & Mrs A & K Thomas**

Site Address:  
**5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA**

Date: **April 2021**

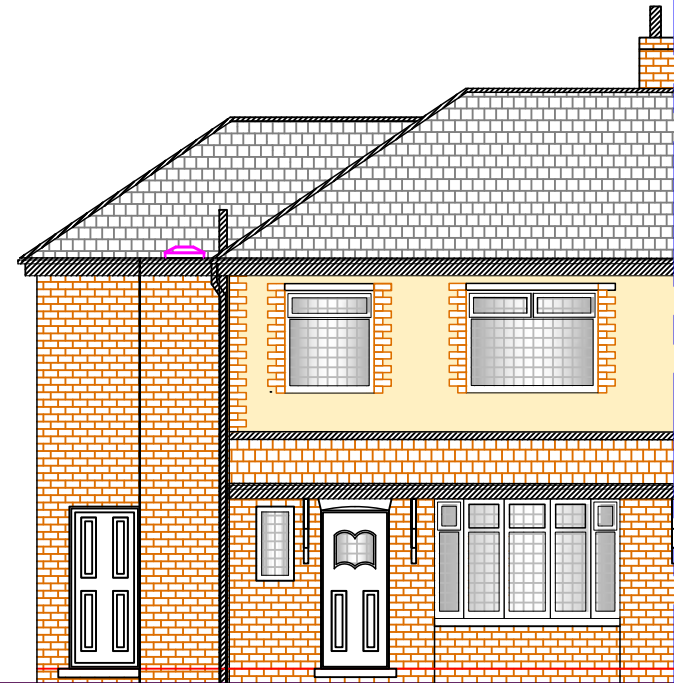
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Sheet Description:  
**All Elevations  
As Existing**

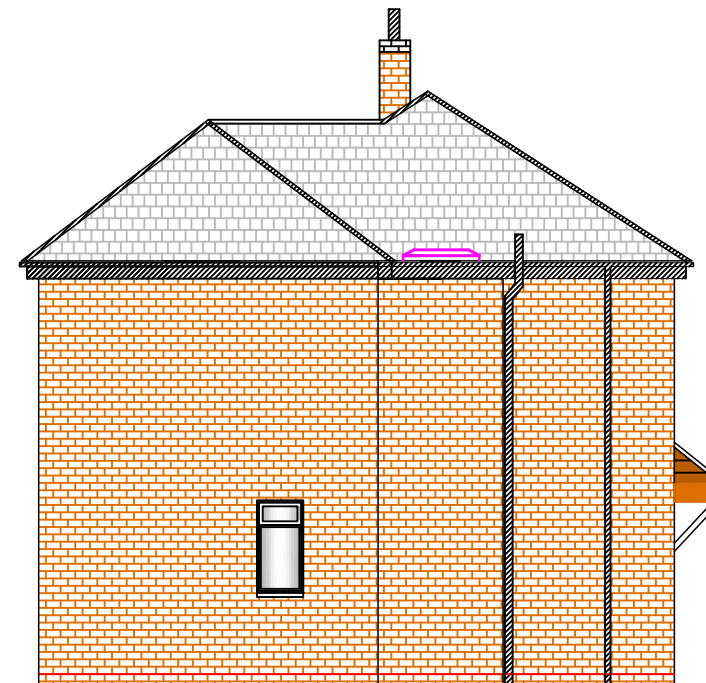
No.	Revision / Issue

Drawing Number:  
**200815/004**

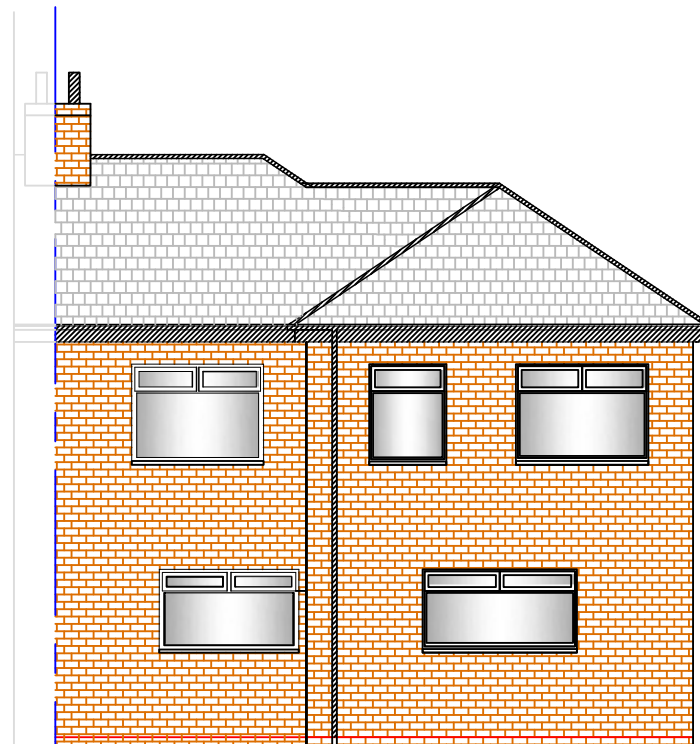




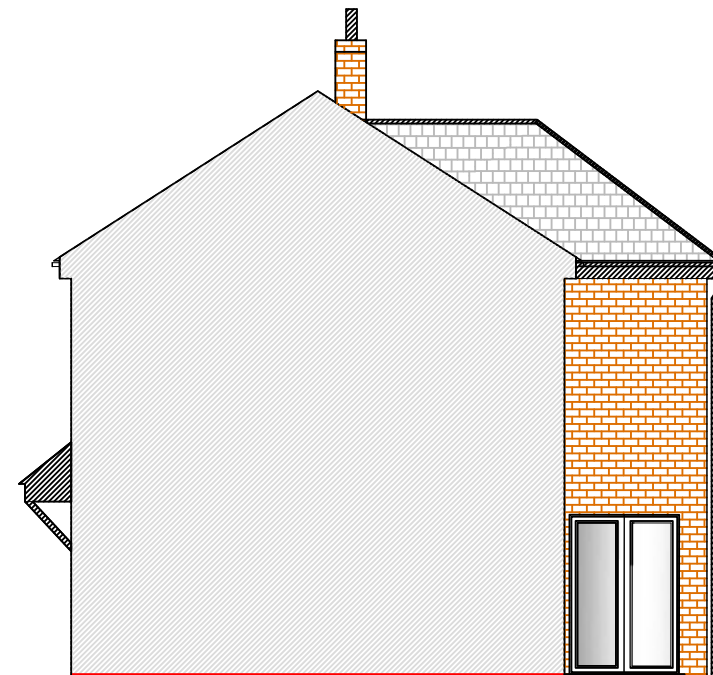
FRONT ELEVATION  
AS PROPOSED



LH SIDE ELEVATION  
AS PROPOSED



REAR ELEVATION  
AS PROPOSED



RH SIDE ELEVATION  
AS PROPOSED

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Project Description:  
New side and rear two-storey extension

For:  
Mr & Mrs A & K Thomas

Site Address:  
5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA

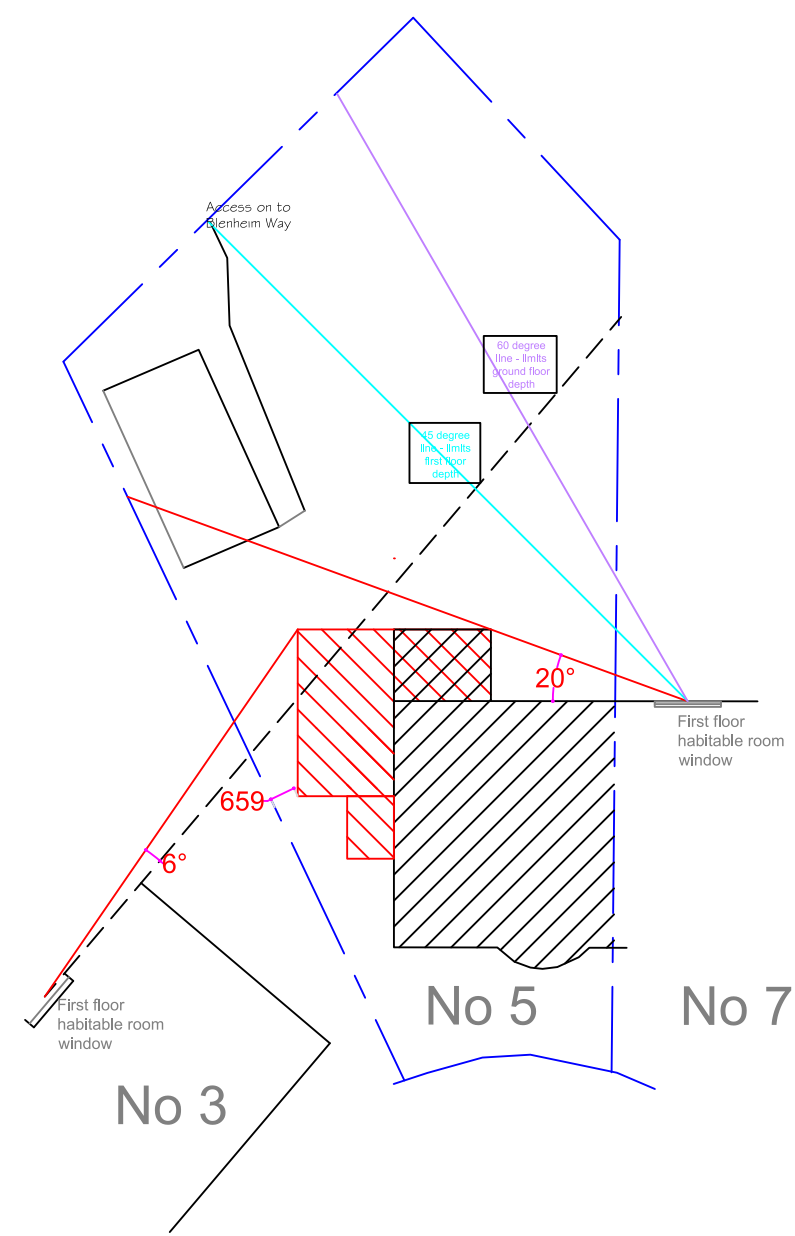
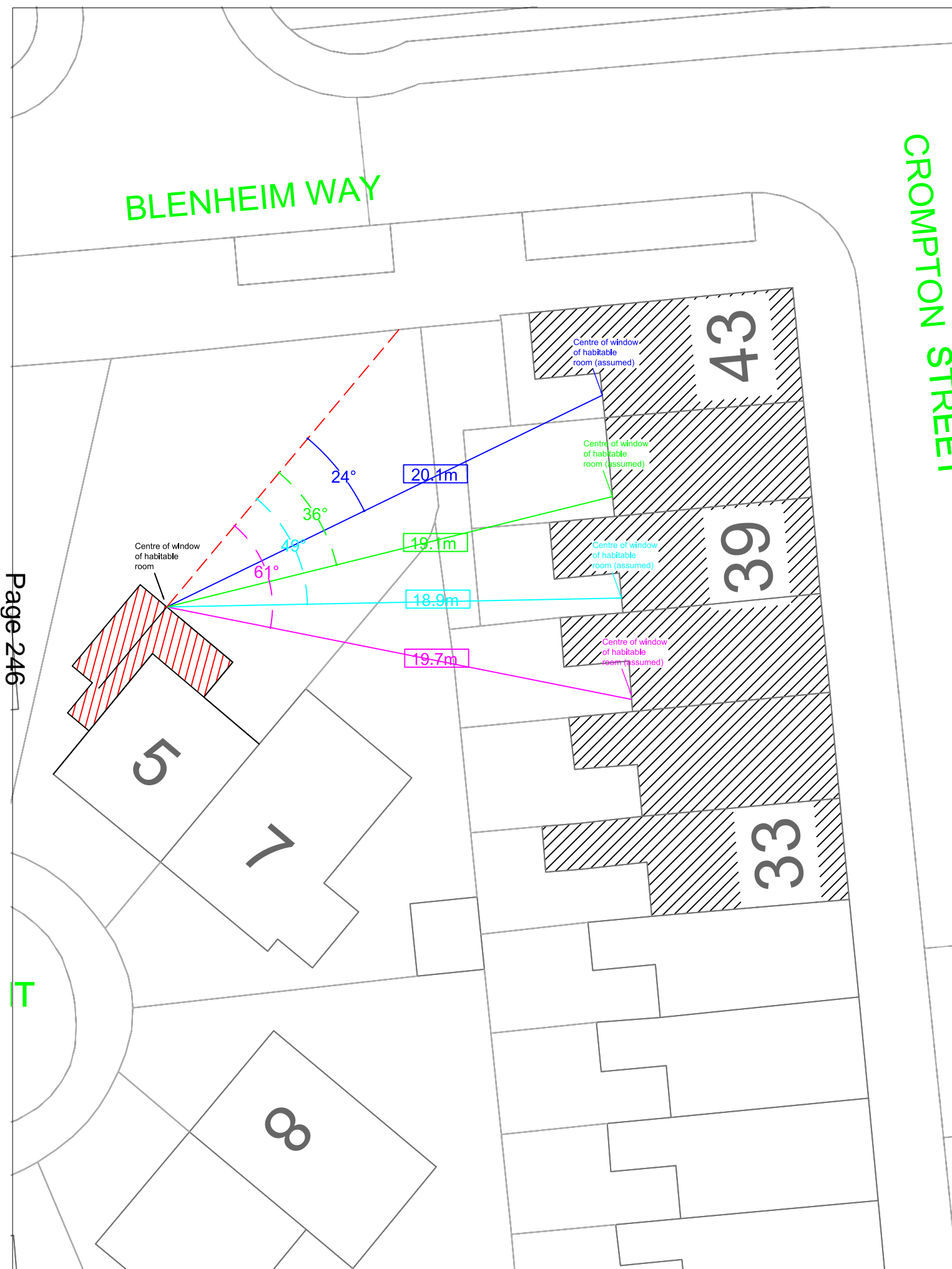
Date: April 2021

Scale: 1:100 @ A3

Sheet Description:  
All Elevations  
As Proposed

No.	Revision / Issue	Date
A	Roof revised with extn. hip linked to apex	18/5/21

Drawing Number:  
200815/005A



**General Notes**  
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**For:**  
 Mr & Mrs A & K Thomas

**Site Address:**  
 5 Wilson Crescent  
 ASHTON - u - LYNE,  
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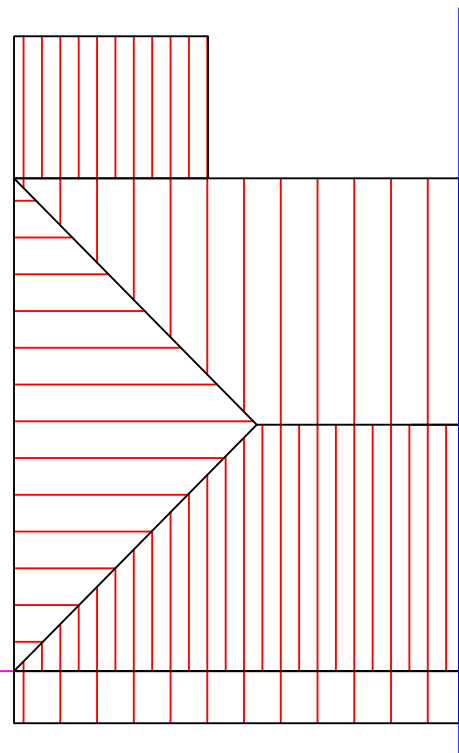
**Date:** April 2021

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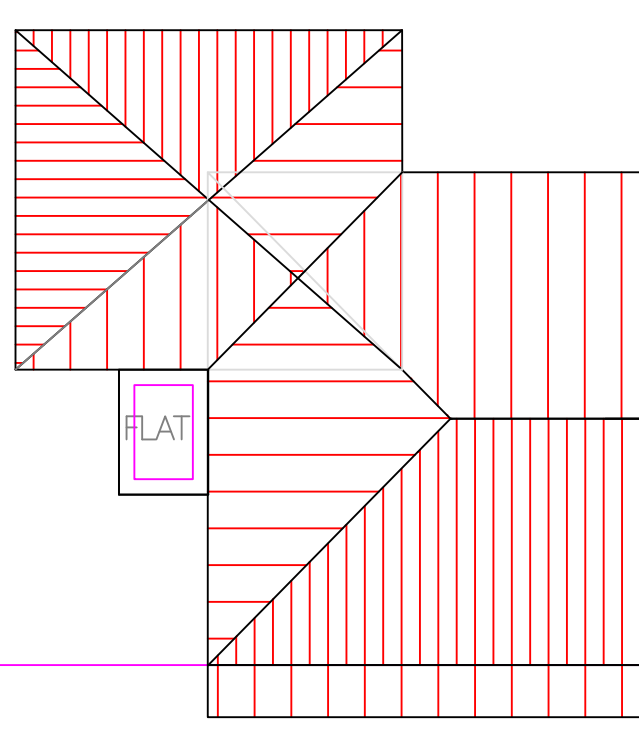
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 Extension Separations from Neighbours

No.	Revision / Issue

**Drawing Number:**  
 200815/006



ROOF PLAN  
AS EXISTING



ROOF PLAN  
AS PROPOSED

General Notes  
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**Oldham, Rochdale  
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Project Description:  
**New side and rear  
two-storey extension**

For:  
**Mr & Mrs A & K Thomas**

Site Address:  
**5 Wilson Crescent  
ASHTON - u - LYNE,  
OL6 9SA**

Date: **April 2021**

Scale: **1:50 @ A3**

Sheet Description:  
**Roof Plans  
As Existing & Proposed**

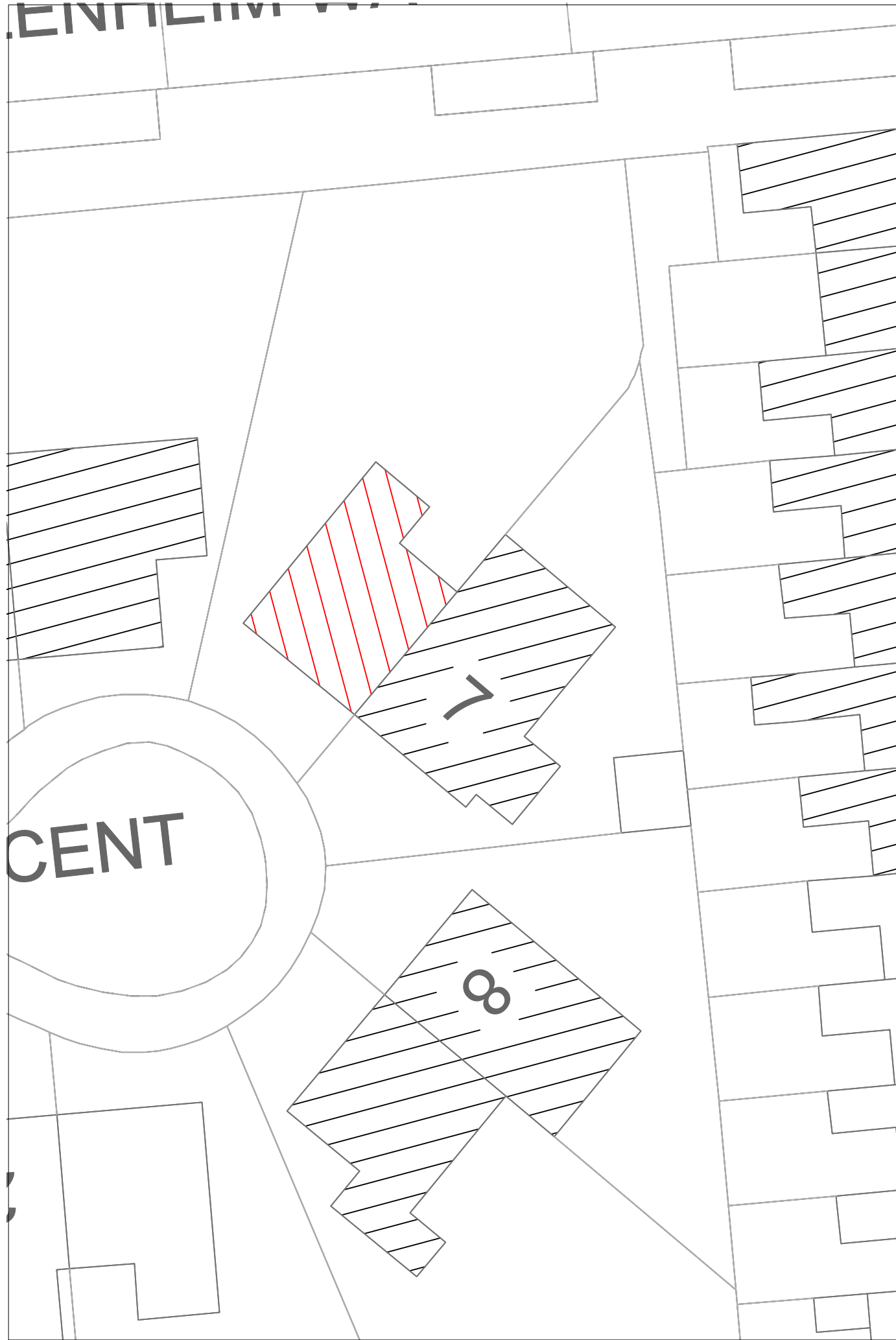
No.	Revision /Issue
A	Roof revised with extsn. Hip linked to apex 18/5/21

Drawing Number:  
**200815/007A**



LOCATION PLAN 1:1250

SITE BLOCK PLAN 1:200



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Project Description:  
**New side and rear two-storey extension**

For:  
**Mr & Mrs A & K Thomas**

Site Address:  
**5 Wilson Crescent  
 ASHTON - u - LYNE,  
 OL6 9SA**

Date: **April 2021**

Scale: **Various as shown @ A3**

Sheet Description:  
**Location & Site Block Plans**

No.	Revision /Issue

Drawing Number:  
**200815/008**



**Application Number: 21/00487/FUL – 5 Wilson Crescent**

**Photo 1 – Aerial view of the site and surrounding properties**





**Photo 2 – Photo taken facing east along Wilson Crescent with application property to the left**



**Photo 3 – Front elevation of application property**





**Photo 4 – Existing gap between application property (right) and adjacent property (left)**



**Photo 5 – Rear elevation of the property, photo taken from rear boundary facing south from intersection of Crompton Street/Blenheim Way/Waterloo Gardens**









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## Appeal Decision

Site visit made on 31 March 2021 by Darren Ellis MPlan

**Decision by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 11 June 2021**

---

**Appeal Ref: APP/G4240/D/20/3265970**

**6 Holme Street, Hyde, SK14 1JF**

- 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 Shafia Begum against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00906/FUL, dated 18 September 2020, was refused by notice dated 13 November 2020.
  - The development proposed is a Rear single storey extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension at 6 Holme Street, Hyde, SK14 1JF in accordance with the terms of the application ref: 20/00906/FUL, dated 18 September 2020 and subject to the following conditions:
  - 1) The development hereby permitted shall begin no 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 Layout drawing no. 1680 Page 2/3, and Existing and Proposed Layout drawing no. 1680 Page 3/3.
  - 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 development on the living conditions of the occupiers of the neighbouring properties, with particular regard to light and visual impact.

### Reasons for the Recommendation

4. The appeal site comprises an end-of-terrace, two-storey dwelling with a number of outbuildings in the rear garden. The proposed development would replace two of the outbuildings, which are attached to the rear elevation of the

- house, with a single-storey extension. The Council does not refer directly to the existing extension/ outbuildings in the delegated report but the structures would appear to have been in situ for some time and there is no suggestion from the Council that they are unauthorised or in breach of planning control. As such, it is reasonable to treat them as an established feature of the area.
5. The proposed rear extension would project 6m along the shared boundary with No 8, although No 8 has a rear extension so the projection beyond the rear elevation of No 8 would be less. Nevertheless, the extension would clearly breach the 60-degree line, as set out in Policy RED3 of the Tameside Residential Design Supplementary Planning Document (March 2010) (SPD), from the nearest window at the adjoining neighbour at No 8. However, the existing outbuildings adjacent to this boundary already breach this line. The proposed extension would have a higher roof level than the existing outbuildings, although the ridge line of the roof of the extension would shallow and would taper gradually away from these boundaries and the eaves would be of a limited height above the boundary fencing. As a result, while the proposed extension would be seen from No 8 and would breach the 60-degree rule, the proposal would not cause a significantly greater impact by way of an overbearing or enclosing impact on the occupiers of No 8 than the existing outbuildings.
  6. The appellant states that a similar extension could be erected under Schedule 2, Part 1, Class A.1g of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), subject to prior approval. However, I cannot pre-empt the outcome of any prior approval process and no plans of any proposed alternative are before me. As such, I attach little weight to any suggested fall-back position in that regard. In any event, I am satisfied that the impact of the proposal would be acceptable, having regard to the existing arrangement of buildings and the relationship with the neighbouring property, as described above.
  7. Therefore, for the reasons given above, the proposed rear extension would not cause undue harm to the living conditions of the occupiers of the neighbouring property at 8 Holme Street. Consequently, the proposal would accord with Policy H10 of the Tameside Unitary Development Plan (November 2004) (UDP) and Policy RED3 of the SPD which both seek, amongst other things, to protect the living conditions of the occupiers of neighbouring properties.
  8. In the Decision Notice, the Council has referred to Policy C1 of the UDP and Policy RED1 of the SPD. These policies both relate to character and appearance and have no regard to the living conditions of neighbours.

#### *Conditions*

9. In order to provide certainty and in the interests of proper planning it is necessary to impose the standard time limit and specify the approved plans. In the interests of the character and appearance of the area a condition specifying that matching materials is used is also necessary.

#### **Conclusion**

10. For the reasons given above and having had regard to all other matters raised, I therefore recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions above.

*Chris Preston*

INSPECTOR

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## Appeal Decision

Site Visit made on 1 June 2021

**by Chris Baxter BA (Hons) DipTP MRTPI**

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

**Decision date: 18 June 2021**

---

### **Appeal Ref: APP/G4240/W/21/3268575**

#### **Town Lane SW, Dukinfield SK16 5PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Telefonica UK Ltd against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00859/NCD, dated 28 August 2020, was refused by notice dated 30 October 2020.
  - The development proposed is installation of a 17.5m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs).
- 

### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for installation of a 17.5m slim-line column supporting 6 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs) at Town Lane SW, Dukinfield, SK16 5PN in accordance with the terms of the application, Ref 20/00859/NCD, dated 28 August 2020, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Maps; Proposed Site Plan; Proposed Site Elevation.
  - 2) The mast and all equipment housing of the proposed cabinets hereby approved shall be colour coated Burgundy(O4D45) Antique Gold as per street furniture within Dukinfield. The equipment shall be retained in that colour at all times thereafter.

### **Procedural Matter**

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 16, Class A, requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

### **Main Issue**

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



## Reasons

4. The area surrounding the appeal site is characterised predominantly by residential properties of traditional design and sizes as well as some commercial buildings and a day nursery which is adjacent to the site. The site is located within close proximity to a number of highway junctions including the roads of Town Lane, Bates Street, Foundry Street and Crescent Road. The area has common street furniture paraphernalia including street lighting, road signs, bus stops, trees, bollards and an existing monopole telecommunications mast with associated equipment cabinets.
5. The proposal would be taller than the majority of structures and buildings in the area. However, telecommunication structures are common features in built up areas and the proposal, whilst being visible, would not necessarily be highly noticeable as it would blend in with similar structures such as street lighting and the existing monopole mast.
6. The proposed monopole structure would be taller and thicker, including exposed antennas, dishes and RRUs, compared to the existing street lighting and existing monopole structure in the area. The proposed monopole would not be a bulky structure though and would assimilate well with the existing high structures in the area when viewed against the surrounding skyline. The antennas, dishes and RRUs would be slim line features and not protrude significantly from the main monopole structure. The proposal including the antennas, dishes and RRUs would not have a cluttered appearance or be visually intrusive to the surrounding area.
7. The proposed equipment cabinets, including the monopole structure, would be positioned to the rear of the footpath and there would be minimal opportunity for them to be screened by vegetation. Nevertheless, these types of equipment cabinets are not uncommon features on public footpaths and would be similar in nature to existing cabinets in the area including the cabinets associated with the existing monopole. The scale and design of the equipment cabinets are modest, they would be in keeping with similar structures in the area and would not have a detrimental effect on the appearance of the street scene. Due to positioning of the equipment cabinets and the monopole, there would be sufficient space on the footpath to ensure that they do not become an adverse obstruction to pedestrians.
8. Collectively, the elements of the proposal would be visible in the surrounding area including views from Town Lane, Crescent Road and Foundry Street. Although due to its design, siting and bulk, it would not introduce an incongruous feature that would be at odds with the established character and appearance of the area.
9. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal accords with U2 and C1 of the Tameside Unitary Development Plan Written Statement 2004 and the National Planning Policy Framework which seek development for telecommunications to have no unacceptable impact on appearance of buildings and townscape, and to minimise visual impact.

### **Other Matters**

10. I have had regard to concerns raised from local residents which include matters on health issues, trees, nearby war memorial, pedestrian obstruction, living conditions of neighbouring occupiers including outlook and discrepancies on submitted information. I have given careful consideration to these matters, some of which the Council have not raised any objections to, but they do not lead me to a different conclusion on the main issue nor do they amount to harm in which would justify withholding consent.

### **Conditions**

11. Beyond the standard conditions which are imposed by the Town and Country Planning (General Permitted Development) Order 2015, I consider it necessary to add a condition relating to the identification of plans to provide certainty and clarity as well as a condition relating to colour finish in the interests of character and appearance.
12. The Council had suggested a time limit condition of three years however, the standard conditions in the Town and Country Planning (General Permitted Development) Order 2015 refer to a five years time limit condition. I am satisfied that a five year time limit is reasonable and necessary.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*Chris Baxter*

INSPECTOR

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## Appeal Decision

Site visit made on 24 May 2021

**by M Savage BSc (Hons) MCD MRTPI**

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

**Decision date: 23 June 2021**

---

**Appeal Ref: APP/G4240/X/21/3267937**

**1 Mount Pleasant, Barmhouse Lane, Hyde SK14 3BX**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Andrew Hayes against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 20/00670/CPUD, dated 23 July 2020, was refused by notice dated 12 October 2020.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is erection of a single level building to accommodate an office and garage.
- 

### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operations which are considered to be lawful.

### Main Issue

2. The main issue is whether the Council's decision to refuse an LDC was well-founded. This will turn on whether the proposed development would constitute permitted development by virtue of the provisions of Article 3(1) and Class E(a) Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)('the GPDO').

### Reasons

3. An application under S192(1) of the Town and Country Planning Act 1990 (as amended)(the 'Act') seeks to establish whether (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful. S192(2) sets out that if on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.
4. Case law has established that consideration of the term "incidental to the enjoyment of the dwellinghouse" there should be some connotation of reasonableness in the circumstances of each case, it should not be based solely on the unrestrained whim of a householder. The test is whether the proposed

- building is genuinely and reasonably required or necessary in order to accommodate the proposed use or activity and thus achieve that purpose.
5. Size is a relevant but not conclusive factor in determining whether the proposal would be incidental to the use of the main dwellinghouse. The word 'incidental' connotes an element of subordination in land use terms in relation to the enjoyment of the dwelling house.
  6. The proposed building would comprise space for three cars and a separate garden store/office. The Council suggest that the proposed outbuilding would be approximately 57 square metres (sqm) whereas the appellant states it would have a floor area of 46sqm. From the evidence before me, the difference appears to depend upon whether the internal or external floor area is considered. Whichever value is taken, the floor area of the proposed outbuilding would be much less than that of the existing house. Furthermore, the outbuilding would be single storey and would appear subordinate to the dwellinghouse.
  7. It is not unusual for households to have more than one vehicle and so I do not consider it unreasonable for the garage to accommodate up to three vehicles. The parking of vehicles by users of the dwelling would, in my view, be incidental to the enjoyment of the dwellinghouse.
  8. The garden store/office would be modest in size and could reasonably be used to accommodate garden equipment such as a lawnmower and other garden tools, or office equipment. Both such uses would also, in my view, be incidental to the enjoyment of the dwellinghouse.
  9. Although there are other outbuildings within the appeal site, the total area of ground covered by buildings, enclosures and containers within the curtilage, other than the original dwellinghouse, would not exceed 50% of the total area of the curtilage. Consequently, whether or not the other outbuildings within the appeal site are demolished, criterion E.1(b) of the GPDO would be complied with.
  10. Thus, for the reasons given above, I find on the balance of probabilities that the proposed single level building to accommodate an office and a garage would be development which is permitted by the GPDO.

### **Conclusion**

11. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of a single level building to accommodate an office and garage was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*M Savage*

INSPECTOR





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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 23 July 2020 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed operations would constitute permitted development within the terms of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Signed

*M Savage*

Inspector

Date 23 June 2021

Reference: APP/G4240/X/21/3267937

### **First Schedule**

The erection of a single level building to accommodate an office and garage in accordance with the following drawings: Proposed Plans and Elevations, drawing number F03/DG/11 and Proposed Site Plan, drawing number F03/DG/12.

### **Second Schedule**

Land at 1 Mount Pleasant, Barmhouse Lane, Hyde SK14 3BX

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



## Plan

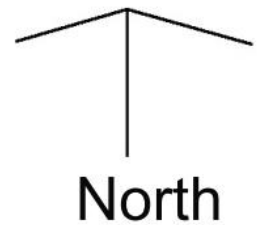
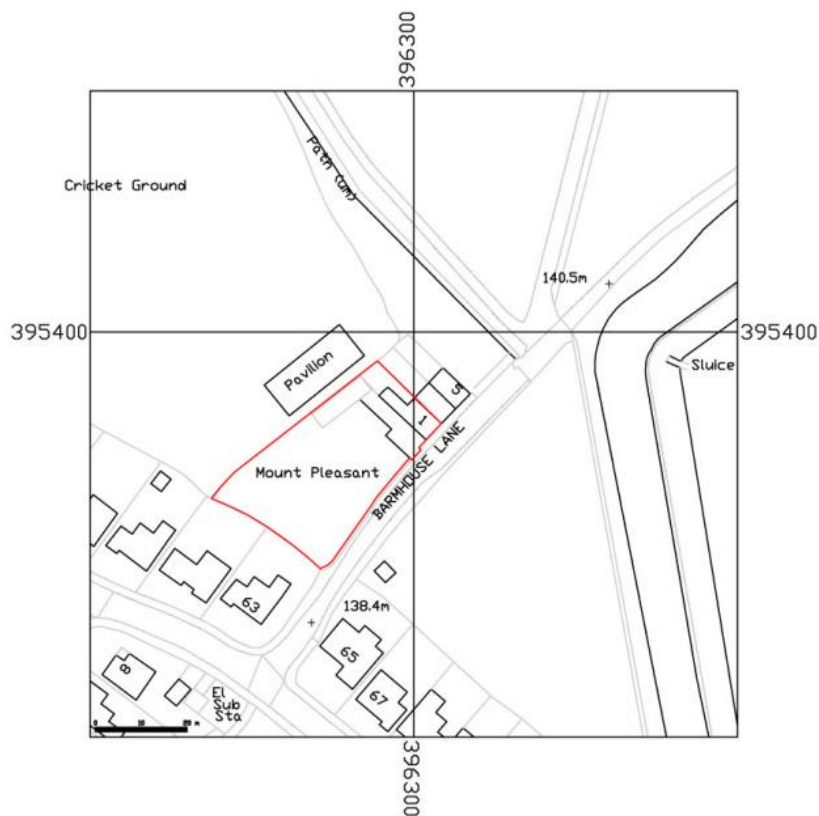
This is the plan referred to in the Lawful Development Certificate dated: 23 June 2021

**By M Savage BSc (Hons) MCD MRTPI**

**Land at: 1 Mount Pleasant, Barmhouse Lane, Hyde SK14 3BX**

**Reference: APP/G4240/X/21/3267937**

Scale: Not to scale



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