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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 20 October 2021
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies from Members of the Panel.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 15 September 2021, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	DIVERSION OF PART OF FOOTPATH 95, STALYBRIDGE To receive a report from the Assistant Director, Operations and Neighbourhoods.	5 - 10
5.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	21/00609/FUL - UNIT 1, COWHILL LANE INDUSTRIAL ESTATE, COWHILL LANE, ASHTON-UNDER-LYNE	11 - 24
b)	21/00858/FUL - FELL VIEW (FORMERLY OAKGLADE HOUSE), 2 BOOTH STREET, ASHTON-UNDER-LYNE	25 - 44
c)	21/00904/FUL - FORMER CHARLOTTE HOUSE RESIDENTIAL HOME, ALBERT ROAD, HYDE	45 - 58
6.	APPEAL/COST DECISION NOTICES	
a)	APP/G4240/D/21/3274238 - 10 REID CLOSE, DENTON, M34 7QH	59 - 62
b)	APP/G4240/W/21/3275422 - BROOKFIELDS, MOSSLEY, OL5 0LG	63 - 68
c)	APP/G4240/W/21/3275422 - BROOKFIELDS, MOSSLEY, OL5 0LG	69 - 70
d)	APP/G4240/D/21/3277059 - 35 MARLBOROUGH ROAD, HYDE, SK14 5HU	71 - 72

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.

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e)	APP/G4240/D/21/3276323 - 27 NORTH END ROAD, STALYBRIDGE, SK15 3AZ	73 - 74
7.	URGENT ITEMS	
	To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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

Agenda Item 3

SPEAKERS PANEL (PLANNING)

15 September 2021

Commenced: 10:00 am

Terminated: 11:05 pm

Present: Councillor McNally (Chair)
Councillors: Affleck, Boyle, Choksi, P Fitzpatrick, Glover,
Jones, Naylor, Owen, Ricci and Ward

Apologies: Councillor Dickinson

14. MINUTES

The minutes of the proceedings of the meeting held on 21 July 2021, having been circulated, were approved and signed by the Chair as a correct record.

15. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Choksi	Agenda Item 4(a) Planning Application: Site at Lindisfarne Road, Ashton-under- Lyne	Prejudicial	Pre-determined views against this proposal.

During consideration of the above item, Councillor Choksi, left the meeting and played no part in the discussion and decision making process thereon.

17. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	21/00131/FUL Darson Homes Ltd
Proposed Development:	To vary condition 2 (specifying the approved plans) of planning permission ref. 18/00119/FUL – Construction of 5 No. detached houses and associated works – to allow for alteration of house type. Lindisfarne Road, Ashton-under-Lyne
Speaker(s)/Late Representations	Councillor Choksi and Councillor Huntbach addressed the Panel objecting to the application.

	Mr David Broadbent addressed the Panel objecting to the application.
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report.

Name and Application No:	21/00092/FUL Mr Stuart Quinn
Proposed Development:	Demolition of existing ancillary building and erection of new industrial unit with associated car parking and engineering works. Unit 8, Tameside Park, Fifth Avenue, Dukinfield, SK16 4PP
Speaker(s)/Late Representations	Mr James Stannard, on behalf of the applicant, addressed the Panel in relation to the application.
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report.

Name and Application No:	21/00306/FUL Stainless Restoration Limited (Frank Morris)
Proposed Development:	Demolition of existing industrial unit and erection of new industrial and office unit, with associated service yard car parking. Phoenix Works, Raglan Street, Hyde, SK14 2DX
Speaker(s)/Late Representations	Frank Morris, the applicant, addressed the Panel in relation to the application.
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report. That Members resolved that the Assistant Executive Director, Environmental Services be authorised to process any Traffic Regulation Order considered necessary in connection with the approved development and indicated on the plan appended to the report and in accordance with the Road Traffic Regulation Act 1984, subject to the resolution of any objections during the public consultation period.

Name and Application No:	21/00311/FUL Herskovic, Adar Investment Ltd
Proposed Development:	Change of use of first and second floor from redundant retail space into 32 apartments (18 x 1-bed and 14 x 2-bed). Creation of a large shared roof garden and introduction of three courtyards providing private amenity areas. Provision of a new entrance and bin store area off Warrington Street. 53 Warrington Street, Ashton-under-Lyne, OL6 7JG

<p>Speaker(s)/Late Representations</p>	<p>The planning officer advised Members that a late written representation had been received from representatives of the adjacent Ladysmith Shopping Centre. Concern was raised that existing businesses, forming part of the Ladysmith and other commercial operations (such as the market), risked having unreasonable restrictions placed upon them as a result of insufficient mitigation being put in place as regards noise impact.</p> <p>Further concern was raised regarding the outlook for the 8no. apartments that would be overlooking the Ladysmith Shopping Centre/Duke Street service yard and the 8no. apartments that would be overlooking the elevation of the decommissioned Ladysmith car park.</p> <p>The planning officer advised Members that in response to this representation, that condition no.3 would be reworded to require a further noise survey to be undertaken. This had been agreed with Environmental Health.</p> <p>Mr David Bitan, on behalf of the applicant, addressed the Panel in relation to the application</p>
<p>Decision:</p>	<p>That planning permission be granted subject to completion of a Section 106 Agreement and the conditions as detailed within the submitted report.</p>

18. APPEAL DECISIONS

<p>Application Reference/Address of Property</p>	<p>Description</p>	<p>Appeal Decision</p>
<p>APP/G4240/W/21/3276203 58-60 Stamford Street, Stalybridge, SK15 1LQ</p>	<p>Proposed creation of ground-floor, self-contained flat and additional first-floor accommodation to existing flat with secondary means of escape.</p>	<p>Appeal dismissed.</p>

19. URGENT ITEMS

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

CHAIR

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Agenda Item 4

Report To:	SPEAKERS PANEL (PLANNING)
Date:	20 October 2021
Cabinet Deputy/Reporting Officer:	Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	HIGHWAYS ACT 1980 – APPLICATION TO DIVERT A LENGTH OF DEFINITIVE FOOTPATH STALYBRIDGE 95
Report Summary:	An application has been received from a local resident to make an Order to divert a length of Footpath Stalybridge 95. If approved, the path will be diverted and the changes will be reflected on the definitive map and statement for Tameside.
Recommendations:	It is recommended that the Panel accepts this application on the basis that it is expedient in the interests of the owner / occupier of the land and is substantially as convenient to the public to divert Footpath 95 in Stalybridge 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.
Links to Community Strategy:	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.
Policy Implications:	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.
Financial Implications: (Authorised by the Borough Treasurer)	If authorised by the Panel, all costs incurred, including associated legal fees and any expenses incurred in bringing the new path into a fit condition for use by the public will be met by the applicant.
Legal Implications: (Authorised by the Borough Solicitor)	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 so doing 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 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, Operations and Neighbourhoods:



Telephone: 0161 342 3704



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

1.0 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 Stalybridge 95.
- 1.2 The applicant has requested the order based on the grounds that it is expedient in the interests of the landowners and occupiers involved. It is suggested that the diversion is as substantially convenient to the public as the current definitive alignment of the footpath.
- 1.3 The applicant does not own the land onto which Footpath 95 would be diverted, however they have confirmed that they have gained permission from the landowner to divert the path onto this adjacent land.
- 1.4 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 be as substantially convenient for users and is therefore expedient in the interests of the owner, lessee, occupier of the land or the public. Under the Council's Constitution, these matters are for determination by the Speakers Panel (Planning).
- 1.5 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.

2.0 DESCRIPTION OF THE CURRENT AND PROPOSED ROUTES

- 2.1 Footpath Stalybridge 95 starts at Mottram Old Road, Stalybridge and runs in a generally easterly direction along a private access track, before passing through the garden area of 'The Barn' at Sidebottom Fold and then continuing to the east through an agricultural field before terminating at its junction with Bridleway Stalybridge 68. The current alignment of the footpath runs for a distance of 900 metres (**see Appendix 1**).
- 2.2 The proposed diverted alignment will enter Sidebottom Fold but instead of passing through the garden area of 'The Barn' will instead turn to the north following the alignment of Footpath Stalybridge 88 for approximately 50 metres before entering the agricultural field and then turning back to the south to re-join Footpath 95 on the east side of Sidebottom Fold. The proposed alignment for the footpath runs for a distance of approximately 989 metres (**see Appendix 1**).
- 2.3 The newly created section of footpath will run on a natural surface throughout with a width of 2.5 metres.
- 2.4 Access to and from the agricultural fields will be granted by means of a British Standards compliant gate.
- 2.5 A short slope on the proposed diverted alignment of the footpath will introduce a small number of additional steps.

3.0 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.

4.0 CONSULTATION OVER THE PROPOSED DIVERSION

4.1 An informal consultation exercise was carried out with the local councillors for Stalybridge South as well as with the local public rights of way organisations.

4.2 Councillors Dickinson and Patrick responded to this consultation stating that they have no objection to the proposed diversion. Councillor Patrick did add that this based was on the proviso that the costs for any physical works involved with bringing the diversion route into a fit condition for use are covered by the applicant.

4.3 Comments received on behalf of the Peak and Northern Footpath Society were:

"My view is that the proposed diversion is acceptable in principle on the basis that it will not be substantially less convenient to the public than the current route through the garden and that it will not adversely affect public enjoyment of the path as a whole, as referred to in the Highways Act s119(6). However, that is subject to the important caveat that the width of the path should be a minimum of 2.5 metres rather than 2 metres where it runs along the boundary of the field at the back of the gardens of the adjacent houses. That is in line with PNFS policy on responding to footpath diversion proposals and arises because of the possibility that this section of the path will at some future time be fenced off from the field - in which case that section might become difficult to pass along due to mud or vegetation if the area fenced off were to be narrower than 2.5 metres. (The wording of order itself will of course need to specify an exact width rather than a "minimum" width, given the legal uncertainty created by the latter wording)."

4.4 As a result of the above comment, the applicant agreed that if approved, the diversion route would be 2.5 metres in width. This alteration lead to the following comment from the representatives of the Peak and Northern Footpath Society:

"Peak & Northern Footpaths Society has no objection to the proposed diversion, assuming the order when made does not have any technical flaws. We would add that we welcome the increase in width to 2.5 metres as we had suggested in our previous comments. Assuming the Speakers Panel approve the diversion the Society looks forward to receiving the order in due course."

4.5 Comments received on behalf of the Ramblers referred to the proposed diversion in the following manner:

"In terms of STA/95, this looks ludicrous. I think it should be rejected."

- 4.6 Clarification over this statement has been sought from the representative from the Ramblers, but no response has been received.
- 4.7 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.

5.0 COSTS

- 5.1 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.

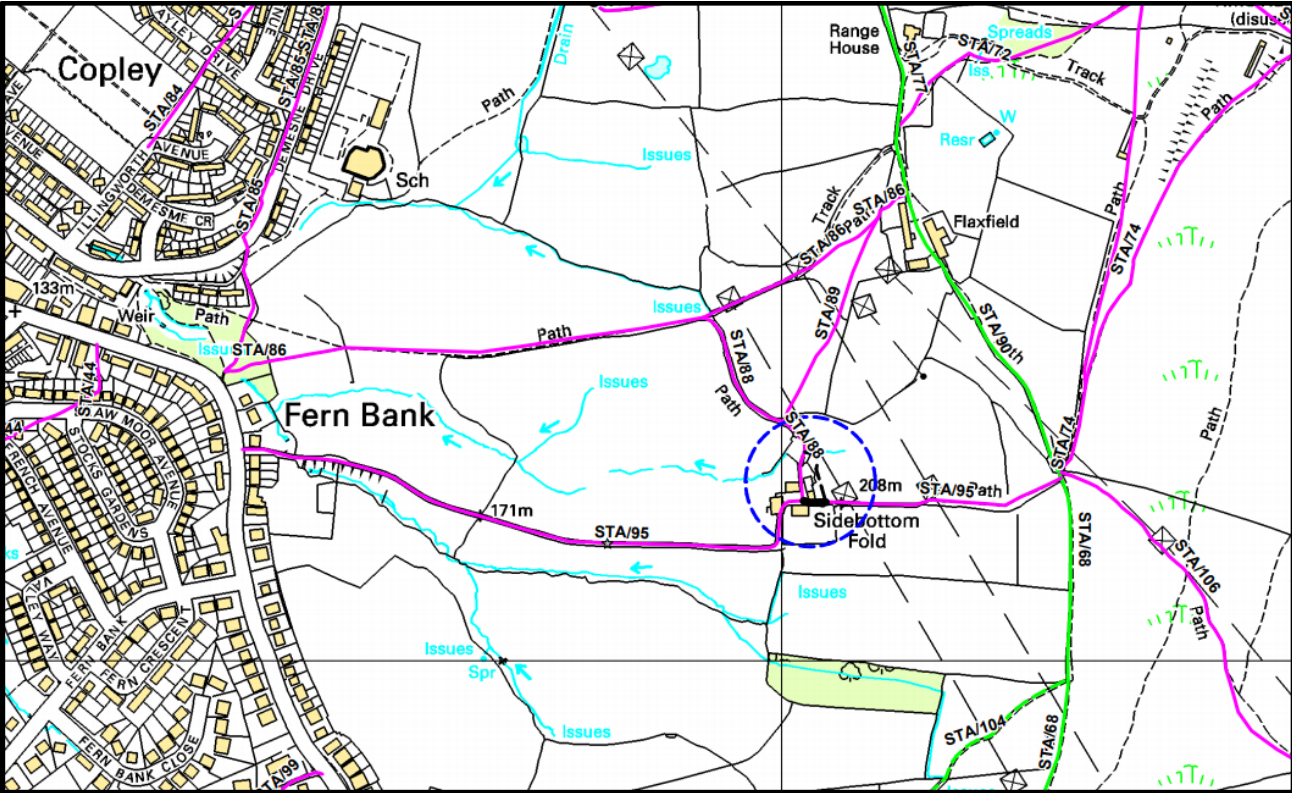
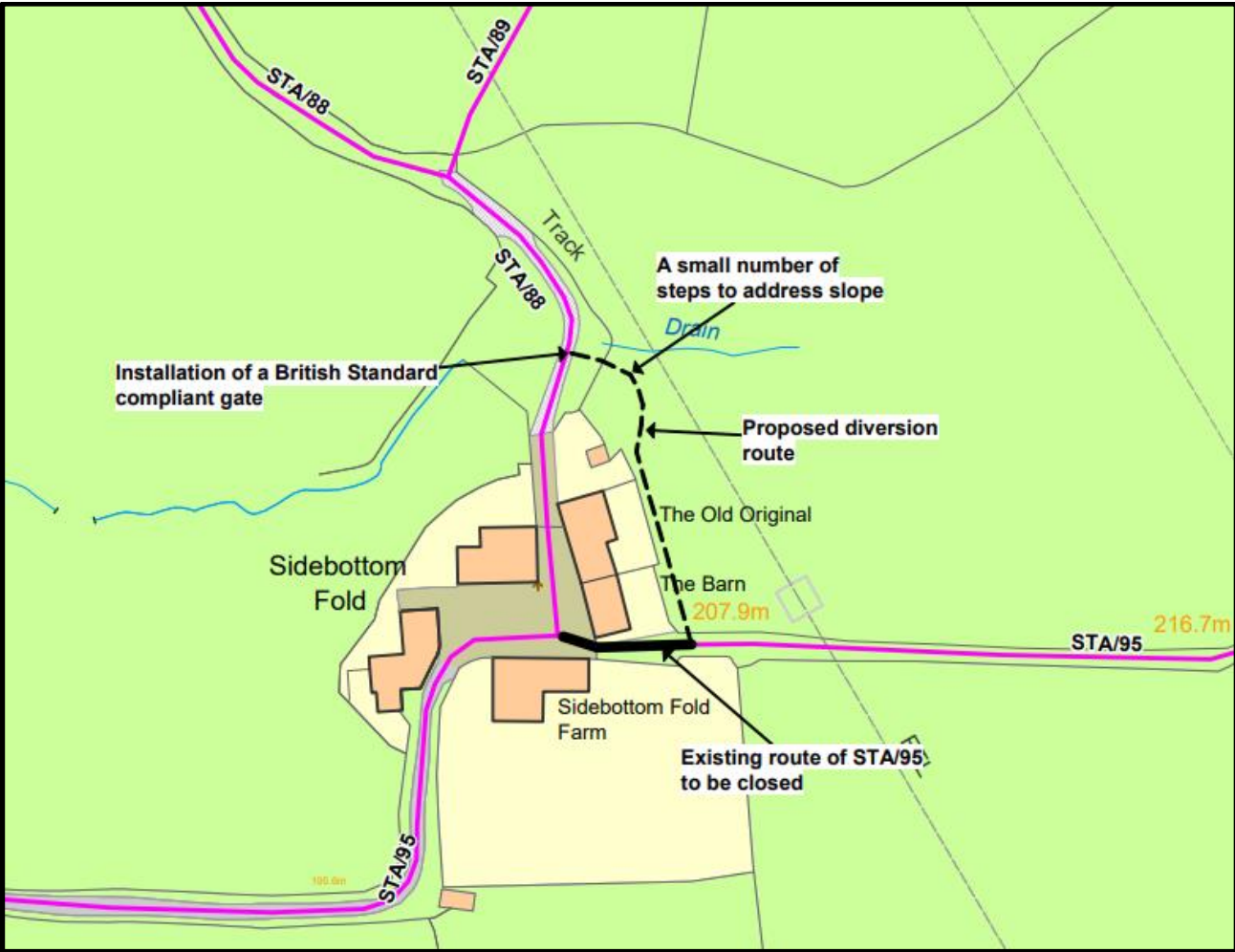
6.0 COMMENTS OF THE DIRECTOR OF OPERATIONS AND NEIGHBOURHOODS

- 6.1 The applicant has stated that the diversion request is made for their own interests as one of the landowners involved.
- 6.2 During discussions on site, it was suggested by the applicant that the proposed diversion would not be substantially less convenient to the public. It was further argued that, dependant on the direction of travel, the proposed diversion could actually be more convenient for some.
- 6.3 Officers agree with these comments in general and accept that the diversion alignment is of advantage to the applicant / landowner as well as not being substantially less convenient to the public.
- 6.4 It is noted that the proposed diversion does add approximately 89 metres to the length of the footpath but given that this is less than 10% of the current path length, it is not considered to have a significant impact on the public enjoyment of the path as a whole.
- 6.5 A small number of steps will be needed to make provision for the proposed diverted footpath up a short slope. It is acknowledged that the steps may make access slightly more difficult for users with mobility problems, however the continuation of the route through the field is a strenuous walk and so, again, this is not considered to have a significant impact on the public enjoyment of the path.
- 6.6 The applicant identified that the suggested alignment for the footpath is a route that many walkers choose to follow already and so the diversion will in effect formalise a desire line set out by local users.
- 6.7 Whilst one objection to the proposed diversion has been received from the Ramblers (Paragraph 4.5), it is unclear on what grounds the objection is made. No clarification on the matter has been received. If the decision is reached by the Speakers Panel to proceed with the proposed diversion, then an order will be advertised granting a minimum 28-day formal consultation period where further comment can be submitted if desired.
- 6.8 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.

7.0 RECOMMENDATION

- 7.1 As stated on the front of the report.

APPENDIX 1



Application Number 21/00609/FUL

Proposal Replacement roof covering and partial cladding of walls.

Site Unit 1, Cowhill Lane Industrial Estate, Cowhill Lane, Ashton-under-Lyne

Applicant Mr Mark Robinson

Recommendation REFUSE

Reason for Report A member of the public has requested the opportunity to address the Panel before a decision is made.

1.0 APPLICATION DESCRIPTION

1.1 The application seeks planning permission to replace part of the existing roof covering and partially clad the front (Cowhill Lane), side elevations and the whole of the rear (Tramway Road) elevation of the existing building.

1.2 The proposed materials for the roof are 'Box profile sheets in Goose Wing Grey' in conjunction with 100mm insulation board. The ridges, verges and trim are proposed in Anthracite Grey, Plastisol finish. The proposed cladding material for the external elevations comprise of box profile sheets in Goose Wing Grey, in conjunction with 100mm insulation board. The corners and openings are proposed to be finished in Anthracite Grey, Plastisol finish.

1.3 The application is supported by the following drawings namely:

Existing Site Plan (Drawing Number 1422.100)
Existing Elevations (Drawing Number 1422.200)
Proposed Roof Plan (Drawing Number 1422.300)
Proposed Elevations (Drawing Number 1422.400)

2.0 SITE & SURROUNDINGS

2.1 The application relates to a former tram depot built circa late nineteenth century. The site itself comprises of a detached building together with an associated service yard area to the rear and part of Tramway Road. The building is currently used for employment purposes and internally has been sub divided into several individual units with the main access point serving each unit at the side and rear.

2.2 The building is of a traditional design and typical from the period in which was built. It varies in height between two and three stories where it fronts Cowhill Lane and is single storey at the rear where it fronts the service yard and Tramway Road. The existing building facades are red brick with corrugated sheeting for the roof areas.

2.3 Surrounding the site are residential properties on Cowhill Lane, Westbury Street and Cowper Street. Opposite the site is St James Church, which is Grade II Listed. The site lies within a predominantly residential area.

3.0 RELEVANT PLANNING POLICIES

3.1 **Tameside Unitary Development Plan (UDP) Allocation**

Unallocated

3.2 **Part 1 Policies**

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

3.3 **Part 2 Policies**

- E3: Established Employment Areas
- E5: Local Employment Opportunities and Mixed Uses
- E6: Detailed Design of Employment Developments
- E7: Local Access to New Employment
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- C1: Townscape and Urban Form

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

- Section 2: Achieving sustainable development
- Section 12: Achieving well designed places

3.5 **Other Policies**

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

3.6 **Planning Practice Guidance (PPG)**

- 3.7 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.

4.0 **PUBLICITY CARRIED OUT**

- 4.1 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.

5.0 **RESPONSES FROM CONSULTEES**

- 5.1 Local Highway Authority confirm that on highways grounds the proposal would not have an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe. Request informative (note to applicant) that the cladding installation will be on/over the adopted highway and Agreement of Tameside as Highways Authority will be required under s177 Highways Act 1980.

5.2 Borough Environmental Health Officer has confirmed that there are no objections to the proposal subject to a condition restricting the hours of work during the construction period.

6.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

6.1 Eleven representations have been received objecting to the proposal and raising the following (summarised) points:

- In its current state the building is in keeping with the local area being a brick built Victorian/Edwardian tramway depot.
- The proposed materials would be suitable if building was located within an industrial estate (which it is not).
- The building is a historic piece of Ashton's past being a former horse drawn tram depot and as such should be preserved as a heritage building rather than covered in grey metal.
- The proposed materials are not in keeping with the existing building and are out of character with the surrounding area
- The proposal would be detrimental to the visual amenities of the surrounding area.
- The application relates to Units 1 – 10, Cowhill Lane Industrial Estate
- Work has started without planning permission.
- Why is cladding required? Paintwork is easier to maintain and will keep to the aesthetics of the area which is either naturally exposed brick or painted brickwork.

6.2 Four letters of support have been received raising the following (summarised) points:

- Until recently, maintenance on the building was minimal and the property was in a poor state of repair: leaking roofs with over flowing gullies, fallen rendering, porous brickwork. Consequently the ongoing work to improve the roofing, gullies, drainage, weather resistance and general presentation is supported.

7.0 ANALYSIS

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

- The principle of the development;
- Residential amenity; and
- Design and integration with local character.

8.0 PRINCIPLE

8.1 Section 6 of the NPPF is entitled building a strong, competitive economy. Paragraph 80 states that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

8.2 Locally, the application site is used for employment purposes and therefore the provisions of policy E3 of the UDP apply. This policy mirrors the NPPF in supporting the use of land in such designated areas for employment purposes, including the redevelopment of sites.

8.3 The scheme proposes refurbishment works to the existing building and would therefore support the continued use of the established commercial premises. As such, the principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.

9.0 RESIDENTIAL AMENITY

- 9.1 Residential properties adjoin the application site to the front, side and rear. There will however be no increase to the size and scale of the building resulting from the proposed alterations. Furthermore no new openings are proposed to the existing building. As a result it is not considered that the proposal would have any undue impact on the amenities of adjoining occupiers in relation to overlooking, overshadowing or loss of light. The application is acceptable in this regard.
- 9.2 The Borough Environmental Health Officer has raised no objections to the proposal subject to the hours of work during the construction period being restricted/limited to certain times. If Members are minded to grant planning permission, this can be controlled by a planning condition.

10.0 DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 10.1 Saved Tameside UDP Policies C1 and E6 together with the NPPF all seek to ensure that any new development respects or improves the character of the surrounding area and adjacent properties in terms of its form, scale, mass, materials, layout, bulk and height.
- 10.2 It is considered that the replacement of the existing roof will have little impact on the external character of the building and there are no objections to this part of the proposal.
- 10.3 The main issue raised by the application is the proposed cladding and its effect on the character and appearance of the existing building and on the surrounding area.
- 10.4 The application premises relate to a brick built building which due to its size and location occupies a prominent position in the streetscene. It lies in a predominantly residential area mainly comprising of brick built properties.
- 10.5 The application proposes the installation of cladding to the front, side and rear elevations of the application premises. Whilst the silhouette, form and massing of the building would not be affected by the proposal, the cladding would represent the first addition of its kind to the existing building and as a result the pleasing coherence that currently exists between the application site and adjoining properties would be lost. Views of the proposal would be particularly prominent when travelling along Cowhill Lane due to the building's wide façade and extensive use of cladding across the entire width of this elevation. Here it would be experienced alongside existing brick built properties facing the site and adjacent, highlighting the incongruous nature of the cladding. As part of the proposal the sill and header details surrounding existing openings would also be lost, further eroding the character of the existing building.
- 10.6 It is accepted that metal cladding is often used on industrial premises; however, in this instance the style and design of the existing premises, its location immediately adjoining the highway and the sheer extent of cladding proposed, particularly to the elevations immediately fronting the highway would be substantially at odds with the character of the existing premises and the surrounding street scene. It would give the building a monolithic and modern appearance in contrast to the current arrangement which retains the traditional appearance and historical character of the existing building.
- 10.7 Given the above, it is considered that the development conflicts with the provisions of policies C1 and E6 of the Tameside Unitary Development Plan and Section 12 of the National Planning Policy Framework.

11.0 HIGHWAY SAFETY

- 11.1 The proposals would not result in any alterations to the access arrangements to the site and would not reduce the capacity of the existing car parking area to the rear of the main building. There are no objections to the proposals from the Local Highway Authority.
- 11.2 The Local Highway Authority have noted however that the cladding will overhang part of the adopted highway and the Agreement of Tameside as Highways Authority will be required under s177 Highways Act 1980 in relation to this part of the proposal. If Members are minded to grant planning permission, a note/informative can be attached advising the applicant of their responsibilities in this regard.
- 11.3 As a result of the above, it is considered that the proposals would not result in a detrimental impact on highway safety and therefore, in accordance with paragraph 109 of the NPPF, planning permission should not be refused for that reason.

12.0 CONCLUSION

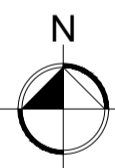
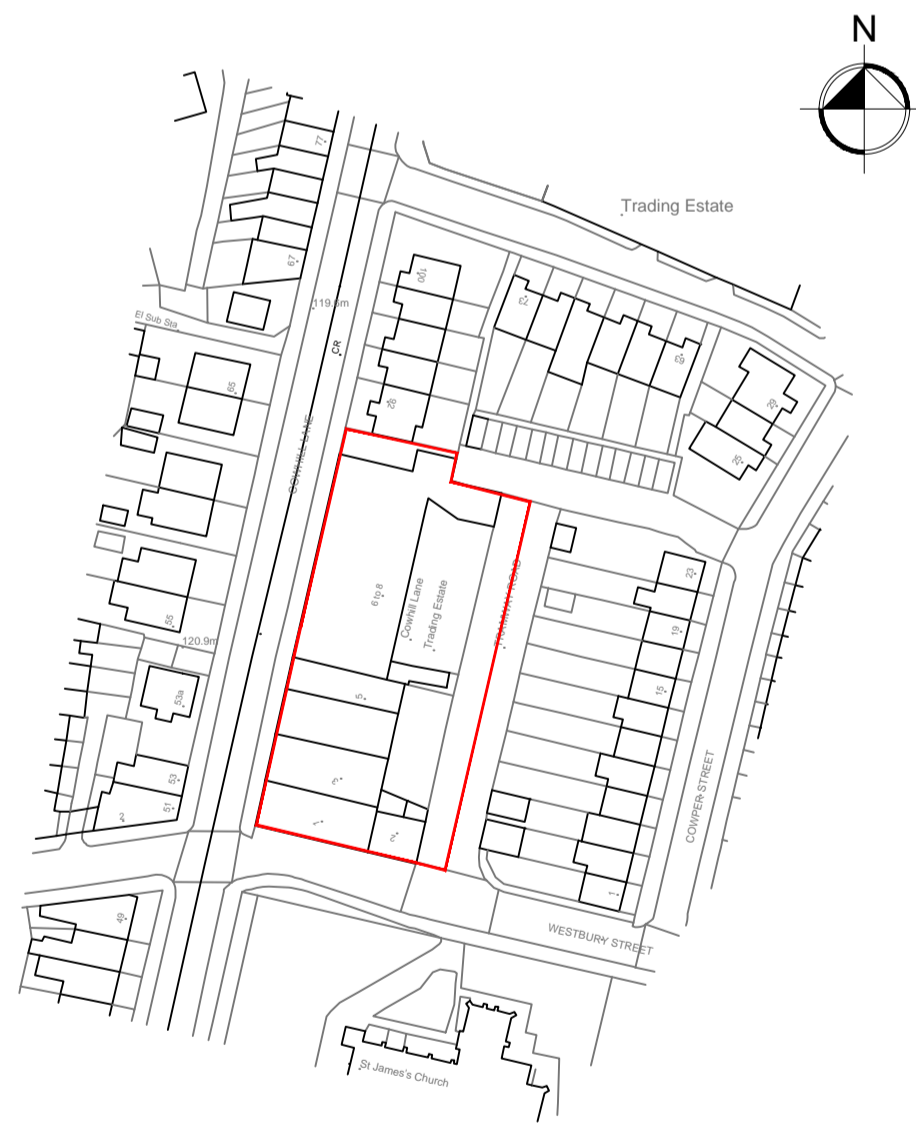
- 12.1 The building has a strong historic character typical of nineteenth century brick built warehouses / mills. The brickwork complements the established vernacular of the street scene which it frames in a coordinated manner. It is considered that the scale of the cladding on the highway facing elevations would be at odds with this character and would represent a strong departure from the historic appearance and would be detrimental to the street scene and character of the surrounding area. As such it is considered that the development conflicts with the provisions of policies C1 and E6 of the Tameside Unitary Development Plan and Section 12 of the National Planning Policy Framework.

RECOMMENDATION

REFUSE planning permission for the following reason:

The existing building has a strong historic character typical of nineteenth century brick built warehouses / mills. The brickwork complements the established vernacular of the street scene which it frames in a coordinated manner. The proposed cladding would represent an incongruous addition and due to its position on the highway facing elevations of the building would be at odds with the prevailing character and would represent a strong departure from its historic appearance. The proposal would therefore be detrimental to the street scene and character of the surrounding area. As such it is considered that the development conflicts with the provisions of policies C1 and E6 of the Tameside Unitary Development Plan and Section 12 of the National Planning Policy Framework.

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

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Notes

Revision	Date	Note

GREENSKY ARCHITECTURE  T: +44(0)7815 606738
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Architecture / Interior Design / Planning / Code for Sustainable Homes / BREEAM / Sustainability / Energy Assessors
Green Sky Architecture is a trading name of Green Sky Consult Ltd. Company Registered in Cardiff No 7350336

Client **Stamford Developments Ltd**

Project Title **COWHILL LANE TRADING ESTATE**

Drawing Title **EXISTING SITE PLAN**

Drawn **MS** | Checked | Date **26.04.2021**

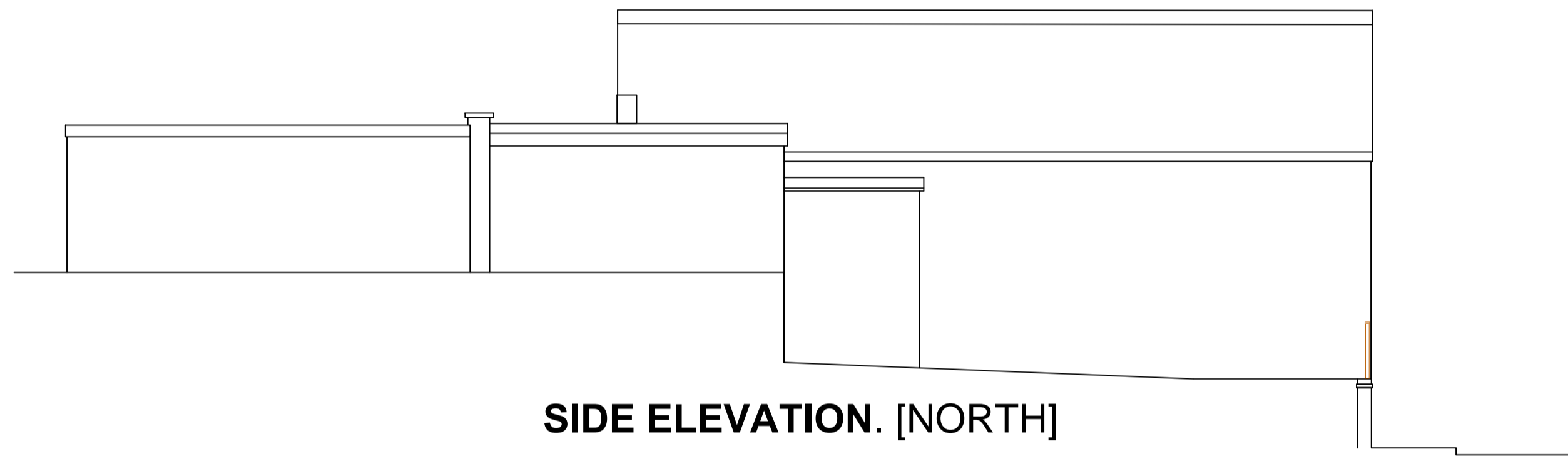
Drawing Status Information: Draft Approval Tender Construction As Built

Drawing Number **1422.100** | Scale **1:200 @ A1** | Revision

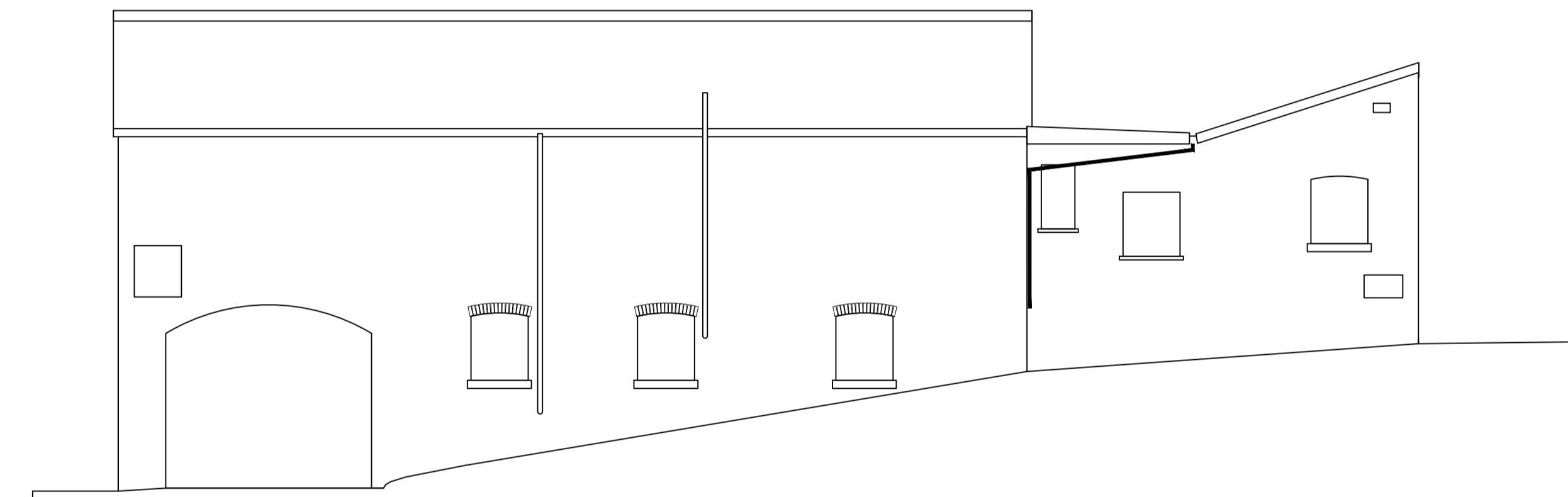
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FRONT ELEVATION. [COWHILL LANE]



SIDE ELEVATION. [NORTH]



SIDE ELEVATION. [WESTBURY STREET]



REAR ELEVATION. [TRAMWAY ROAD]

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1:100  10m

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Client **Stamford Developments Ltd**

Project Title **COWHILL LANE TRADING ESTATE**

Drawing Title
EXISTING ELEVATIONS

Drawn **MS** | Checked | Date **26.04.2021**

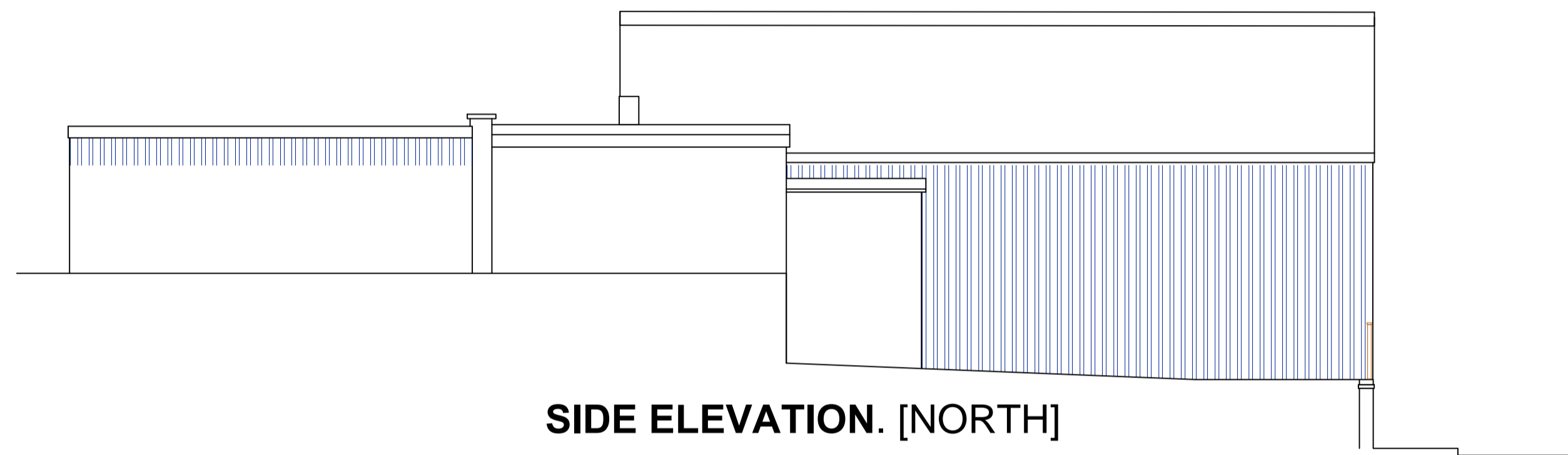
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Information Draft Approval Tender Construction As Built

Drawing Number **1422.200** | Scale **1:100 @ A1** | Revision

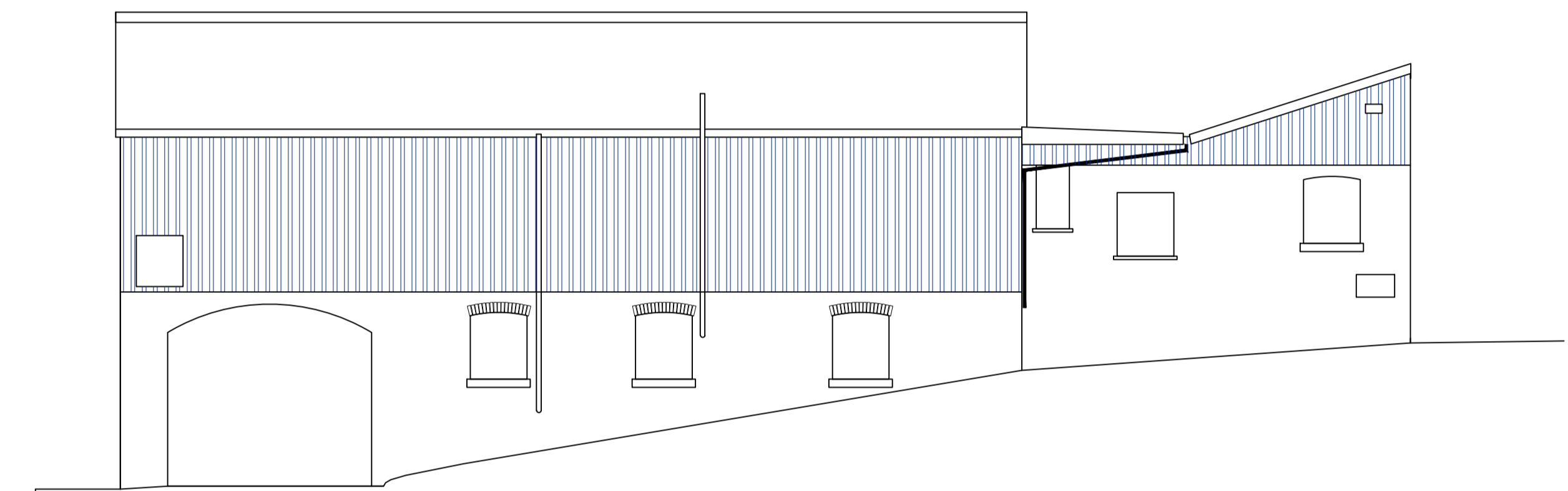
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FRONT ELEVATION. [COWHILL LANE]



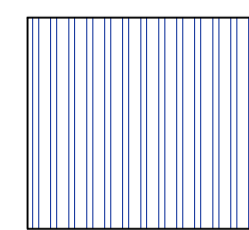
SIDE ELEVATION. [NORTH]



SIDE ELEVATION. [WESTBURY STREET]



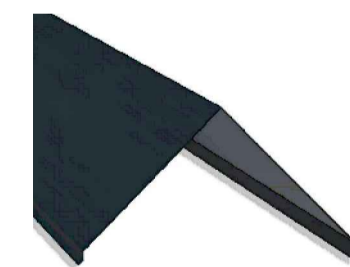
REAR ELEVATION. [TRAMWAY ROAD]



Wall areas to be clad



32mm Box Profile Sheets in Goose Wing Grey, in conjunction with 100mm insulation board.



Corners, openings, etc. in Anthracite grey, Platisol finish

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1:100 10m

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Client **Stamford Developments Ltd**

Project Title **COWHILL LANE TRADING ESTATE**

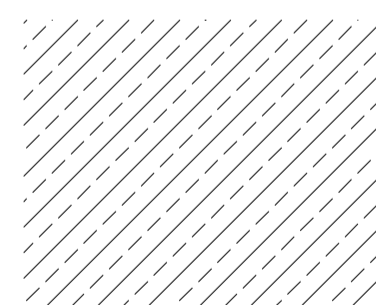
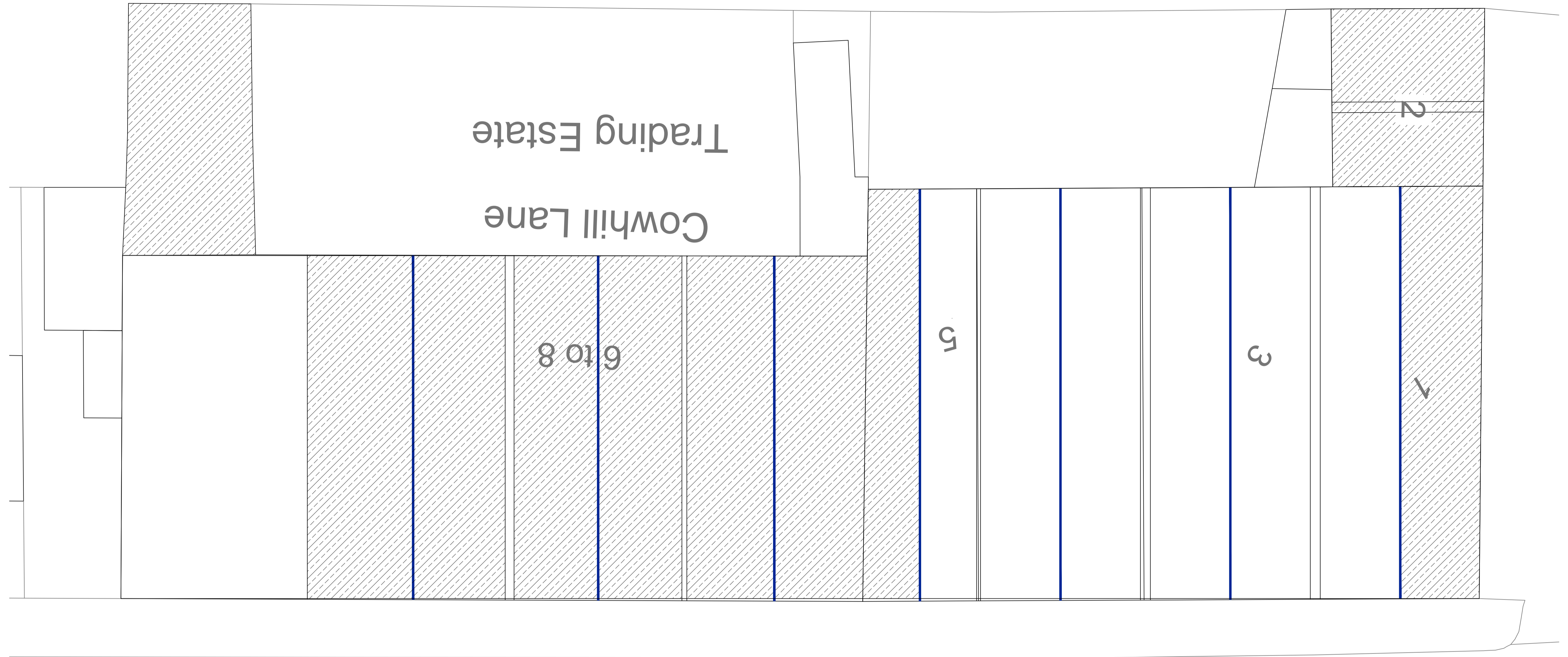
Drawing Title **PROPOSED ELEVATIONS**

Drawn **MS** | Checked | Date **26.04.2021**

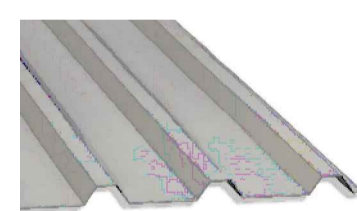
Drawing Status
 Information Draft Approval Tender Construction As Built

Drawing Number **1422.400** | Scale **1:100 @ A1** | Revision

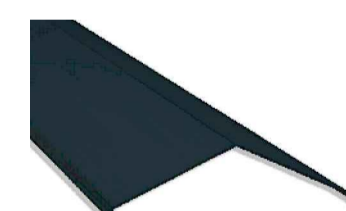
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Roof areas to be covered



32/1000 Single Skin 0.7mm
Plastisol (PVC finish) Box
Profile Sheets in Goose
Wing Grey, in conjunction
with 100mm insulation board.



Ridges, verges and trim in
Anthracite grey, Plastisol
finish

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1:100  10m

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Client **Stamford Developments Ltd**

Project Title **COWHILL LANE TRADING ESTATE**

Drawing Title
PROPOSED ROOF PLAN

Drawn **MS** | Checked | Date **26.04.2021**

Drawing Status
Information Draft Approval Tender Construction As Built

Drawing Number **1422.300** | Scale **1:100 @ A1** | Revision

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Application Number 21/00858/FUL

- Proposal** To vary condition 6 (specifying approved plans) of planning permission ref. 14/00098/FUL to allow for introduction of substations and generator and reduction in car parking spaces.
- Site** Fell View (Formerly Oakglade House), 2 Booth Street, Ashton-under-Lyne
- Applicant** One Manchester
- Recommendation** Approve, subject to conditions.
- Reason for Report** A Speakers Panel decision is required in accordance with the Council's Constitution because this is a major application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.0 APPLICATION DESCRIPTION

- 1.1 Where there is an extant planning permission, Section 73 (S73) of the Town and Country Planning Act 1990 allows for application to be made to vary or remove conditions associated with that planning permission. One of the uses of a S73 application is to seek what is often called a minor material amendment to an extant planning permission.
- 1.2 Initially, planning permission (ref. 14/00098/FUL), granted with conditions in March 2014, allowed for the change of use of what was then known as Oakglade House from offices to residential (51 apartments, including extension on roof). A condition (no. 6) of that permission specifies the approved drawings in accordance with which the development shall be carried out.
- 1.3 Where an application under S73 is granted, the effect is the issue of a new planning permission. In accordance with Planning Practice Guidance, the subsequent grant of planning permission under S73 should repeat the relevant conditions from the original planning permission, where these have not already been discharged.
- 1.4 The current application seeks to vary condition 6 of the extant permission, so that it specifies alternative drawings in accordance with which the development shall be carried out, and so allow for a minor material amendment to the extant planning permission.

2.0 SITE AND SURROUNDINGS

- 2.1 The premises that are subject to the application is the ten-storey building, known now as Fell View, in Booth Street and its car park at the rear, which is accessed off Fleet Street. The location is within the town centre conservation area. Built in 1967, the building was known previously as Crown House and was occupied until the summer of 2009 by HMRC. The building is situated on the eastern side at the end of Booth Street which is a no-through road terminating at the Park Parade by-pass. There are terraced houses facing, on the north side of the junction of Booth Street and Crown Street, and a Council-owned, public car park on the south side. There is an enclave of terraced houses, with frontages on to Crown Street and rear yards opening on to Fleet Street, immediately to the west in the block formed by Booth Street, Fleet Street and Crown Street. Immediately behind there is the Post Office Delivery

Office, and to the north, beyond Fleet Street, there are buildings in typical town centre uses fronting on to Stamford Street. The Park Parade by-pass bounds the site to the south.

3.0 PROPOSAL

- 3.1 The proposed amendment is the installation of a new substation and an emergency electricity generator in the car park associated with the building. This would then require a reconfiguration of the car park and a resultant loss of five parking spaces, but would include the provision of 20 new, secure cycle storage spaces.
- 3.2 The substation, which is already in place, and the emergency generator would be located side-by-side in the car park on the left hand, or eastern, side of the entrance, adjacent to the car park associated with the neighbouring Post Office Delivery Office.
- 3.3 The substation stands approximately 2.4m tall, is approximately 3.1m wide, and is 3.7m deep. It is finished in dark green glass reinforced plastic (GRP), or fiberglass.
- 3.4 The proposed emergency generator stands approximately 2m high, is approximately 2.7m wide, and is approximately 1m deep. It comprises a steel cabinet.
- 3.5 Following the reconfiguration of the car park, the number of car parking spaces would be reduced from 31 to 26. As approved originally, the car park would include three disabled parking spaces.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated within town centre conservation area

4.2 Part 1 Policies

- 1.3 Creating a Cleaner 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 Centre
- 1.11: Conserving Built Heritage and Retaining Local Identity.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.
- 1.13: Meeting Obligations on Minerals, Waste and Energy.

4.3 Part 2 Policies

- E3: Established Employment Areas.
- H2: Unallocated Sites.
- H4: Type, Size and Affordability of Dwellings.
- H6: Education and Community Facilities.
- H10: Detailed Design of Housing Developments.
- T10: Parking.
- C1: Townscape and Urban Form.
- C2: Conservation Areas.
- C4: Control of Development in or Adjoining Conservation Area

4.4 Other Policies

Residential Design Supplementary Planning Document.

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

4.5 National Planning Policy Framework (NPPF)

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 16. Conserving and enhancing the historic environment

4.6 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 The application has been advertised by means of a notice being posted at the site on 25 August 2021, and being published in a local newspaper on 2 September 2021; and, neighbour notification letters dispatched on 9 September 2021 to 53 addresses in Stamford Street, Booth Street, and Fleet Street.

6.0 RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services (Highways) has raised no objections to the proposal and suggested that a condition regarding the provision of cycle storage, and an informative note regarding working near to a public highway, be attached to any permission.
- 6.2 The Head of Environmental Services (Public Protection) has raised no objections to the proposal and suggested that a condition restricting the hours of construction work be attached to any permission.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 A neighbour has objected on the grounds that the loss of car parking spaces will increase competition for on-street parking spaces, which is already an inconvenience to existing residents.

8.0 ANALYSIS

- 8.1 The principle of the development having been established by the grant of planning permission, and the general arrangement remaining the same, the issues to be assessed in the determination of this planning application are:

- Whether the proposed amendments can be considered to be minor in context; and, if so;
- The appropriateness of the design and appearance of the substation and generator;
- The impacts on residential amenities; and,
- The impact of the loss of car parking spaces.

9.0 WHETHER THE PROPOSED AMENDMENTS CAN BE CONSIDERED TO BE MINOR

9.1 The proposed amendment would not alter the general arrangement of the approved development. The proposal remains for the change of use from offices to residential apartments, including an extension on the roof. Access and egress arrangements would be unaltered. It is therefore considered that, whilst the proposed amendments would materially alter the development as approved, those amendments can be accepted as being minor in the context of the wider proposals for the development of 51 apartments.

10.0 DESIGN AND APPEARANCE

10.1 The presence of the substation and generator will impact on the character and appearance of both the residential environment surrounding the apartments and on the conservation area. Although situated in the town centre, the location is not on a main thoroughfare but on a back street where it is relatively secluded, and there are instances of pre-fabricated buildings in similar locations in the conservation area, such as at the churchyard, which is used as a public car park, at St Michael's Church, which is a grade I listed building.

10.2 Given the relatively secluded location and the scale of the structures, it is considered that the harm that is caused to the significance of the conservation area is less than significant. According to paragraph 202 of the NPPF, this less than substantial harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. For the purposes of assessment against the NPPF, the less than substantial harm to the significance of the heritage assets would be out-weighed by the public benefits that would accrue in securing a beneficial use for this prominent building in the town centre, which otherwise might fall in to disuse and decay. The proposals are therefore considered acceptable and compliant with policies 1.3, 1.11 and C1, C2 and C45 of the UDP, and Sections 2 and 16 of the NPPF.

11.0 RESIDENTIAL AMENITIES

11.1 In addition to the visual impact on amenities, the emergency generator, in particular, has the potential to impact in terms of noise. The purpose of the new generator is for use in an emergency situation, such as a fire, as a back-up power source for the lifts. In such a situation the noise from the generator would serve beneficially to alert residents to the emergency. Given that the noise from the generator would not be constant, and both the generator and substation would be located on the far side of the car park from the building, it is considered that there would be no undue harm caused to residential amenities so that the proposal is compliant with policy 1.12 of the UDP and Sections 2 and 12 of the NPPF.

12.0 LOSS OF CAR PARKING SPACES

12.1 The development is situated in a highly accessible town centre location with ready access to facilities and services, as well as transportation infrastructure. Moreover, the proposal includes

provision for secure storage of 20 cycles. In these circumstances, as is evidenced by the absence of any objection by the Head of Environmental Services (Highways), it is considered that the amendments would not cause an unacceptable impact on highway safety, and the impact on the road network be not be severe, so that the proposal remains compliant with policies T1 and T10 of the UDP, and Section 9 of the NPPF.

13.0 OTHER ISSUES

13.1 Following the grant of the original permission the then prospective developer entered in to a binding agreement to provide a financial contribution to compensate for the impact of the development. Under that agreement, the developer was to provide £30,000 towards green space and education provision. The contribution has been paid in full.

14.0 CONCLUSION

14.1 The proposed amendments being considered acceptable and, in context, as being of a minor nature, according to Planning Practice Guidance the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. Where an application under section 73 is granted, the effect is the issue of a new planning permission and that may be subject to conditions differing from those to which the original permission was subject.

14.2 Following the grant of the original conditional planning permission, application (ref. 15/00069/PLCOND) was made for approval of details reserved by the conditions precedent. It is therefore recommended that this application be approved subject not only to condition 6, at variance to which the original permission was subject, but also, in certain instances, to conditions differing from those to which the original permission was subject where the details required by those conditions were submitted and approved previously.

RECOMMENDATION

That Members resolve TO GRANT planning permission for the development subject to the following conditions:

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

12017-PR-98; 12017-PR-99.2 - 12017-PR-99.9, inclusive; 12017-PR- 100 - 12017-PR-112, inclusive; 12017-PR- 200; 12017-PR- 200.1; and, 12017-PR- 201 - 12017-PR-203, inclusive

each approved under cover of planning permission ref. each approved under cover of planning permission ref. 14/00098/FUL

Cambridge Cycle Shelter specification, received on 12.07.2021

Substation specification ref. ES352-A2-016/02J, received on 16.08.2021

Site Plan ref. 1202 02-01 rev. 05, received on 22.09.2021

Himoinsa emergency generator specification, received on 27.09.2021

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

- 2) Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plan, ref. 1202 02-01 rev. 05, shall be provided and thereafter kept unobstructed and available for their intended purposes. Vehicles must be able to enter and leave the site in forward gear at all times.

Reason: To ensure adequate car parking arrangements.

- 3) During construction no work shall take place on Sundays and Bank Holidays and outside the hours of 07.30 and 21.00 Monday to Friday and 08.00 and 13.00 on Saturdays.

Reason: To preserve the residential character and amenity of the area.

- 4) The external storage areas for use for the storage and collection of refuse and recyclable materials, as indicated on the approved plan, ref. 1202 02-01 rev. 05, shall be provided prior to the first occupation of any part of the development hereby approved and thereafter maintained for the intended purpose at all times.

Reason: To safeguard the general amenity of the area.

- 5) The cycle storage provision indicated on the approved plans, ref. 1202 02-01 rev. 05 and Cambridge Cycle Shelter specification, shall be provided prior to the first occupation of any part of the development hereby approved and thereafter maintained for the intended purpose at all times.

Reason: To encourage the use of sustainable modes of transportation.

- 6) A clear view shall be provided on each side of access where it meets the footway in Fleet Street. Its area shall measure 2.0 metres along the edge of the site access and 2.0 metres along the footway. It must be kept clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter, spaced at not less than 100mm intervals.

Reason: In the interests of highway safety.

- 7) No part of the development hereby approved shall be occupied until full details of a maintenance management plan for the apartments has been submitted to, and approved in writing by, the local planning authority. Following occupation, the management plan shall be implemented in accordance with the approved details.

Reason: In the interests of securing a satisfactory development.

Contractors are not to scale dimensions from this drawing



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 Castlefield
 Manchester
 M3 4LZ
 0161 974 7203
 info@mcau.co.uk
 www.mcau.co.uk

Client
One Manchester
 Project
Fell View Booth Street Ashton
 Description
Site Plan

Status
Planning
 Scale 1:200 @ A1
 Drawn PJS
 Job number 1202
 Date June 21
 Drawing number 02-01
 Revision 05

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FLEET STREET

BOOTH STREET

Oakglade House

31 no. Parking Spaces

Electric Sub Station

Bicycle Stands

Refuse Store

PARK PARADE

Page 33



PROPOSED

PROJECT:
Oakglade House
Booth Street
Ashton-under-Lyne
OL6 7PJ

SUBJECT:
PROPOSED
SITE
PLAN

DATE:
January 2014
Rev M

DRAWING:
12017-PR-99.1

SCALE:
1:200@A3

STAMA
DEVELOPMENT

14 STRAWBERRY HILL
SALFORD, M6 6AH
TEL: 0750 601 4339
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Fell View (formerly Oakglade House)



Entrance to car park from Fleet Street



Substation (in situ)



10 SPACE CAMBRIDGE CYCLE SHELTER INFORMATION SHEET



Our Cambridge cycle shelter to deliver quality bike storage and value for money. It's a cost-effective shelter, which can be extended indefinitely, depending on your storage requirements.

With options to fully enclose the bikes with gates and side panels. With a wide range of options to adapt this cycle shelter to your environment this proves to be an extremely popular choice for bike storage across a wide range of applications.

Constructed from hot-dipped galvanised box section and a steel corrugated roof, it'll protect bikes from the elements as well as offering secure cycle storage.

Lead time: 3-4 weeks

- Available in hot dipped galvanised or polyester powdercoated to any RAL Colour
- 4100mm W x 2100mm D x 2100mm H
- Bespoke sizes available upon request
- Inc 5 hoop Toastrack
- BREEAM Compliant
- Swing or sliding gates (Optional)
- PIR Solar lighting (Optional)
- Helmet lockers (Optional)
- Electronic swipe card access control (Optional)



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COMPANY

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The Foundry, 77 Fulham Palace Road, London, W6 8JA
Company Number 09189322. VAT Number 194296763



Page 37



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HIMOINSA

HFW-100 T5

INDUSTRIAL RANGE
Powered by FPT_IVECO



SERVICE		PRP	ESP
POWER	kVA	101	111
POWER	kW	81	89
RATED SPEED	r.p.m.	1.500	
STANDARD VOLTAGE	V	400/230	
AVAILABLE VOLTAGES	V	230/132 · 230 V (t)	
RATED AT POWER FACTOR	Cos Phi	0,8	



INDUSTRIAL RANGE

FILIAL UK Company with quality certification ISO 9001

FILIAL UK gensets are compliant with EC mark which includes the following directives:

- 2006/42/CE Machinery safety.
- 2014/30/UE Electromagnetic compatibility.
- 2014/35/UE electrical equipment designed for use within certain voltage limits
- 2000/14/EC Sound Power level. Noise emissions outdoor equipment. (amended by 2005/88/EC)
- EN 12100, EN 13857, EN 60204

Ambient conditions of reference according to ISO 8528-1:2018 normative: 1000 mbar, 25°C, 30% relative humidity.

Prime Power (PRP):

According to ISO 8528-1:2018, Prime power is the maximum power which a generating set is capable of delivering continuously whilst supplying a variable electrical load when operated for an unlimited number of hours per year under the agreed operating conditions with the maintenance intervals and procedures being carried out as prescribed by the manufacturer. The permissible average power output (Ppp) over 24 h of operation shall not exceed 70 % of the PRP.

Emergency Standby Power (ESP):

According to ISO 8528-1:2018, Emergency standby power is the maximum power available during a variable electrical power sequence, under the stated operating conditions, for which a generating set is capable of delivering in the event of a utility power outage or under test conditions for up to 200 h of operation per year with the maintenance intervals and procedures being carried out as prescribed by the manufacturers. The permissible average power output over 24 h of operation shall not exceed 70 % of the ESP

G2 class load acceptance in accordance with ISO 8528-5:2013

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Manufacture facilities:

SPAIN • FRANCE • INDIA • CHINA • USA • BRAZIL • ARGENTINA

Subsidiaries:

PORTUGAL | POLAND | GERMANY | UK | SINGAPORE | UAE | PANAMA |
DOMINICAN REPUBLIC | ARGENTINA | ANGOLA | SOUTH AFRICA



STANDARD SOUNDPROOFING



D10



WATER-COOLED



THREE PHASE



50 HZ



STAGE 2



DIESEL

Filial UK has the right to modify any feature without prior notice.

Weights and dimensions based on standard products. Illustrations may include optional equipment.

Technical data described in this catalogue correspond to the available information at the moment of printing.

The illustrations and images are indicative and may not coincide in their entirety with the product.

Industrial design under patent.



2019-DIC.-19 14:14



Engine Specifications | 1.500 r.p.m.

Rated Output (PRP)	kW	87,5
Rated Output (ESP)	kW	96,2
Manufacturer	FPT_IVECO	
Model	NEF45TM2A	
Engine Type	4-stroke diesel	
Injection Type	Direct	
Aspiration Type	Turbocharged and after-cooled	
Number of cylinders and arrangement	4-L	
Bore and Stroke	mm	104 x 132
Displacement	L	4,5
Cooling System	Liquid (water + 50% glycol)	
Lube Oil Specifications	ACEA E3 - E5	
Compression Ratio	17,5 : 1	

Fuel Consumption ESP	l/h	24,4
Fuel Consumption 100% PRP	l/h	22
Fuel Consumption 80 % PRP	l/h	16,2
Fuel Consumption 50 % PRP	l/h	11
Lube oil consumption with full load	0,5 % of fuel consumption	
Total oil capacity including tubes, filters	L	12,8
Total coolant capacity	L	18,5
Governor	Type	Mechanical
Air Filter	Type	Dry
Inner diameter exhaust pipe	mm	70,3



- Diesel engine
- 4-stroke cycle
- 12V electrical system
- Water separator filter (no visible level)
- Dry air filter
- Radiator with pusher fan
- Mechanical governor
- Hot parts protection
- Moving parts protection
- HTW sender (Opcional).
- LOP sender (Opcional).
- Radiator water level sensor (Opcional).



Generator Specifications | MECC ALTE

Manufacturer	MECC ALTE	
Model	ECP34 2S/4 A	
Poles	No.	4
Connection type (standard)	Star-series	
Mounting type	S-3 11*1/2	
Insulation	Class	H class

Enclosure (according IEC-34-5)	IP23
Exciter system	Self-excited, brushless
Voltage regulator	A.V.R. (Electronic)
Bracket type	Single bearing
Coupling system	Flexible disc
Coating type	Standard (Vacuum impregnation)

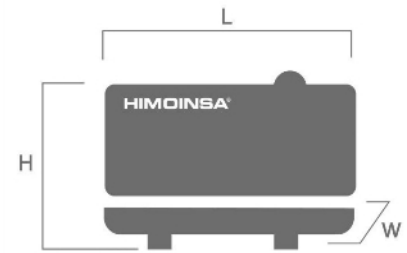


- Self-excited and self-regulated
- 4 poles
- AVR governor
- IP23 protection
- H class insulation
- Single drive-shaft
- Flexible disc coupling



WEIGHT AND DIMENSIONS

		Standard Version	High Capacity version	High Capacity version
Length (L)	mm	2.750	2.750	2.750
Height (H)	mm	1.760	1.900	2.163
Width (W)	mm	1.100	1.100	1.100
Maximum shipping volume	m ³	5,32	5,75	6,54
Weight with liquids in radiator and sump	Kg	1689	1807	1937
Fuel tank capacity	L	240	450	850
Autonomy	Hours	Ask	Ask	Ask
Sound pressure level	dB(A)@7m	69 ± 2,4	69 ± 2,4	69 ± 2,4
		Steel tank	Steel tank	Steel tank



APPLICATION DATA

EXHAUST SYSTEM

Maximum exhaust temperature	°C	535
Exhaust Gas Flow	kg/s	0,148
Maximum allowed back pressure	kPa	5
Exhaust Flange Size (external diameter)	mm	90
Heat dissipated by exhaust pipe	KCal/Kwh	731,6

NECESSARY AMOUNT OF AIR

Intake air flow	m ³ /h	427
Cooling Air Flow	m ³ /s	2,2
Alternator fan air flow	m ³ /s	0,322

STARTING SYSTEM

Starting power	KW	3
Starting power	CV	4,08
Recommended battery	Ah	100
Auxiliary Voltage	Vdc	12

FUEL SYSTEM

Fuel Oil Specifications		Diesel
Fuel Tank	L	240
Other fuel tank capacities	L	450, 850

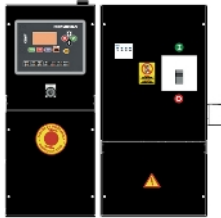


Soundproofed version

- Steel chassis
- Anti-vibration shock absorbers
- Fuel tank
- Fuel level gauge
- External emergency stop switch
- Bodywork made from high quality steel plate
- High mechanical strength
- Low noise emissions level
- Soundproofing provided by high-density volcanic rock wool
- Epoxy polyester powder coating
- Full access for maintenance (water, oil and filters, no need to remove the canopy)
- Reinforced lifting hooks for crane hoisting
- Watertight chassis (acts as a double barrier against liquid retention)
- Fuel tank drain plug
- Chassis drain plug
- Chassis ready for future mobile kit installation
- Steel residential silencer -35db(A) attenuation.
- Oil sump extraction kit
- Versatility to assemble a high capacity chassis with a metallic fuel tank
- IP Protection according to ISO 8528-13:2016
- 3 way valve for external fuel supply (available in 1/2" and 3/8" fittings) (Opcional).
- Fuel transfer pump (Opcional).



CONTROL PANELS



M5

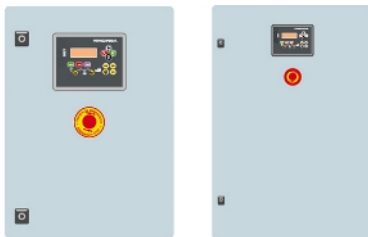
Digital manual Auto-Start control panel and thermal magnetic protection (depending on current and voltage) and differential with CEM7.

Digital control unit CEM7



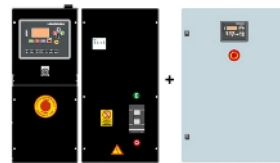
AS5

Automatic panel WITHOUT transfer switch and WITHOUT mains control with CEM7 unit. (*) AS5 as optional with CEA7 unit. Automatic panel without transfer switch and WITH mains control.



CC2

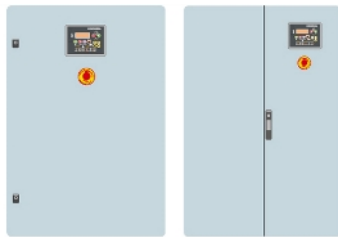
Himoinsa Switching cabinet WITH display. Digital control unit CEC7



AS5 + CC2

Automatic panel WITH transfer switch and with mains control. The display will be on the genset and on the cabinet.

Digital control unit CEM7+CEC7



AC5

Automatic mains failure control panel. Wall-mounted cabinet WITH transfer switch and thermal magnetic protection (depending on current and voltage).

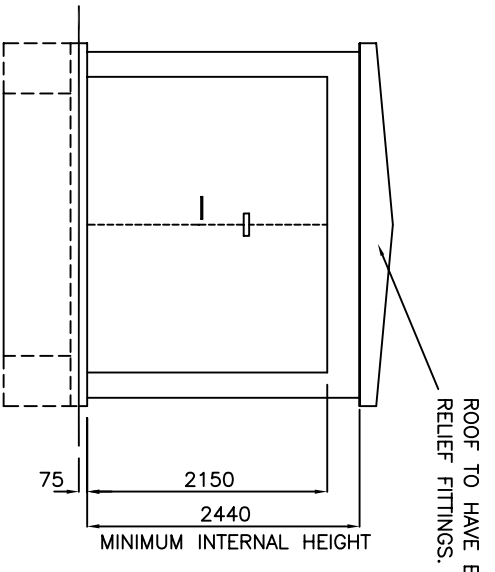
Digital control unit CEA7



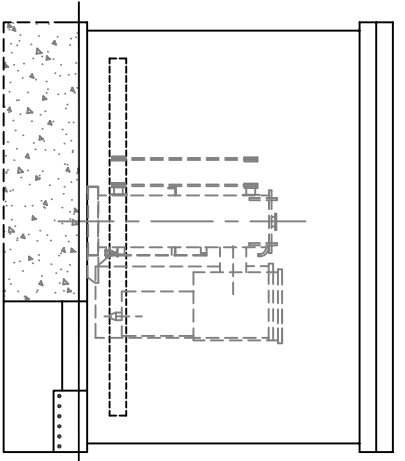
Electrical system

- Electric control and power panel with measurements devices and control unit (according to necessity and configuration)
- 4-pole thermal magnetic circuit breaker
- Battery charger (standard on gensets with automatic control panels)
- Heating resistor (standard on sets with automatic control panels)
- Battery charger alternator with ground connection
- Starter battery/ies installed (cables and bracket included)
- Ground connection electrical installation with connection ready for ground spike (not supplied)
- Battery Switch (Opcional).

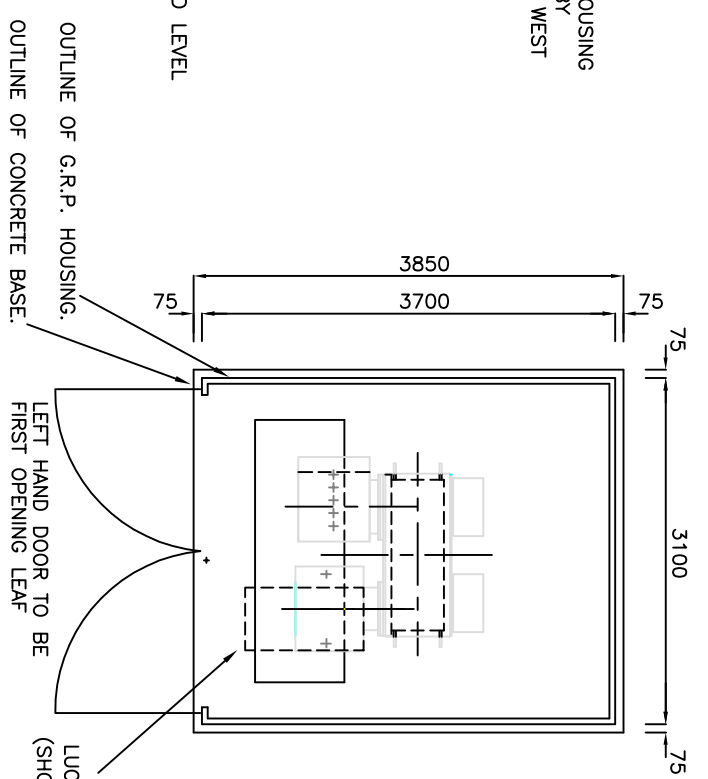




FRONT ELEVATION



SIDE ELEVATION



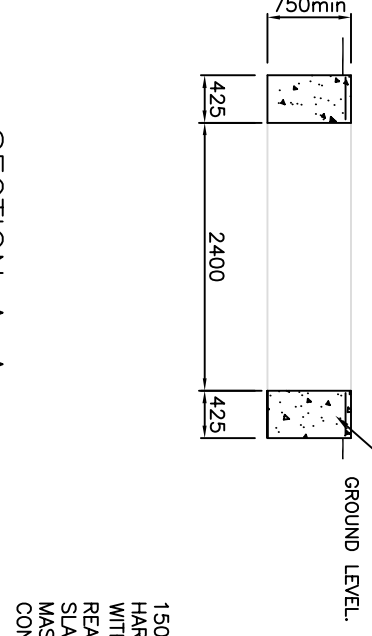
PLAN

GENERAL SPECIFICATION FOR GRP HOUSING ENCLOSURE

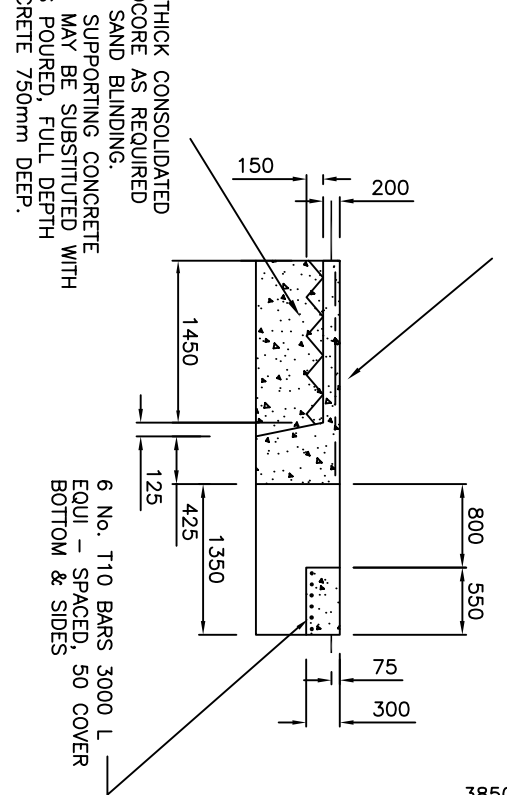
- SUPPLIED/PURCHASED FROM NOMINATED SUPPLIER, UNDER FRAMEWORK AGREEMENT AND COMPLY WITH ES 301.
- DETAILS INCLUDING DOOR LOCKING SPECIFICATION ALL AS IN ES 301.
- LOWER LEVEL VENTILATION MUST BE APPROVED BY ELECTRICITY NORTH WEST & EQUIVALENT TO TOTAL AIR FLOW OF 0.75metres³ (FOR DETAILED SPECIFICATION SEE ENGINEERING SPECIFICATION 301)

THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ELECTRICITY NORTH WEST ES 301 & ES 352 AND ALL ASSOCIATED WORKS MUST COMPLY WITH THIS INFORMATION AND DETAIL IN FULL

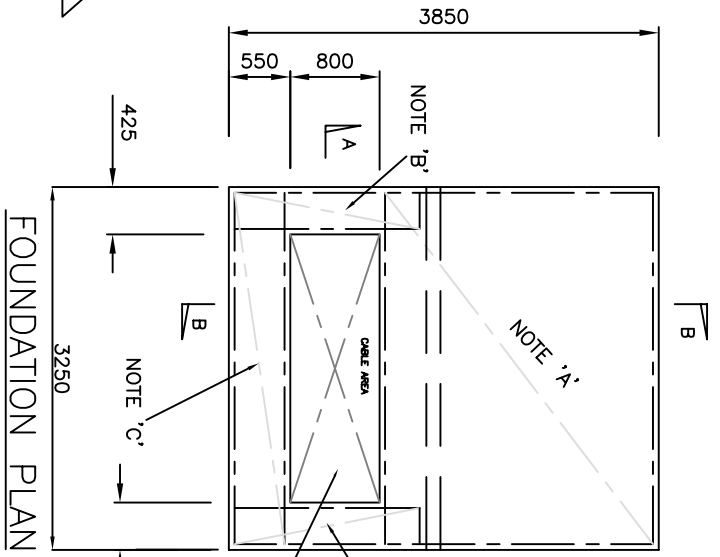
THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ELECTRICITY NORTH WEST ELECTRICAL SPECIFICATION REF. 400 D 5 AND ALL ASSOCIATED WORKS MUST COMPLY WITH THIS INFORMATION AND DETAIL IN FULL.



SECTION A-A



SECTION B-B



FOUNDATION PLAN

NOTE - MESH REINFORCEMENT

'A' - A 193 1T 1B - 40mm COVER TOP EDGES, 50mm COVER BOTTOM EDGES.

'B' - A193 MESH - 40mm COVER TO TOP EDGES (2 SHEETS)

'C' - A193 MESH - 40mm COVER TO TOP EDGES

CABLE AREA TO BE BACKFILLED WITH SAND, WELL CONSOLIDATED WITH 75mm. LAYER OF SINGLE SIZE 14-20mm. LIMESTONE CHIPPINGS. ALL TO BE COMPLETED BY ELECTRICITY NORTH WEST AFTER INSTALLATION OF ALL CABLES.

NOTES:

CONCRETE FOR PLINTH TO BE 1:2:4 MIX OF ORDINARY PORTLAND CEMENT CONCRETE 35N/mm² (28 DAY STRENGTH). 20mm AGGREGATE SHALL BE PLACED & COMPACTED WITHIN ADEQUATE FORMWORK TO ENSURE THAT THE TOP SURFACES ARE TRUE TO PLANE WITH FLOOR TO HAVE STEEL FLOAT FINISH TO CLOSE TOLERANCE OF +/-3mm IN 3m. NO DRILLING TO TAKE PLACE WITHIN 28 DAYS OF CASTING. NO PERCUSSION DRILLS TO BE USED ONLY ROTARY DRILLS. DO NOT OVER-TIGHTEN BOLTS. TYPICAL MAX WEIGHT OF PLANT = 6000kg. PLINTH SHALL HAVE TYPICAL MIN DEPTH OF 750mm. HOWEVER, THE PLINTH MUST BE SUITABLE WITH RESPECT TO GROUND CONDITIONS AND LOADING, AND MUST BE APPROVED BY ON-SITE STRUCTURAL ENGINEER.

FOUNDATIONS TO BE TAKEN DOWN TO GROUND THAT IS SUFFICIENTLY FIRM TO PROVIDE PHYSICAL SUPPORT TO THE STRUCTURE. SITE PHOTOS, TO BE TAKEN, INDICATING EVIDENCE OF FOUNDATION DEPTH WHERE INCREASED DIG IS GREATER THAN 400MM. THESE WILL BE PROVIDED FOR PAYMENT AND AUDIT PURPOSES.

CABLE TRENCH TO BE 800mm WIDE AND TO BE BACK-FILLED AFTER INSTALLATION OF CABLES WITH SAND AND 75mm TOP LAYER OF 14-20mm LIMESTONE CHIPPINGS.

GRP HOUSING TO BE FROM ELECTRICITY NORTH WEST APPROVED SUPPLIER, DOORS TO HAVE HASP & STAPLE TO ACCEPT ELECTRICITY NORTH WEST PADLOCKS. LEFT HAND DOOR TO BE FIRST OPENING LEAF AND COMPLY WITH ES 301

- revisions
- MINOR MODS
 - MINOR MODS
 - LUCY 'SABRE' OUTLINE SHOWN - OVERALL DIMENSIONS INCREASED TO SUIT ABOVE.
 - DRAWING APPD 23/09/03
 - TITLE MODIFIED
 - ISSUED FOR CIRCULATION
 - CONCRETE SPEC ADDED, TRENCH WIDENED
 - COMPACTED STONE REPLACED WITH MASS CONCRETE 16-01-06
 - REVISED 28/12/06
 - REVISED 10/06/09
 - REVISED AS REF. ES 301 & ES 352 28/04/10



approved G.H.SMITH date 23/09/03

CONSTRUCTION DETAILS FOR STANDARD G.R.P. UNIT SUBSTATION WITH SCHNEIDER RN2 SW/GR
(Will also accommodate Lucy Sabre sw/gr)

site -----

scale DO NOT SCALE

scheme number

drawing number sheet
ES352-A2-016/02J

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Application Number 21/00904/FUL

Proposal To vary condition 1 (specifying approved plans so as to accommodate the construction of a small retaining wall at the rear of the site) of planning permission ref. 19/00614/FUL - Demolition of existing fire damaged care home to allow for the redevelopment of the site to form a new build block of 16, two bed self-contained apartments.

Site (Former) Charlotte House Residential Home, Albert Road, Hyde

Applicant Johnnie Johnson Housing

Recommendation Approve, subject to conditions.

Reason for Report A Speakers Panel decision is required in accordance with the Council's constitution because this is a major application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.0 APPLICATION DESCRIPTION

- 1.1 Where there is an extant planning permission, Section 73 (S73) of the Town and Country Planning Act 1990 allows for application to be made to vary or remove conditions associated with that planning permission. One of the uses of a S73 application is to seek what is often called a minor material amendment to an extant planning permission.
- 1.2 Initially, planning permission (ref. 15/01038/FUL), granted with conditions in November 2019, allowed for the demolition of existing fire damaged care home to allow for the redevelopment of the site to form a new build block of 16, two bed self-contained apartments at the site of the Charlotte House Residential Home, Albert Road, Hyde. A condition (no. 2) of that permission specifies the approved drawings in accordance with which the development shall be carried out.
- 1.3 Subsequently, approval (ref. 19/00614/FUL) was granted under S73 for the variation of condition 2 of the initial permission so as to allow for a minor material amendment. As varied, the condition then specified different drawings in accordance with which the development has been carried out. The minor material amendment then allowed involved changes to the elevations of the building.
- 1.4 Where an application under S73 granted, the effect is the issue of a new planning permission. In accordance with Planning Practice Guidance, the subsequent grant of planning permission under S73 should repeat the relevant conditions from the original planning permission, where these have not already been discharged.
- 1.5 The current application seeks to vary condition 2 of the latter permission, so that it specifies further alternative drawings in accordance with which the development shall be carried out, and so allow for a second minor material amendment to the initial planning permission. In this instance the amendment sought is the construction of a small retaining wall at the rear of the site.

2.0 SITE AND SURROUNDINGS

- 2.1 Situated on the western side of Market Street in the built-up area to the south of Hyde town centre, Charlotte House formed part of an enclave of substantial buildings close to the parish church of St George's. The area northwards towards the town centre is characterised by terraced houses built in a grid-iron formation.
- 2.2 When in the process of being vacated, Charlotte House, which was a two-storey, detached building and having accommodated a twenty-bedroom care home, was damaged by fire in December 2010. The original building had been previously unsympathetically extended to the side and rear with a poor brick and window match.
- 2.3 The site of the former building is situated less than 500m from the heart of the town centre and less than 400m from the bus corridor along Market Street.

3.0 PROPOSAL

- 3.1 The new building is located towards the northern, or Albert Road, side of the wider site to allow space for access and car parking spaces on the southern side, behind the building. The land beyond the car park is at a lower level and is associated with a neighbouring building, known as the Coach House.
- 3.2 In order to ensure the stability of the land in the car park a bespoke retaining wall has been built to replace a previous dry stone wall. The height of the retaining wall varies from between approximately 950mm and approximately 1200mm, as the level of the ground changes. A close-boarded timber fence, approximately 1500mm high, has been constructed on top of the retaining wall.

4.0 RELEVANT PLANNING POLICIES

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation**
Unallocated
- 4.2 Part 1 Policies
 - 1.3 Creating a Cleaner Greener Environment
 - 1.4: Providing More Choice and Quality Homes.
 - 1.5: Following the Principles of Sustainable Development.
 - 1.11: Conserving Built Heritage and Retaining Local Identity.
 - 1.12: Ensuring an Accessible, Safe and Healthy Environment.
 - 1.13: Meeting Obligations on Minerals, Waste and Energy..
- 4.3 **Part 2 Policies**
 - H2: Unallocated Sites.
 - H4: Type, Size and Affordability of Dwellings.
 - H6: Education and Community Facilities.
 - H10: Detailed Design of Housing Developments.
 - T10: Parking.
 - C1: Townscape and Urban Form.
 - N4: Trees and Woodland.
 - N5: Trees Within Development Sites.
 - MW11: Contaminated Land.

4.4 **Other Policies**

Residential Design Supplementary Planning Document.

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

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

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 11. Making effective use of land

Section 12. Achieving well-designed places

Section 15. Conserving and enhancing the natural environment

4.6 **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 The application has been advertised by means of: a notice being posted at the site on 25 August 2021, and being published in a local newspaper on 2 September 2021; and, neighbour notification letters dispatched on 8 September 2021 to 15 addresses in Albert Road and Chapel Street.

6.0 **RESPONSES FROM CONSULTEES**

- 6.1 The Environmental Services Manager (Structures and Special Projects) has raised no objections to the proposal.

7.0 **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 None received

8.0 **ANAYLSIS**

- 8.1 The principle of the development having been established by the grant of planning permission, and the general arrangement remaining the same, the issues to be assessed in the determination of this planning application are:

- Whether the proposed amendments can be considered to be minor in context; and, if so;
- The appropriateness of the design and appearance of the wall and fence;
- The impacts of the amendments on existing amenities; and,
- The suitability of the retaining wall to ensure land stability.

9.0 WHETHER THE PROPOSED AMENDMENTS CAN BE CONSIDERED TO BE MINOR

- 9.1 The proposed amendment would not alter the general arrangement of the approved development. The proposal remains for the redevelopment of the site to provide a new-build block of 16, two bed self-contained apartments. Access, egress, and parking arrangement would be unaltered.
- 9.2 Whilst the proposed amendment would alter the development as approved, in the context of the development of a 4-storey apartment block, it may be considered that the amendment would be not be material. The amendment would certainly be minor, and can be accepted as such.

10.0 DESIGN AND APPEARANCE

- 10.1 The proposal includes the provision of rubber parking stops in front of the fence so as to guard against cars colliding with the fence and causing it to become dislodged and cause a safety hazard on the opposite side.
- 10.2 Utilising similar facing material, the appearance of the new wall is akin to the one it has replaced. The close-boarded timber fence above the wall has a domestic appearance that is appropriate in the residential setting. It is therefore considered that the design, appearance, and scale of the new wall and fence remain compliant with the relevant requirements of policies 1.3, H10(a) and H10(b) of the UDP, policy RD21 of the SPD and Section 12 of the NPPF.

11.0 EXISTING RESIDENTIAL AMENITIES

- 11.1 The land behind the new build apartment block, and beyond the retaining wall, is intended to be used as a residential garden in a proposal (ref. 15/00027/FUL) relating to the neighbouring Coach House (see paragraph 3.1). The fence will serve to alleviate glare from car headlights impinging on the use, or enjoyment, of the neighbouring land. It being accepted that the design and appearance of the wall and fence are appropriate in the residential setting, it is considered that the amendment sought would not impinge unduly on any existing amenities and that the development will remain compliant with policy H10(c) of the UDP and Section 12 of the NPPF.

12.0 LAND STABILITY

- 12.1 According to paragraph 183 of the NPPF, planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. Details of the construction or load bearing capacity of the retaining wall that has been constructed have been provided and have been considered by the Council's structural engineers and no issues or substantive concerns are raised.

13.0 OTHER ISSUES

- 13.1 Following the grant of the original permission the then prospective developer entered in to a binding agreement to provide a financial contribution to compensate for the impact of the development. Under that agreement the developer was to provide £6,400 towards green

space. Where an application under section 73 is granted, the effect is the issue of a new planning permission and consequently when the previous S73 application was approved the developer entered in to a fresh agreement relating to that permission. A fresh agreement has been prepared relating to this permission, if granted, to provide the same contribution.

14.0 CONCLUSION

- 14.1 The proposed amendments being considered acceptable and, in context, as being of a minor nature, according to Planning Practice Guidance the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. Where an application under section 73 is granted, the effect is the issue of a new planning permission and that may be subject to conditions differing from those to which the original permission was subject.
- 14.2 Following the grant of the previous conditional planning permission, application (ref. 20/00092/PLCOND) was made for approval of details reserved by the conditions precedent. It is therefore recommended that this application be approved subject not only to condition 1, at variance to which the original permission was subject, but also, in certain instances, to conditions differing from those to which the original permission was subject where the details required by those conditions were submitted and approved previously. The conditions would then specify the approved details.

RECOMMENDATION

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

- (i) The completion of a suitable legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) for a £6,400 contribution towards open space to support the development;
- (ii) The discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within six months of the resolution to grant planning permission; and,
- (iii) 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 carried out in accordance with the following approved plans:-
 - Location Plan, ref. 200 a, received on 25.11.2015;
 - Planting Specification, received on 11.03.2019;
 - Proposed Floor Plans, ref. M4570 (PL) 05 D, Proposed Elevations, ref. M4570 (PL) 06 D, received on 10.07.2019;
 - Proposed Facing Materials schedule, ref. M4570, Drainage Layout drawing ref. 17-2446-500, Rev P1, received on 25.09.2019;

and, WML Consulting's letter dated 1st October 2019 (Ref: 8795G/SCS) Remediation Strategy dated October 2019 (Ref: 8795G-WML-00-XX-RP-G0003),

each approved under cover of planning permission ref. 19/00614/FUL;

Indicative Retaining Wall, ref. M4570 (SK) 101A, received on 26.07.2021; and,

External Works, ref. M4570 (90) 00 Rev L, and

Large Rubber Parking Stop specification,

received on 30.09.2021.

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

- 2) Notwithstanding the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no television or radio aerial, satellite dish or other form of antenna shall be installed on the exterior of the building, other than that illustrated on plan ref. M4570 (20) 04 C which was approved, ref. 20/00092/PLCOND, on 23.11.2020.

Reason: In the interests of visual amenity

- 3) No external lighting shall be installed on the buildings or elsewhere on the site other than that illustrated on the plans ref M4570 (90) 00 D and ref. DCMAR19VOL1, which were approved, ref. 20/00092/PLCOND, on 23.11.2020.

Reason: In the interests of visual amenity

- 4) All hard and soft landscape works shall be carried out in accordance with the approved details illustrated on the approved Proposed Site Plan, ref. M4570 (90) 00 Rev L and Planting Specification. The works shall be carried out prior to the 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 landscaping 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 by the developer unless the local planning authority gives written consent to any variation.

Reason: To protect the newly created local environment in order to allow for maturity.

- 5) Following occupation of the development hereby approved, the landscaping maintenance management plan shall be implemented in accordance with the plan ref. M4570 (90) 00 D, the grounds maintenance schedule and the detailed specification by Johnnie Johnson Housing, which were approved, ref. 20/00092/PLCOND, on 23.11.2020.

Reason: In the interests of visual amenity

- 6) The development hereby approved shall be drained of foul and surface water in accordance with the details illustrated on the approved Drainage Layout drawing ref. 17-2446-500, Rev P1.

Reason: In the interests of providing a sustainable means of water drainage.

- 7) The development hereby approved shall be implemented in accordance with the The Energy Statement & Regulation 25a Low or Zero Carbon (LZC) technology feasibility study, ref. AG 73816-LZCR-Rev A, which was approved, ref. 20/00092/PLCOND, on 23.11.2020.

Reason: To achieve a sustainable development.

- 8) The proposed development should be designed and constructed in accordance Secured by Design standards and shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under Section 2 of the Local Government Act 2000, and to reflect guidance contained in Circular 5/94 'Planning Out Crime'.

- 9) During construction no work shall take place on Sundays and Bank Holidays and outside the hours of 07.30 and 21.00 Monday to Friday and 08.00 and 13.00 on Saturdays.

Reason: To preserve the residential character and amenity of the area.

- 10) The bin store, illustrated on the plan ref. M4570 (40) 02a, and was approved, ref. 20/00092/PLCOND, on 23.11.2020, shall be provided, in accordance with detail included on the approved plan ref. M4570 (90) 00 Rev L, prior to the first occupation of the development hereby approved and thereafter be kept available for the intended purposes at all times.

Reason: To preserve the residential character and amenity of the area.

- 11) Prior to the first occupation of the development hereby approved, the car parking indicated on the approved plan, ref. M4570 (90) 00 Rev L shall be provided and thereafter kept unobstructed and available for its intended purpose at all times.

Reason: To ensure adequate car parking arrangements.

- 12) A clear view shall be provided on both sides of the site access where it meets the footway in Albert Road. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.

Reason: In the interests of highway safety.

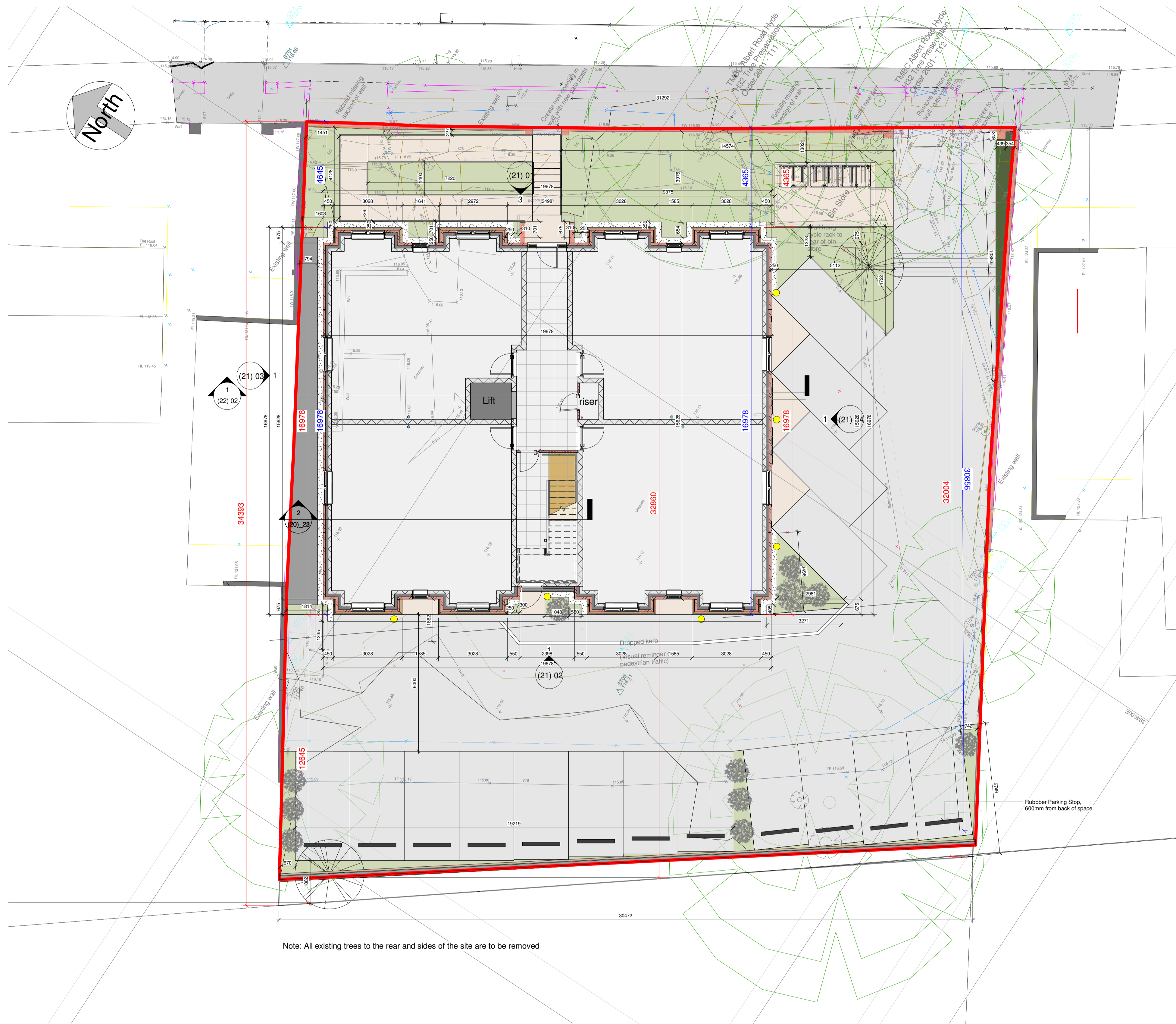
- 13) The parking stops, as illustrated on the approved plans External Works, ref. M4570 (90) 00 Rev L, and Large Rubber Parking Stop specification, shall be provided prior to the first occupation of the development hereby approved and thereafter maintained at all times.

Reason: In the interests of providing a safe environment.

- 14) Prior to the first occupation of the development hereby approved, a Validation/Completion Report demonstrating all works and measures detailed in WML Consulting's letter dated 1 October 2019 (Ref: 8795G/SCS) and Remediation Strategy dated October 2019 (Ref: 8795G-WML-00-XX-RP G0003) have been fully implemented 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 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 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 121 of the National Planning Policy Framework.



	Grassed Area
	Shrub planting
	Tarmac
	Flag Paving 600 x 600 buff
	Chippings
	Mowing strip - 250 wide
	External flood light location above head height of ground floor windows / doors.

Please note: External flood lights will be directed away from all windows

1 00 - External Works
1 : 100

Rev	Date	Description
F	19.03.2020	Overall Red Dimensions
G	24.03.2020	Removal of 300mm paving strips
H	25.03.2020	Back of parking measurements added
J	18.05.2021	Rear TPO
K	14.07.2021	Rear parking area and boundary amended to suit As Built dimensions
L	30.09.2021	Rubber Parking Stop added

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architects project managers construction cost consultants
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nicol thomas

Client	MBS Construction
Job	Albert Road, Hyde
Drawing title	External Works
Project number	M4570 (90) 00 Rev L
Scale	1 : 100 @ A1
Date	12/05/19
Drawn by	Author
Checked by	Checker

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Photo 1



Photo 2



Photo 3

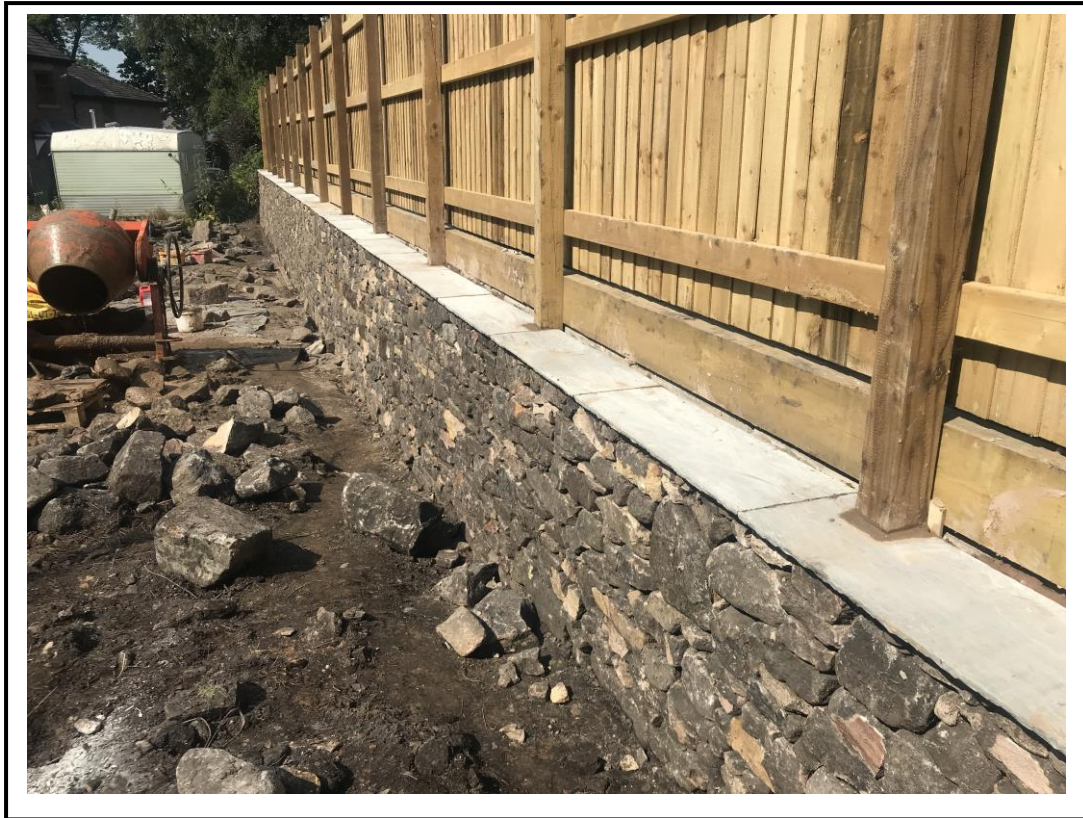
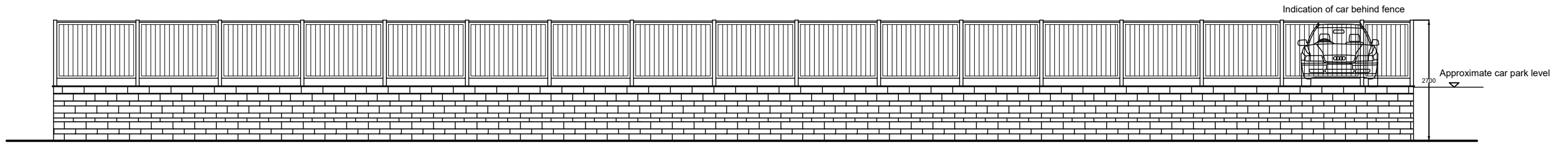
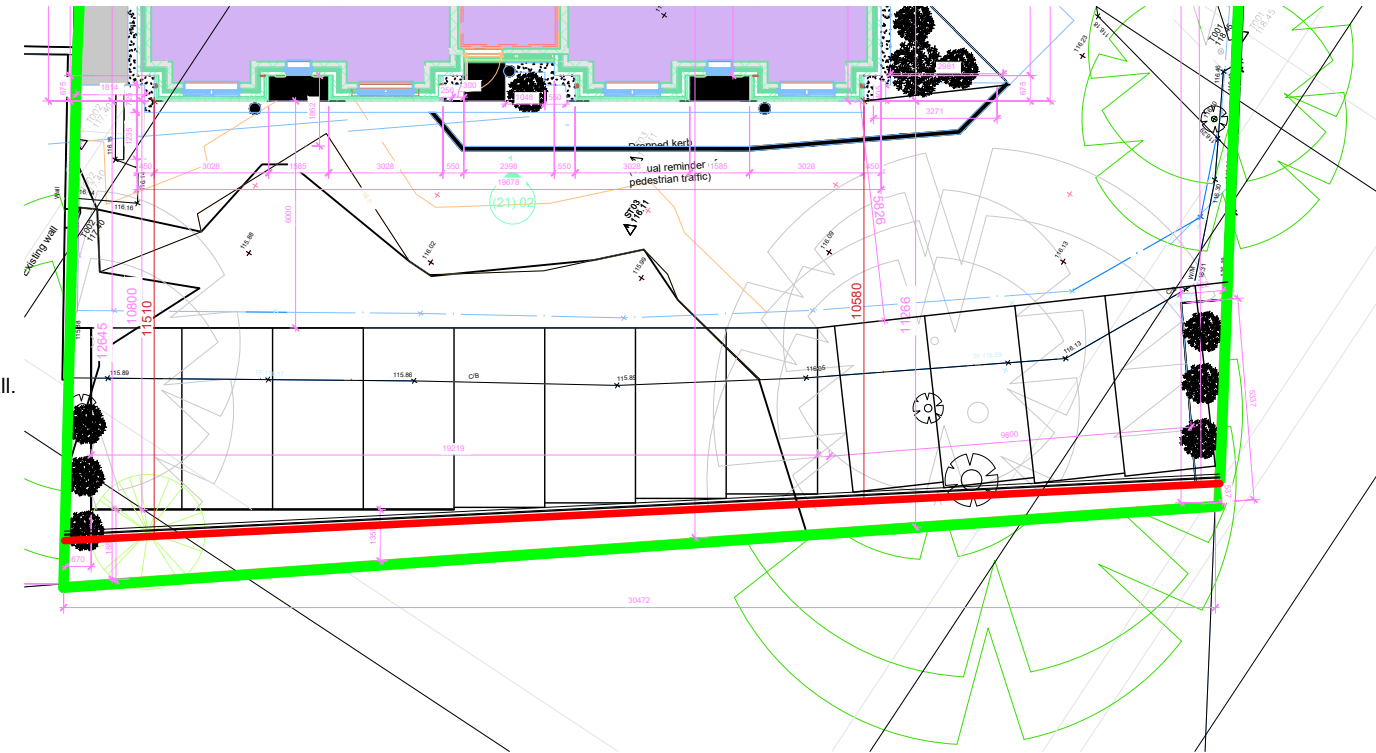


Photo 4

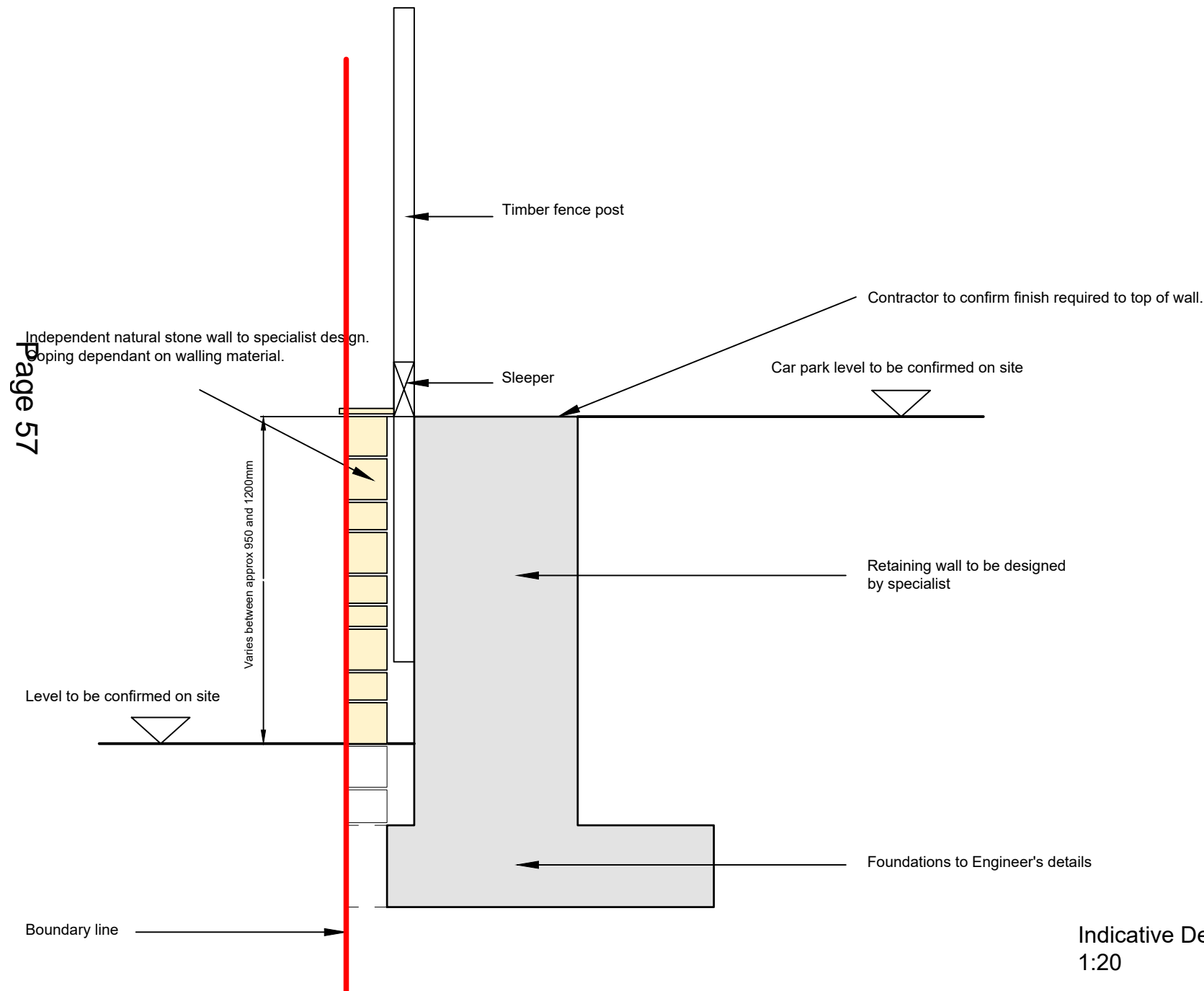




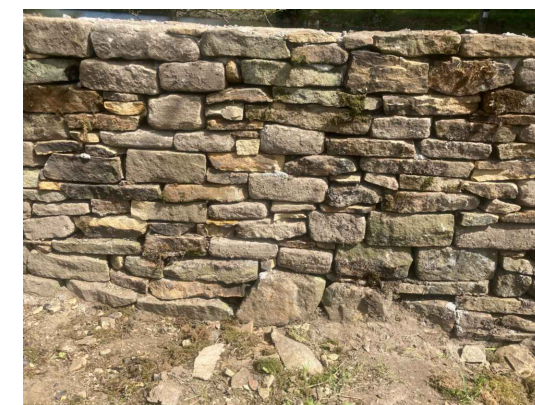
Indicative Elevation
1:100



Indicative Location
1:200



Indicative Detail
1:20



Typical picture of a dry stone wall facing

nicol thomas

Revision	Date	Details
A	July 21	Typical dry stone wall image added, boundary line amended at request of MPS.

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Client:	MPS		
Job:	Former Charlotte House, Hyde		
Drawing title:	Indicative Retaining Wall Overview		
Drawing Number: (Job number)	M4570	(SK)	101
Revision:	A		
Scale:	As Indicated @ A3		
Date:	June 2021		
Drawn by/ checked by:	RW		

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Appeal Decision

Site Visit made on 19 July 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/G4240/D/21/3274238

10 Reid Close, Denton, Manchester, M34 7QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Losty against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00156/FUL, dated 29 January 2021, was refused by notice dated 14 April 2021.
 - The development proposed is demolition of an existing detached garage and construction of single storey side and rear extension.
-

Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.
4. Under the requirements of the Public Sector Equality Duty, during the appeal further information was requested from the appellant regarding the protected characteristics referred to in the documents and these have been taken into account in my consideration of this appeal.

Main Issue

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

Reasons for the Recommendation

6. The host dwelling is a single storey bungalow located on a corner plot in a mixed residential area of single and two storey dwellings. The dwelling is set back in the plot with an open frontage and side garden, reflecting the open character of the area.
7. The appeal proposal would extend the dwelling to the rear and side, and it would widen the built form to almost the full width of the plot. Whilst there is a detached garage that would be demolished, the bulk and massing of the proposal would be substantially greater than that which is currently on the site. Due to the scale of the proposal, particularly to the side of the host dwelling, it would introduce a prominent feature and harmfully reduce the open and spaciousness of the plot which is an important characteristic of the area.
8. For the reasons above the extension would cause significant harm to the character and appearance of the local area and would conflict with Policies C1 and H10 of the Tameside Unitary Development Plan (2004), which together seek to ensure that developments are of high quality and are sympathetic to local character. It would also conflict with policies RED1 and RED5 in the Tameside Residential Design Supplementary Planning Document (2010) which amongst other things, require that extensions are subordinate and side extensions on corner plots must not detract from the street scene, and guidance in the Framework.

Other Matters

9. In considering the appeal proposal, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.
10. The proposed extension would allow extended family members, who due to their age and disability, need to be cared for at the property. However, this must be balanced against the harm to the character and appearance identified. Due to the size of the plot, I am not persuaded that there are no alternatives to the appeal proposal that could deliver similar benefits without conflict with the development plan. Therefore, whilst I acknowledge the personal circumstances of the appellant and his family, I conclude that these are not matters which outweigh the significant harm that would be caused by the proposal to the character and appearance of the area.

Conclusion and Recommendation

11. The proposed development conflicts with the development plan as a whole and there are no other considerations that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR

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Appeal Decision

Site visit made on 17 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/G4240/W/21/3275422 Brookfields, Mossley, Tameside OL5 0LG

- 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 Clements Court Properties Ltd against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 19/00489/FUL, dated 4 July 2019, was refused by notice dated 20 November 2020.
 - The development proposed is residential development of 21No. family homes and associated works – Amended plan to create temporary construction access from Stamford Road.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Clements Court Properties Ltd against Tameside Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The address on the banner heading above was taken from the Council's Decision Notice as the address given on the application form was imprecise. I note that the appellant company used this address on the appeal form. I am satisfied that neither party is prejudiced by this course of action.
4. The development description on the banner heading above has been amended during the lifetime of the application. The revised description was also used by the appellant company on the appeal form.
5. Since the appeal was submitted, a Unilateral Undertaking has been submitted by the appellant company, agreed with the Council. I have taken account of this in my deliberations.
6. I note that in the Transport Statement to the appeal, an alternative construction access has been proposed. This was not submitted during the application and it has not been consulted upon. Having regard to the 'Wheatcroft' principles, the amendments would materially alter the highways aspects of the proposal with regard to the construction access and they warrant full re-consultation. I have therefore considered the appeal on the basis of the same plans the Council used to make their decision.

7. I note that the Council have not raised reasons for refusal against any aspects of the proposals other than highway safety and amenity issues for local residents in relation to highways. I have no reason to disagree with that assessment and as such I will not deal with those matters any further in my decision.

Main Issues

8. Based on the above, the main issues in this appeal are the effect of the development on highway safety and the effect of the development on the amenities of local residents in terms of access to the proposed new development.

Reasons

Highway Safety

9. The appeal site is an undeveloped area to the south of Mossley Town Centre that is approximately 2.2 hectares in size. It is covered in vegetation, heavily overgrown in sections and falls steeply from north to south.
10. Access to the site would be taken from a newly created access to the end of Archer Street, with associated highway improvements to take place to facilitate this. Access at construction stage would be taken from a point on Stamford Road, which is set at a higher site level than the appeal site at that point.
11. A widened pavement adjacent to Stamford Road currently used for vehicle parking off the highway by local residents would be utilised for the delivery of materials and a temporary crane would be used to winch the materials onto the site. The construction access point would become a lay-by during the construction phase, and delivery vehicles would be "booked in" in advance, in order to make sure deliveries are carried out in an ordered, structured fashion to ensure that vehicles do not back up on Stamford Road, and affect the smooth running of the highway.
12. I have received supporting information from the appellant company detailing how this system would operate and equally, I have received a considerable number of objections from local residents to this aspect of the scheme. It is apparent that Stamford Road is a well-used highway, by vehicles, cyclist and is well traversed by pedestrians. I noted during my site visit that any disruption to the free movement of Stamford Road from vehicles stopping, even temporarily, on the highway, causes considerable issues on Stamford Road specifically and to a lesser extent on surrounding roads.
13. I am not convinced that the timing of delivery vehicles can be staggered so that vehicles would not be stood on the highway whilst waiting to deliver. Any vehicle stood at any time waiting to access the lay-by would undoubtedly cause severe highway circulation issues around that area. There are regular instances at operational sites of delivery lorries arriving to building sites well in advance of conditioned working hours or delivery times and being stood, with or without engines running.

14. I have read and understand the appellant company's approach to the delivery issue, and can interpret the analytical approach, but I find that these approaches are desk-based interpretations. There may be TRICS based data that shows how it can operate successfully, and even this data is queried by local residents in terms of its accuracy in terms of reporting, but the situation should be addressed in a specific site investigation addressing the merits of the local highway situation taking into account the specific highway issues of the locality. It is apparent that understanding site-based circumstances are vital in interpreting this approach correctly.
15. I find that if even one vehicle was out of synchronisation with the booking system, even by something as innocuous as being held up in traffic on the way to the delivery point, then the knock-on effects to Stamford Road and the wider area would be unacceptable in terms of highway safety and could cause considerable severe road network disruption. I realise that the appellant company has provided accident records to validate their position, but this does not overcome my concerns about highway safety as the potential for parking on Stamford Road has not been assessed in terms of the potential for causing accidents, as the situation has not yet occurred.
16. Stamford Road is a main route through the locality to locations farther afield, and I have not been convinced by the appellant company that this approach of delivering materials on Stamford Road would work efficiently and correctly. Any problems could cause major traffic disruption and could have an unacceptable impact on highway safety and a severe impact on the road network. Although this refers to the construction stage, those issues above are still relevant and highway safety must be addressed through all stages of development.
17. It may be that the alternative construction access put forward in the Transport Statement with the appeal could address the concerns that I have with regard to highway safety, but I am not in a position to assess the impact, and to be put forward, it must be tested in a new full planning application. In any event, it only suggests to me that the appellant company's belief in the lay-by system is shaken and uncertain.
18. As stated, I am not convinced that the highway safety issues have been fully addressed and as such, I conclude that the development would have an unacceptable impact with regard to highway issues and would have a severe cumulative impact on the road network. As a result, I find conflict with Policies T1 and H10 of the Tameside Unitary Development Plan (2004) (the LP) which state that, amongst other matters, development should aim to improve road and community safety, be designed to address the safe management of congestion problems and make suitable arrangements for access. In addition to this the proposal is at odds with the guidance set out in Paragraph 111 of the National Planning Policy Framework (the Framework).

Amenities of local residents

19. The topography of the area around Spring Street, Vernon Street and Archer Street, which are served by Mill Lane, is relatively steep. On-street parking spaces on the three streets is at a premium, and double parking is a regular occurrence, effectively leaving the roads as single lane highways. Vehicles park close to the junctions of those streets with Mill Lane, and there is considerable

- parking on Mill Lane as well with a school on Mill Lane adding to the number of vehicle movements at busy times.
20. I have received evidence that larger vehicles, such as delivery vans, cannot make a turn onto the three streets in one manoeuvre and have to perform the turn in a series of back and forth moves.
 21. The three roads are linked together adjacent to the proposed site entrance to form a highway loop. An area of land off the highway is currently being utilised by local residents to allow additional parking, which is actually the edge of the appeal site.
 22. Submitted plans show that the site access will be taken at the end of Archer Street, and highway improvements will be made as part of the proposals to facilitate the access. This will include formalising off-street parking around the area where some residents park, giving an additional number of parking spaces to help address the existing parking issues of parking that affect the terraced streets.
 23. There is supporting information in support of the scheme showing potential levels of additional traffic from the proposed development, but I am not convinced that the levels of traffic suggested are realistic, given modern levels of vehicle ownership and reliance on the private motor vehicle. I find that the additional vehicle movements would cause harm to the amenities of local residents.
 24. I understand the principles of the mitigation proposed, with highway improvements and additional remote off-street parking, but in reality, and understandably, the inconvenience to local residents would be excessive. I can understand that a local resident, in inclement weather or otherwise, returning to their dwelling, from work, shopping or any other reason, wishing to park outside their property rather than a remote location.
 25. As such, residents are likely to face disruption from additional vehicle movements and conflicts, and the insufficient level of mitigation from highway improvements and remote off-street parking does not overcome the levels of harm that would be generated.
 26. In conclusion on this issue, I find the proposals contrary to policy H10 of the LP which, amongst other matters, expect development to provide a safe and convenient environment for the local community, provide suitable arrangements for parking and have no unacceptable impact of the amenity of neighbouring properties through noise or traffic. I assign this conflict significant weight in my analysis.

Other Matters

27. There has been considerable local representation from local residents who have raised a large number of issues. I have looked at these in detail and taken them into account where appropriate. The Council have appraised the issues and addressed them accordingly in their assessment where appropriate. I understand the concerns of objectors, but many of the matters refer to issues outside of the planning remit, and I will attend to them no further. I have identified harm generated by the proposals in the report above based on the reasons for refusal supplied by the Council.

Planning Balance

28. The Council has confirmed that it cannot currently demonstrate a 5-year supply of deliverable housing sites as required by the Framework. As such, there is an undisputed undersupply of deliverable housing sites within the Borough.
29. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development, and that, under criterion d), where the policies that are most important for determining the application are out of date, planning permission should be granted unless: i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
30. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development. Given the lack of a 5-year housing land supply, paragraph 11 d) of the Framework is engaged.
31. There would be benefits arising from the proposal. Twenty-one additional dwellings would make a contribution towards addressing the housing supply deficit and could be built-out relatively quickly. The proposal would deliver economic benefits during the construction of twenty-one new homes. Additional expenditure by new residents would help support services in Mossley and nearby settlements. The dwellings could incorporate sustainable aspects. These benefits would have limited weight, given the size and overall impact of the development.
32. The proposed dwellings would not be in an isolated location, having regard to the position of the site within Mossley, and the site would have excellent proximity to services and facilities, including a school, and bus and rail service connections. However, this is a neutral factor in the overall proposal.
33. The Council has raised no objection to the appeal scheme in respect of matters including biodiversity, trees, drainage, flooding and pollution. On the basis that I have no cogent evidence before me of harm arising from the appeal scheme in respect of these matters, neither do I. In terms of the planning balance, I find that a lack of identified harm in respect of the above matters would comprise a neutral factor.
34. Whilst the Framework encourages efficient and effective use of land for new housing, and the optimal use of land where there is a shortage of housing, this is not unqualified. As a result, I can assign limited weight to this factor given the size of the site and the impact on housing provision.
35. The submitted Unilateral Undertaking provides an appropriate mechanism to secure the Highway improvements to facilitate the access to the new development, the new off-street parking facilities and a landscape management plan to oversee the environmental aspects of the new development, all of which are designed to mitigate the pressures on which would otherwise arise from the proposed development. I am satisfied that all of these obligations are directly related to the development and fairly related in scale and kind. However, as these obligations relate to mitigation measures, they do not

constitute benefits that would carry weight in favour of the appeal proposal. I find that the highway improvements are not improving the amenities of local residents as they have been designed to alleviate a problem caused by the proposed development rather than being an actual improvement to the existing situation, and the landscaping is required to make the scheme acceptable, when the current area is allowed to flourish with minimal input and exists 'cheek by jowl' with the urban area.

36. For the reasons set out above, I conclude that the appeal scheme would have a harmful effect upon the amenities of the local residents of Spring Street and severely affect highway safety and the road network. This would conflict with the Development Plan and the requirements of the Framework. Having given careful consideration to the balance of factors, I consider that, when assessed against the policies of the Framework taken as a whole, this harm would significantly and demonstrably outweigh the benefits of the proposed development.

Conclusion

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

Paul Cooper

INSPECTOR



Costs Decision

Site visit made on 17 August 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Costs application in relation to Appeal Ref: APP/G4240/W/21/3275422 Brookfields, Mossley, Tameside OL5 0LG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Clements Court Properties Ltd for a full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for residential development of 21No. family homes and associated works – Amended plan to create temporary construction access from Stamford Road.
-

Decision

1. The application for the award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicants have stated that the Council have acted unreasonably in determining the application against the recommendation of Planning Officers and the Highway Authority and that the reasons for refusal are unsubstantiated and unjustified. The application was in accordance with policy and the refusal has led to unnecessary expense for the applicants in progressing the appeal.
5. The Council states that the application was considered and assessed against the Development Plan and all considerations were weighed in the planning balance. Not agreeing with the Council on matters of planning judgement does not justify an award of costs. The Council states that there were documented concerns from the Highway Authority in relation to vehicular access to the development, but were mollified with the revised construction access details, subject to third party approval.
6. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.

7. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. It clearly states the policy of the Development Plan and all other relevant matters that the proposal would conflict with.
8. The reason for refusal is adequately substantiated by the Council in the appeal statement, and they have exercised their planning judgement. I agree with the Council that the proposal does not comply with policy and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
10. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
11. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated and for this reason, an award of costs is therefore not justified.

Paul Cooper

INSPECTOR

Appeal Decision

Site Visit made on 21 September 2021

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/G4240/D/21/3277059

35 Marlborough Road, Hyde SK14 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Hampson against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00197/FUL, dated 13 February 2021, was refused by notice dated 4 May 2021.
 - The development proposed is first floor extension to side above existing garage and utility room.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No 35 Marlborough Road is situated on a residential street predominantly characterised by two-storey semi-detached dwellings. Dwellings are generally of a similar width and design and mainly incorporate hipped roofs and two-storey bayed projections to their front elevations. This gives a strong degree of symmetry to many of the pairs of semi-detached dwellings on the street. Gaps between neighbouring pairs of dwellings are also more often similarly spaced. The common characteristics in terms of the scale, mass, design and spacing gives a broad consistency to the street scene and a pleasant residential character to the area.
4. RED1 (Acknowledge Character) of The Tameside Residential Design Supplementary Planning Document (2010) (SPD) requires amongst other things that extensions should be subordinate to the original building. Policy RED5 of the SPD sets out principles to be applied to the 'Design of Side Extensions' including amongst other things a minimum setback at upper floor level by 1.0 metre (m) to help reduce a terracing effect and to help ensure the existing scale and mass is retained. The principles set out also require a setback from the side boundary by 1.0m.
5. The proposal would extend close to the boundary with No 33 Marlborough Road and its front elevation would incorporate a minimal setback of half a brick from the principal elevation of the dwelling. The roof of the extension would be only marginally set back and set down from the main roof plane. Consequently, the

degree of subservience to the original dwelling would be very slight and would not be highly perceptible from the street. This would also unbalance the symmetry between the original principal elevations of the host dwelling and the attached dwelling at No 37. As a result, the scale and mass of the proposal and its tight positioning within the plot would appear at odds with the prevailing characteristics of the street.

6. My attention has been drawn to examples of existing extensions to dwellings on Marlborough Road which do not comply with the SPD guidance. The evidence before me indicates these examples only equate to 10% of the houses in the street. Some of these also relate to dwellings on wider plots or with a greater gap to the next neighbouring dwelling such as those at Nos 1, 43 and 70 Marlborough Road. In any case, where there are instances of side extensions similar to the appeal proposal, these do not convince me that they are well designed or positively contribute to the defining characteristics of the street scene.
7. I conclude, the development would have a significantly harmful effect on the character and appearance of the area. In that regard the proposal would conflict with the design and local character requirements in Policies 1.3 (Creating a Cleaner and Greener Environment) and C1 (Conservation and Enhancement of the Built Environment) of The Tameside Unitary Development Plan (2004) (UDP). The proposal would also conflict with the Council's SPD and the requirements for developments to be of a good design which is sympathetic to local character in the National Planning Policy Framework.
8. The Council's decision also refers to Policy H10 (Detailed Design of Housing Developments) of the UDP. This policy relates to proposed housing developments rather than extensions to existing dwellings. In any case, this does not diminish the overall conflict with the development plan with regards to the other policies identified.

Other Matter

9. My attention has been drawn to Policy H10 part (a) which refers to 'a design which meets the needs of the potential occupiers'. As set out above, this policy relates to proposed housing developments. Even if I were to accept that its criteria could also be applied to extensions to existing dwellings, meeting the needs of occupiers should not come at the expense of the wider character and appearance of an area.

Conclusion

10. The proposal would result in significant harm to the character and appearance of the area. In that respect it would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR

Appeal Decision

Site Visit made on 21 September 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2021

Appeal Ref: APP/G4240/D/21/3276323
27 North End Road, Stalybridge SK15 3AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Dearnaley against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 21/00221/FUL, dated 15 February 2021, was refused by notice dated 5 May 2021.
 - The development proposed is double storey front extension, double storey side extension and rear dormer with loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision refers to the neighbouring dwelling as being No 25 North End Terrace. For the purposes of my decision I have referred to this property as No 25 North End Road.

Main Issue

3. The main issue is the effect of the proposals on the living conditions of occupiers of No 25 North End Road with particular regard to outlook and light.

Reasons

4. No 27 North End Road is a two-storey semi-detached dwelling set back from its front boundary. The neighbouring end terrace dwelling at No 25 North End Road fronts the street and its rear elevation is situated at a slightly lower level to the appeal dwelling. The dwelling at No 27 projects beyond the rear elevation of No 25 and sits in close proximity to the side boundary and garden to the rear of this neighbouring dwelling.
5. Policy RED3 of the Tameside Residential Design Supplementary Planning Document (2010) (SPD) seeks to avoid harm to neighbouring living conditions by amongst other things limiting the size of rear extensions by applying a 45-degree line taken from the centre of the nearest ground or first floor habitable room.
6. The rear elevation of No 25 includes ground and first floor clear glazed windows close to the boundary with the appeal site. From my observations on site these are the primary windows serving their respective rooms. The dwelling at No 27 already impinges upon a 45-degree line taken from the centre of these neighbouring windows. However, the footprint of No 27 currently steps in

further towards the rear and this provides some relief from the bulk and mass of the host dwelling when experienced from the nearest windows and immediate rear garden area serving No 25.

7. The double storey side extension would increase the bulk and mass of built form to the rear of No 27 in close proximity to the shared boundary with No 25. This would exacerbate the dominating relationship of the host dwelling in the northern aspect of the closest windows and immediate garden area serving No 25. The proposed rear dormer would partly sit within the extended section of roof over the side extension. This would further increase the height and bulk of the dwelling close to the boundary with No 25, adding to the overbearing effect of the development on this neighbouring property.
8. Given the current juxtaposition of the dwellings at Nos 25 and 27 and their relative orientation, I am not convinced by the evidence before me that there would be a material loss of light experienced by occupiers of No 25 when compared with the existing situation. Even so, this does not overcome the harm to outlook identified above.
9. I conclude, the development would result in significant harm to the living conditions of occupiers of No 25 North End Road with particular regard to outlook. In seeking to ensure there are no unacceptable impacts on the amenity of neighbouring properties, Policy H10 (Detailed Design of Housing Developments) of The Tameside Unitary Development Plan (2004) does not explicitly refer to matters of outlook. Even though I am therefore unable to identify specific conflict with this policy, the development would in any case conflict with the aims to avoid harm to neighbouring living conditions in the Council's SPD. It would also conflict with Paragraph 130 of the National Planning Policy Framework which amongst other things requires that developments create places with a high standard of amenity for existing and future users.

Other Matters

10. Whether or not the third-party objection to the proposal was from a previous neighbouring occupier, I must have regard to the living conditions of any new or future occupants. The appellant suggests that some elements of the proposal do not require planning permission. Whether or not this is the case, I must assess the proposal before me which includes development which would be harmful to neighbouring living conditions. Dismissing the appeal would not deprive the appellant from exploring the use of any permitted development rights in the event that they do exist. Whether or not the Council visited the appeal site before reaching its decision is immaterial in this instance given that I have visited the property myself and have also identified harm.

Conclusion

11. The development would result in significant harm to neighbouring living conditions and is dismissed.

M Russell

INSPECTOR