

**SPEAKERS PANEL (PLANNING)**

**Day:** Wednesday  
**Date:** 15 December 2021  
**Time:** 10.00 am  
**Place:** Guardsman Tony Downes House, Manchester Road,  
 Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> The Minutes of the meeting of the Speakers Panel (Planning) held on 20 October 2021, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	<b>PLANNING APPLICATIONS</b> To consider the schedule of applications:	
a)	<b>21/01175/FUL - FORMER SITE OF CONSERVATIVE SOCIAL CLUB, VERNON STREET, HURST KNOLL, ASHTON-UNDER-LYNE</b>	5 - 36
b)	<b>20/00498/FUL - LYMEFIELD GARDEN NURSERY, LYMEFIELD, BROADBOTTOM</b>	37 - 56
c)	<b>21/00804/FUL - SAICA NATUR LTD, YORK STREET, AUDENSHAW</b>	57 - 78
5.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>APP/G4240/Z/21/3276343 - LAND AT STOCKPORT ROAD &amp; CORNER OF BIRCH STREET, ASHTON-UNDER-LYNE, OL7 0NP</b>	79 - 82
b)	<b>APP/G4240/Z/21/3277571 - LAND ON SOUTH SIDE OF HYDE ROAD, DENTON, M34 3EH</b>	83 - 86
c)	<b>APP/G4240/W/21/3272598 - WEIR MILL, MANCHESTER ROAD, MOSSLEY, OL5 9QA</b>	87 - 92
d)	<b>APP/G4240/Z/21/3282341 - 171-173 OLD STREET, ASHTON-UNDER-LYNE, OL6 7SQ</b>	93 - 96
6.	<b>URGENT ITEMS</b>	

---

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.

Item No.	AGENDA	Page No
-------------	--------	------------

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.

## **SPEAKERS PANEL (PLANNING)**

**20 October 2021**

**Commenced: 10:00 am**

**Terminated: 11:00 am**

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

**Apologies:** Councillors Affleck and Ricci

### **20. DECLARATIONS OF INTEREST**

<b>Member</b>	<b>Subject Matter</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
<b>Councillor P Fitzpatrick</b>	<b>Agenda Item 4 – Proposed Diversion to Part of Footpath 95 Stalybridge</b>	<b>Personal</b>	<b>Route of proposed diversion would cross a friend's property.</b>

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

### **21. MINUTES**

The minutes of the proceedings of the meeting held on 15 September 2021, having been circulated, were approved and signed by the Chair as a correct record.

### **22. HIGHWAYS ACT 1980 – APPLICATION TO DIVERT A LENGTH OF DEFINITIVE FOOTPATH STALYBRIDGE 95**

Consideration was given to a report of the Assistant Director, Operations and Neighbourhoods outlining proposals to divert part of Footpath 95 Stalybridge. The Panel were informed that an application had been received from a local resident to make a Public Path Diversion Order under section 119 of the Highways Act 1980.

Members were advised that Footpath Stalybridge 95 started at Mottram Old Road, Stalybridge and ran in a generally easterly direction along a private access track, before passing through the garden area of 'The Barn' at Sidebottom Fold. The footpath then continued east through an agricultural field before terminating at its junction with Bridleway Stalybridge 68. At present, the alignment of the footpath ran for a distance of 900 metres.

The Sustainable Transport Officer outlined the proposed diverted alignment of the footpath. Footpath Stalybridge 95 would enter Sidebottom Fold but instead of passing through the garden area of the 'The Barn', it would 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 of the footpath would run for a distance of approximately 989 metres.

It was explained that the newly created section of footpath would run on a natural surface throughout with a width of 2.5 metres. A short slope on the proposed diverted alignment of the footpath would

introduce a small number of additional steps. Access to and from the agricultural fields would be granted by means of a British Standards compliant gate.

Panel Members heard that an order could not be confirmed unless the Council considered that the diversion would not make the path substantially less convenient to the public. Following an informal consultation with the ward Members for Stalybridge South, they stated that they had no objections to the proposed diversion, based on the proviso that the cost for any physical works involved in the diverted route were covered by the applicant.

Comments from the Peak and Northern Footpath Society did not raise any objections to the proposed diversion but requested that the width of the path be increased from 2 metres to 2.5 metres where it ran along the boundary of the field at the back of the gardens of the adjacent houses. Members were informed that the applicant had agreed the diversion route would be 2.5 metres in width. The Ramblers also responded to the consultation stating that the proposed diversion should be rejected but provided no further comment clarifying the reason for their objection.

The Director of Operations and Neighbourhoods noted that whilst the diversion alignment was of advantage the applicant/landowner, it was not substantially less convenient to the public and only added 89 metres to the length of the current footpath. Furthermore, the Director acknowledged that whilst the proposed alignment included slightly more steps, the continuation of the route through the field was a strenuous walk and the diversion would not therefore have a significant impact on the public enjoyment of the path. It was therefore:

#### **RESOLVED**

**That the Borough Solicitor be authorised to make and advertise a public path diversion order as outlined in the submitted report or, should there be any objections to the order, submit it to the Secretary of State for confirmation.**

### **23. PLANNING APPLICATIONS**

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

#### **RESOLVED**

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

<b>Name and Application No:</b>	<b>21/00609/FUL</b> <b>Mr Mark Robinson</b>
<b>Proposed Development:</b>	<b>Replacement roof covering and partial cladding of walls.</b> <b>Unit 1, Cowhill Lane Industrial Estate, Cowhill Lane, Ashton-under-Lyne</b>
<b>Speaker(s)/Late Representations</b>	<b>Councillor Fairfoull, ward Member, and Mark Stimpson, on behalf of the applicant, addressed the Panel in support of the application.</b>
<b>Decision:</b>	<b>Officer recommendation was to refuse.</b> <b>Members noted the concerns of officers in relation to the cladding, as detailed in the report, but considered that the economic benefits in ensuring that the building was fit for purpose and continued as an employment site to meet local needs outweighed the concerns relating to the appearance of the materials to be used for part of the front elevation.</b>



	<p>As such, Members considered that the development did not conflict with the provisions of policies C1 and E6 of the Tameside Unitary Development Plan and Section 12 of the National Planning Policy Framework (NPPF) and met the objectives of Section 2, paragraph 8 of the NPPF.</p> <p>Members therefore resolved to grant planning permission subject to standard conditions regarding time and materials. In addition, as the cladding would overhang part of the adopted highway, a note/informative would be attached advising the applicant of their responsibilities in this regard.</p>
--	--

<b>Name and Application No:</b>	<p>21/00858/FUL</p> <p>One Manchester</p>
<b>Proposed Development:</b>	<p>To vary condition 6 (specifying approved plans) of planning permission ref. 14/00098/FUL to allow for the introduction of substations and generator and reduction in car parking spaces.</p> <p>Fell View (Formerly Oakglade House), 2 Booth Street, Ashton-under-Lyne</p>
<b>Decision:</b>	<p>That planning permission be granted subject to the conditions as detailed within the submitted report.</p>

<b>Name and Application No:</b>	<p>21/00904/FUL</p> <p>Johnnie Johnson Housing</p>
<b>Proposed Development:</b>	<p>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.</p> <p>(Former) Charlotte House Residential Home, Albert Road, Hyde</p>
<b>Speaker(s)/Late Representations</b>	<p>The planning officer advised that condition 14 was no longer required and had therefore been discharged by the Local Planning Authority.</p>
<b>Decision:</b>	<p>That planning permission be granted subject to the conditions (with the omission of condition 14) as detailed within submitted reported.</p>

## 24. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
APP/G4240/D/21/3274238	Proposed demolition of an existing detached garage and	Appeal dismissed.

<b>10 Reid Close, Denton, M34 7QH</b>	<b>construction of single storey side and rear extension.</b>	
<b>APP/G4240/W/21/3275422</b> <b>Brookfields, Mossley, OL5 0LG</b>	<b>Proposed residential development of 21No. family homes and associated works – amended plan to create temporary construction access from Stamford Road.</b>	<b>Appeal dismissed.</b>
<b>APP/G4240/W/21/3275422</b> <b>Brookfields, Mossley, OL5 0LG</b>	<b>Application is made by Clement Court Properties Ltd for a full award of costs against Tameside Metropolitan Borough Council.</b>	<b>Award of costs refused.</b>
<b>APP/G4240/D/21/3277059</b> <b>35 Marlborough Road, Hyde, SK14 5HY</b>	<b>Proposed first floor extension to side above existing garage and utility room.</b>	<b>Appeal dismissed.</b>
<b>APP/G4240/D/21/3276323</b> <b>27 North End Road, Stalybridge, SK15 3AZ</b>	<b>Proposed double storey front extension, double storey side extension and rear dormer with loft conversion.</b>	<b>Appeal dismissed.</b>

## **25. URGENT ITEMS**

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

**CHAIR**

**Application Number** 21/01175/FUL

<b>Proposal</b>	Construction of 24 apartments within a 3 storey block and associated works.
<b>Site</b>	Former site of Conservative Social Club, Vernon Street, Hurst Knoll, Ashton-under-Lyne, OL6 8JT
<b>Applicant</b>	Watson Homes Ltd
<b>Recommendation</b>	Members resolve to grant planning permission subject to recommended conditions.
<b>Reason for Report</b>	A Speakers Panel decision is required as the application constitutes a major development.

## 1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for a residential development comprising of 24 x 1 bedroom apartments and associated works.
- 1.2 The accommodation would be provided within a modern 3 storey pitched roof building with a design which references the mills of Ashton. There would be 8 apartments laid out across each floor, 4 either side of a central entrance. The building would be positioned approximately 31m from the rear elevation of Kings Road properties, 30m from Ladbroke Close properties and 25m from Ladbroke Road Properties.
- 1.3 The apartments would measure 39sqm in area and comprise of a kitchen/living area, bedroom, separate bathroom and dedicated built in storage. The proposal would see the accommodation provided on a 100% affordable rent basis via the applicant (Jigsaw Homes Tameside). Prior to making the planning application TMBC Housing have been supportive of a bid by Jigsaw Homes for funding for the development from Homes England.
- 1.4 The building makes provision for 19 parking spaces to the frontage, accessed from Vernon Street. There would be 4 spaces provided with full electric charging points with ducting provided to enable future rollout to other spaces. A central entrance lobby would serve as access to each of the apartments via a stairwell. The apartments would be situated within landscaped grounds. There would be a private enclosed communal garden with secure bin and cycle storage.
- 1.5 The building would be constructed from materials which reference the brindle brick prevalent in the local housing stock. Window openings would be positioned with deep reveal to the front and rear elevations only. The side elevations would include recessed coursing. The massing of the roof is reduced by the introduction of valleys, the material would be an interlocking slate effect tile.
- 1.6 The application has been supported by the following reports;
  - Full Plans Package
  - Design and Access Statement
  - Coal Mining Risk Assessment
  - Site Investigation Reports
  - Ecology Survey
  - Flood Risk Assessment
  - Drainage Proposals
  - Site Waste management Plan
  - Energy Statement

- Affordable Housing Statement

## **2. SITE & SURROUNDINGS**

- 2.1 The application site is located off Vernon Street, a short un-adopted road off Kings Road, Ashton. The site is rectangular in shape and covers an area of approximately 0.38ha in area with a fall (east to west) of approximately 8m. It was formerly occupied by a social club which has since been demolished where the foundation slab is still visible. The site is covered with self-set vegetation in addition to a number of mature trees to the boundaries. The site is secured by a gated entrance but is prone to fly-tipping and associated anti-social behaviour.
- 2.2 The site is bounded by residential properties on Ladbroke Road (south), Kings Road (East) Hilton Crescent (North) and Ladbroke Close (West). These are predominately two storey brick built terraces.

## **3. PLANNING HISTORY**

- 3.1 18/00784/FUL - Application for minor material amendment to approved planning application 15/00063/FUL. Variation to condition no.2 (Approved Plans) to allow alterations to the design, siting, landscaping and mass of the approved development for the erection of 24 no. two bedroom apartments within a 3 storey block with accommodation within the roof space – Approved subject to a section 106 agreement 23.08.2018.
- 3.2 15/00063/FUL - Erection of 24 no. two bedroom apartments in one 3 storey block with means of access, refuse storage, landscaping and parking provision – Approved subject to a section 106 agreement 28.02.2017.
- 3.3 05/00697/OUT – Outline (including details of access and layout) application for erection of 24 Apartments – Refused at Speakers Panel 19.10.2005. Decision was subsequently allowed at appeal.

## **4. RELEVANT PLANNING POLICIES**

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated immediately bordering Green Belt & Site of Biological Importance.

### **4.2 Part 1 Policies**

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

### **4.3 Part 2 Policies**

- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density
- H10: Detailed Design of Housing Developments
- OL4: Protected Green Space

OL10: Landscape Quality and Character  
T1: Highway Improvement and Traffic Management  
T10: Parking  
T11: Travel Plans  
C1: Townscape and Urban Form  
N4: Trees and Woodland  
N5: Trees within Development Sites  
N7: Protected Species  
MW11: Contaminated Land  
U3: Water Services for Developments  
U4: Flood Prevention  
U5: Energy Efficiency

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

Section 2 Achieving sustainable development  
Section 6 Delivering a sufficient supply of homes  
Section 7 Ensuring the vitality of town centres  
Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable travel  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places  
Section 14 Meeting the challenge of climate change, flooding and coastal change  
Section 15 Conserving and enhancing the natural environment

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

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

#### **4.6 Other Policies**

Places for Everyone – Publication Draft August 2021  
TMBC Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007  
Tameside Open Space Review 2018

### **5. PUBLICITY CARRIED OUT**

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

- Neighbour notification letters to 59 addresses;
- Display of site notice; and
- Advertisement in the local press.

### **6. RESPONSES FROM CONSULTEES (SUMMARISED)**

6.1 Coal Authority – Have reviewed the submitted site investigation reports. Queries have been raised as to whether there is ground stability risk present at the site. Clarification has been sought from the applicant's consultants.

- 6.2 Contaminated Land – No objections. Confirm that the submitted ground report highlights a possibility of made ground within the site. Recommend condition for further investigation and remediation if deemed necessary.
- 6.3 Environmental Health Officer – No objections subject to conditions relating to working hours and details of refuse storage arrangements.
- 6.4 Greater Manchester Ecology Unit – No objection. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can likely be resolved via condition and/or informative relevant to the landscaping proposals. Conditions are recommended relevant to tree planting within the site and biodiversity enhancement measures in line with the requirement of the NPPF.
- 6.5 Highway Authority – Recommend a conditional approval. The development would not in the LHA's opinion have an unacceptable impact on highway safety or capacity of the highway network. The existing access/egress from the development onto Kings Road is satisfactory and meets the LHA requirements for max gradients/minimum 10m from existing junctions. The LHA require TRO's shown on Vernon St to be extended 10m from the junction along the kerbline of Kings Road to achieve the visibility splays required for safe access from the site.
- 6.6 Lead Local Flood Authority – Have reviewed the drainage strategy and raised no objections. Site is not prone to flood risk and identify that further investigation is required to identify whether surface water can be addressed via infiltration.
- 6.7 Police (Secure by Design) – Support the application and are satisfied with the recommendations within the Crime Impact Statement which should be conditioned on any approval.
- 6.8 Tree Officer – Confirms that the two trees to be removed are of lower value to the surrounding area and the proposed planting will adequately mitigate for their loss. The most significant trees are a row of Poplars to the western boundary which will be retained. Confirmed that the protective fencing recommended within the arboricultural report is of a suitable design and conforms with BS5837.
- 6.9 United Utilities – Raise no objections. The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Recommend drainage design be addressed via conditions requesting compliance with the drainage hierarchy.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 In response to the consultation undertaken there have been four letters of objection received.
- 7.2 The following concerns have been raised within the individual objection letters, these are summarised as follows:
- Loss of privacy and light to nearby residents;
  - The building is too high and is being built on elevated land to Ladbroke Road;
  - Concerns over noise from the development from the level of occupation;
  - Traffic within the area is already a concern and the development will add to existing problems;
  - There is not enough car parking for the development;
  - Development will tarnish the reputation of the area;
  - Apartments are not appropriate within a terraced area;
  - Concerns over the environmental impacts on wildlife;

- The access road is not suitable for the level of development;
- Public money should be spent on existing derelict buildings within Ashton; and
- Development is out of character with the area.

## **8. ANALYSIS**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Paragraph 219 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan (2004) and the Greater Manchester Joint Waste Plan Development Document.
- 8.4 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decision on planning applications this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - specific policies in the Framework indicate development should be restricted.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. The site is not allocated on the adopted UDP proposals map and is not subject to any other designations. Policy H2 (Unallocated Sites) applies to housing development proposed on unallocated sites, it gives preference to the reuse of previously developed sites. Paragraph 60 of the NPPF identifies the government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, given the sites location within an established residential area with links to services the proposals would meet these policy objectives.
- 9.2 With regard to the principle of the residential redevelopment of the site, it is noted that this principle has been established on the granting of previous planning permissions the last of which was in 2018. Previous consents had not been implemented and the permission had lapsed. In comparison to the previous approval the access arrangements remain unchanged and the footprint and height of the block would be directly comparative to that of previously approved development.
- 9.3 Since the previous approval it remains that the site is in a derelict state which continues to attract antisocial behaviour. The site should be considered as previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. Residential use would be

readily compatible with adjoining uses and that the contribution to investment in affordable housing stock would be welcomed. The Council does not have a five year housing supply, where this is afforded significant weight in the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The opportunity to make a positive contribution to housing supply by the redevelopment a brownfield site is considered to be highly sustainable and this is afforded significant weight to the planning assessment.

- 9.4 The site is located within a highly accessible area well connected to public transport, local services and employment uses across Ashton. In terms of the assessment against paragraph 11, all developments must be considered in light of their sustainable credentials, which the NPPF identifies as having three dimensions (economic, social and environmental). As previously identified the development would contribute directly to the choice of housing. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to affordable housing. On the matter of the environmental impact and the sustainable credentials the redevelopment of PDL carries significant weight along with the locational factors relating to access to services and transport, appropriate levels of ecological mitigation can be secured and the accommodation can be constructed to reduce energy/carbon emissions. Therefore, the overall sustainable credentials are not questioned, and the proposals are considered to achieve the three dimensions of sustainable development through the contribution to the supply of affordable housing within a sustainable location.

## **10. DESIGN & LAYOUT**

- 10.1 The UDP and NPPF policies and the guidance of the Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The framework emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 10.2 The proposals do not significantly depart from the design parameters established on the previous planning application. The maximum height of the building along with its siting and access would be nearly identical to that established on previous approvals. Essentially the concept remains unchanged with a 3 storey apartment block fronting a communal car park within landscaped grounds, as per the previous approvals the siting of the building exceeds recommended spacing standards to neighbouring properties, this also includes a relevant allowance to the change in site levels.
- 10.3 The Design & Access Statement submitted by the applicant notes that the building has been designed to reflect a 'Mill' building as a direct reference to the local area's industrial heritage. This includes a series of low gables to the front and rear of the building, coupled with a regular window pattern across the main elevations, the roofline and overall mass is broken by a series of valleys. The fenestration style is designed to reflect those used successfully in the conversion of mill buildings elsewhere in Ashton. It is intended to source a brindle brick to resemble the brickwork found immediately within the locality. The windows would be set within a deep reveal to give texture to the buildings appearance, to improve the legibility of the sites entrance the opening would be treated with a black timber effect composite cladding surround.
- 10.4 The relationship of the site to the surrounding properties means that it is largely screened from surrounding vistas, the impact upon the street scene is therefore somewhat limited. Nonetheless the approach to the design is considered positive in terms of how it responds to the site's constraints and the relationship to the surrounding area. The elevations and



materials respond successfully to the site's context, the design exhibits depth and character which is befitting of the locality and meets with design objectives.

- 10.5 Apartments represent a very efficient use of land and this is demonstrated by the density which can be achieved, in this instance the density would equate to 63 units per hectare. This aligns to NPPF objectives to promote the efficient re-use of land within established urban areas that are accessible by public transport, this is particularly important in periods of housing undersupply.
- 10.6 Frontage parking can be a weakness of design where it results in a dominance of hard surfacing and parking. The design seeks to break this up by well-proportioned landscaped planting borders to parking boundaries. The scale and overall mass is not considered to be overly domineering and by virtue of the landscaped areas the parking is sufficiently integrated within the design.
- 10.7 Having full consideration to the design merits of the proposal, and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would complement the existing area. The scale and density of the development is reflective to that established on previous planning approvals and this would be compatible with the street scene and relationship to neighbours. The redevelopment of the site would uplift the appearance of the locality and contribute to environmental improvements in the local area. The proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11. DESIGN AND RESIDENTIAL AMENITY**

- 11.1 The policies of the adopted Residential Design Guide strive to raise design standards; they should be applied along with the criteria of Building for Life (BfL). Good design is aligned to the delivery of high residential amenity standards, this should reflect equally on the environment of existing residents as well as that of future residents. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) and promote Natural Surveillance at street level (policy RD4).
- 11.2 Since the demolition of the club, the site has continued to fall into a state of disrepair and neglect. This is a blight on the local landscape and will be reflecting negatively on residents which immediately border the site. There would be direct amenity benefits attributed to the investment and redevelopment of the site.
- 11.3 The layout and height of the apartment block has been influenced by initial discussion with the applicant prior to submission. The building would stand at 3 storeys with the overall proportions being directly akin to that previously established at the site. The siting of the apartment block is such that its front and rear elevations would be a minimum of 30m away from the rear elevation of properties which front Kings Road and Ladbrooke Close. In terms of the objections raised on amenity, privacy and outlook/light, the exceedance of the spacing standards required by policy RD5 is considered sufficient mitigation. In addition, it is also noted that the surrounding grounds will be landscaped with tree planting which over time will provide screening.
- 11.4 The majority of properties on Ladbrooke Road appear to have extended their gardens into the site. The development is not looking to develop this land and these garden areas will remain fenced off from the development site therefore not impacting upon amenity.

- 11.5 The occupants of the dwellings would be served with a good level of amenity. The design of the properties is such that they have well-proportioned room sizes in line with housing technical standards. The apartments are served with large levels of glazing which will provide good levels of light and ventilation. The communal garden would also provide a valuable asset for future residents.
- 11.6 The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of policy H10 and the adopted SPD.

## **12. HIGHWAY MATTERS**

- 12.1 No changes are proposed to the site's access or parking arrangements or that of the internal site layout established on the previous permissions.
- 12.2 The accommodation would be provided on an affordable (rental) basis via a registered provider. Typically, car ownership amongst tenants is likely to be low. The development would be accessed from Kings Road/Vernon Street, the carriageway of Vernon Street would be upgraded to an adoptable standard along with new dedicated pedestrian footways, tactile paving, signage and lighting where necessary. Consultation with the LHA confirm that work on the Vernon Street/Kings Road junction will be subject to a S78 agreement under the Highway Act. This will be addressed separate to the planning application although conditions are still recommended detailing the level of highway improvement required.
- 12.3 The development proposes 19 No. off Street vehicle parking spaces (4 dedicated to electric vehicles) for the apartments. Policy RD8 requires 0.5 parking spaces for each one bedroom property, the level of parking provision as proposed meets with the requirements of the policy guidance. In addition, the applicant is committed to the delivery of proposals for secure/covered cycle storage, this along with the sites location within close proximity to sustainable transport facilities provides residents with an attractive alternative to the use of a private vehicle.
- 12.4 Consultation with the LHA confirms that the design and layout would be acceptable to ensure safe and convenient, access and manoeuvring arrangements for vehicles and pedestrians alike into and out of the site. The LHA are also satisfied with the level of parking provision recognising that car ownership within single bedroom developments is generally low and that the site is accessible. Vehicle movements associated with the development would not be significant and there is considered to be adequate capacity within the local network.
- 12.5 The location of the development is within an established urban area which has established services. This represents an accessible and sustainable location. It is located close to a bus route and is located within walking distance of Ashton town centre and its associated amenities. Within the immediate area there are local conveniences which can serve residents day to day requirements. The location is highly sustainable with access to local amenities, bus services and Ashton town centre being within walking distance.
- 12.6 The access and parking arrangements have been designed in conjunction with advice given from Highways and they have raised no objections. Conditions will ensure that the access arrangements are designed to technical standards. It is considered that the development adheres to the provisions of policies T-1 and T-10, in addition to the standards of the Tameside Residential Design Guide.

## **13. AFFORDABLE HOUSING**

- 13.1 Paragraph 65 of the NPPF identifies that all major (10 units and above) residential developments should involve the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units, the Housing Needs Assessment identifies an expectation of the provision of 15% of units on an affordable basis. The Glossary of the NPPF provides a definition of affordable housing, which includes affordable housing for rent provided by a registered provider.
- 13.2 The applicant identifies that upon completion of the development the building would be leased to Jigsaw Homes Tameside who would act as landlord and rent the apartments in consultation with TMBC. The proposed development and form of occupancy therefore represents 100% affordable housing, this would exceed the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF.

#### **14. DRAINAGE**

- 14.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. A drainage strategy has been submitted with the application which has been reviewed respectfully by both the LLFA and United Utilities. They are satisfied with the level of investigation undertaken.
- 14.2 The full methodology of the sites drainage is a matter of detail to be conditioned but for the purposes of the planning application flood risk and overall water management have been appropriately investigated. The details to be secured via a condition would ensure that the drainage hierarchy is followed, surface water would be positively drained and attenuated to ensure that greenfield run-off rates can be achieved.
- 14.3 Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

#### **15. TREES & ECOLOGY**

- 15.1 No additional trees would be removed from the site as a result of the amendments. The landscaping would not be materially different from that of the extant permission which has established the extent of tree removal and replanting. The key features of the submitted landscape plan include:
- Retention of poplar trees along the western boundary (shared with Ladbroke Close);
  - Communal landscaped garden;
  - Low shrub planting along front building elevation and throughout the car park; and
  - Brick paving around the building and new pedestrian footpath along Vernon Street up to Kings Road.
- 15.2 The retention of the significant line of Poplar trees along the north/northeast boundary will benefit the site and area generally. The trees will provide an interruption of views of the development and provide a much welcomed mature landscaping feature. It is considered the proposed development and landscape proposals will enhance both the development and character of the area in compliance with UDP policy N5.
- 15.3 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site can be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes to the completed development.

## **16. GROUND CONDITIONS: MINING & CONTAMINATION**

- 16.1 The application has been accompanied with a suitable site investigation and coal mining risk assessment consultation. The Coal Authority has confirmed that further clarification on the conclusions reached within the site investigation report is required. At the time of writing the report the applicant was preparing additional information to submit to the Coal Authority for review. Coal mining risk has been investigated on the previous application which was subject to a conditional approval. It is considered that a conditional approval is a proportionate response to addressing the outstanding queries. These conditions (19 & 20) will ensure that further investigation is undertaken to inform an appropriate mitigation strategy to be agreed with the LPA in conjunction with the Coal Authority. Subject to these conditions, the development should not be prejudiced by any mining legacy issues.
- 16.2 Consultation with the Contaminated Land Officer confirms that no objections are raised subject to the further site investigations being undertaken to identify any potential onsite remediation requirements. This would be secured through the requirements of a planning condition.

## **17. CONTRIBUTIONS**

- 17.1 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and highways contributions as per the requirements of policies H4, H5 and T13 of the UDP. Education contributions don't apply on development below 25 dwellings. The affordable housing requirement would be exceeded through the applicant's intention to provide all of the apartments on an affordable basis, the development will be funded via grant funding through Homes England which has been supported by the Council. The affordable housing contribution carries significant weight in the assessment of the application. Beyond improvements to the Vernon Street/Kings Road junction there are no highway impacts associated with the development which would warrant off-site mitigation via a commuted sum. Likewise, with reference to greenspace contributions weight is apportioned to the redevelopment of a brownfield site. The building would sit within a landscaped area and there would be a significant local environmental improvement secured by the development. Locally, King George playing fields are on hand to serve formal recreation requirements of residents of the development.

## **18. OTHER ISSUES**

- 18.1 Noise: Noise affecting the development is largely transport based as there are no commercial or industrial uses within the proximity of the site. The EHO is satisfied that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions. A construction management plan (to be conditioned) will ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.
- 18.2 Sustainability: The redevelopment of a previously developed site within an accessible location accords with the strategic principles of sustainable development. The apartments would be constructed to reduce energy usage through a fabric first approach along with the use of air source heat pumps. The addition of electric vehicle charging points along with secure cycle storage demonstrates a commitment to sustainable travel.
- 18.3 Heritage: There are no recorded assets within the vicinity of the site. The development will therefore not have any influence on the setting of any assets.

- 18.4 Security: The application has been accompanied with a Crime Impact Statement. Subject to the recommendations it is considered that the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public and private areas.

## **19. CONCLUSION**

- 19.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the adopted development plan to be approved without delay, and where the development plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 19.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the policies of the development plan, national planning policy and guidance and all material considerations raised.
- 19.3 The redevelopment of a brownfield site for residential purposes would be compatible with the housing strategy and would also be readily compatible with the modern housing development that is established within the locality. The development would add to and contribute towards much needed, good quality affordable housing in a period of documented under supply.
- 19.4 The design creates a positive and welcoming residential environment. The apartments would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 19.5 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the Borough's affordable housing supply.

## **RECOMMENDATION:**

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

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

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

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

Plans:

Existing Site Plan ref 121303 02P4

Proposed Site Plan ref 121303 03P8

Proposed Plans ref 121303 04P5

Proposed Elevations ref 121303 05P4

Proposed Bin/Bike Store ref 121303 06P1

Landscape Plan 6751.01A LP Nov21

General Arrangement Plan ELL-21142-WH-L-550 (B) S278  
Road Contours and Drainage ELL-21142-WH-L-552 (A) S278  
Kerbing and Surfacing ELL-21142-WH-L-553 (A) S278  
Traffic Signs and Road Markings ELL-21142-WH-L-554 (B) S278  
Concept Drainage Layout ELL-21142-WH-L-1000 (-)

Reports:

Design and Access Statement  
15-0036-02 Vernon Street  
Energy Statement  
Construction Management Plan  
Site Cabin Locations  
Location Plan  
Topographical Survey  
Phase 1 and 2 Reports (including Coal Mining Report)  
Phase 3 Report Ref ELLUC-WH-21142-300921-FRA-F1  
Jigsaw Homes Supporting Statement  
Ecological Assessment Land off Vernon Street PEA 1.1  
Tree Survey PM FULL 25-09-21

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

- 3) Notwithstanding any description of materials in the application form and shown within the Design & Access Statement no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

- 4) The car parking spaces to serve each dwelling as part of the development hereby approved on Dwg ref 121303 03 P8 shall be laid out as shown on the approved site plan prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

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

- 5) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. This shall include details of:
- Arrangements for the control of noise and dust;
  - Any arrangements for temporary construction access;
  - Contractor and construction worker car parking;
  - Turning facilities during the remediation and construction phases; and
  - Details of on-site storage facilities.

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

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

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

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

- 7) No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the local planning authority. The scheme shall include full details of:
  1. Phasing plan of highway works;
  2. Surface and drainage details of all carriageways and footways;
  3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
  4. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas; and
  5. Details of carriageway markings and signage.

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

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

- 8) Prior to the occupation of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

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

- 9) As indicated on the approved plan (Dwg.Number 121303 03 P8), prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the local planning authority which complies to the requirements listed below:
  - i) be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
  - ii) have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
  - iii) be fitted with a universal socket (known as an untethered electric vehicle charge point);
  - iv) be fitted with a charging equipment status indicator using lights, LEDs or display; and
  - v) a minimum of Mode 3 or equivalent.

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

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

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

- 11) The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to the private carriageways/driveways off the adopted highway have been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the local planning authority prior to the occupation of any part of the development.

Reason: To secure the provision of satisfactory access to the site and in the interests of road safety and personal safety.

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

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

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

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



5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented, including any requirements for long term monitoring and maintenance.

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

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

If, during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed in writing with the local planning authority, 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 local planning. The remediation strategy shall be fully implemented and verified as approved.

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

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

- 15) Prior to use, a verification/completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the local planning authority.

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

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

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

- 16) No development shall commence (excluding the demolition of existing structures and site clearance or preparation) until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment

of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with UDP policy U3 Water Services for Developments and Section 14 of the NPPF.

- 17) Within three months of the commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained and a schedule of implementation shall be submitted for approval in writing to the local planning authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s) and the soft landscaping details in accordance with approved schedule.

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

- 18) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of five years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 19) No development shall commence (excluding the demolition of existing structures) until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 183 and 184 of the NPPF.

- 20) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that mining legacy issues are adequately addressed in the interests of the future occupation of the site and paragraphs 183 and 184 of the NPPF.

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

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

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

Reason: In the interests of security and residential amenity.

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

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.

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

Reason: In the interests of local residential amenity.

- 25) Prior to first occupation of the development, a scheme for any television/radio aerial/satellite dish or other form of antenna shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.

Reason: In the interest of the appearance of the building and the visually amenity of the locality. In accordance with policy C1 and H10 of the UDP.

This page is intentionally left blank

Application Number 21/01175/FUL

Construction of 24 apartments within a 3 storey block

---

Photo 1: Aerial view of site





Photo 2: Google 3D View



**Photo 3: Existing building to be demolished**





**Photo 4: Images taken from the Design & Access Statement: - Views within the site.**



*Views within the site, and of the parking court on Ladbrooke Close*







This page is intentionally left blank





**General Notes**  
01: Dimensions must not be scaled from this drawing. If in doubt, please ask.  
02: All dimensions are in millimetres unless noted otherwise.  
03: All dimensions should be verified on site before proceeding with the work.  
04: TADW Architects shall be notified in writing of any discrepancies.  
05: © TADW Limited (UK) 2015

**Legend**  
**Schedule of Accommodation**

24no. one bed apartments at 39sqm

**Total - 24 apartments**

P8	Accessible unit corrected	15.11.21	MH	BB
P7	Parking area revised	15.11.21	MH	BB
P6	Trees added	11.11.21	MH	BB
P5	Bin and bike stores revised, maintenance strips and trees added	10.11.21	MH	BB
P4	Drawing completed	1.10.21	MH	BB
P3	Drawing completed	28.9.21	MH	BB
P2	Cycle store relocated	23.9.21	MH	BB
P1	Issued for comment	14.9.21	MH	BB
Issue	Description	Date	Drawn	Checked

**Drawing Status**  
P - Planning | T - Tender | C - Construction | R - As Record

**For Planning**



Six St. Petersgate Stockport Cheshire SK1 1HD  
Ph 0161 477 6158 Fx 0161 480 8342 mail@tadw.co.uk www.tadw.co.uk

Client **Watson Homes**

Job **Vernon Street  
Ashton under Lyne**

Title **Proposed Site Plan**

Scale **1:200 @ A1**

**Note** - Prints from PDF files may not be to scale, check accuracy against scale  
10 20m 1:200

Job Number <b>121303</b>	Drawing Number <b>03</b>	Issue <b>P8</b>
-----------------------------	-----------------------------	--------------------

This page is intentionally left blank





01

05

**Proposed Front Elevation (East Elevation)**

Scale 1:100 @ A1



02

05

**Proposed North Elevation (South similar)**

Scale 1:100 @ A1



03

04

**Proposed Rear Elevation (West Elevation)**

Scale 1:100 @ A1

**General Notes**  
01: Dimensions must not be scaled from this drawing. If in doubt, please ask.  
02: All dimensions are in millimetres unless noted otherwise.  
03: All dimensions should be verified on site before proceeding with the work.  
04: TADW Architects shall be notified in writing of any discrepancies.  
05: © TADW Limited (UK) 2015

Legend

Proposed Materials

Brick - Forterra Farmstead  
Antique

Cills - 150mm artstone,  
Bathstone finish

Windows - black / dark grey  
frames, recessed 150mm

Rainwater goods - black / dark  
grey

Entrance area cladding -  
Ecoscape slatted composite  
cladding, colour midnight

Roofing - single ply membrane  
with applied ribbing

Copings - powder coated  
aluminium RAL 7016

P4	Bin store moved to drawing 06, parapet revised	11.11.21	MH	MH
P3	Drawing completed	1.10.21	MH	MH
P2	Redesigned to suit client comments	28.9.21	MH	MH
P1	Issued for comment	14.9.21	VA	MH
Issue	Description	Date	Drawn	Checked

**Drawing Status**  
P - Planning | T - Tender | C - Construction | R - As Record

For Planning

tadw

architects

Six St. Petersgate Stockport Cheshire SK1 1HD  
Ph 0161 477 6158 Fx 0161 480 8342 mail@tadw.co.uk www.tadw.co.uk

Client

Watson Homes

Job

Vernon Street  
Ashton under Lyne

Title

Proposed Elevations

Scale

1:100 @ A1

Note - Prints from PDF files may not be to scale, check accuracy against scale

5

10m

1:100

Job Number

121303

Drawing Number

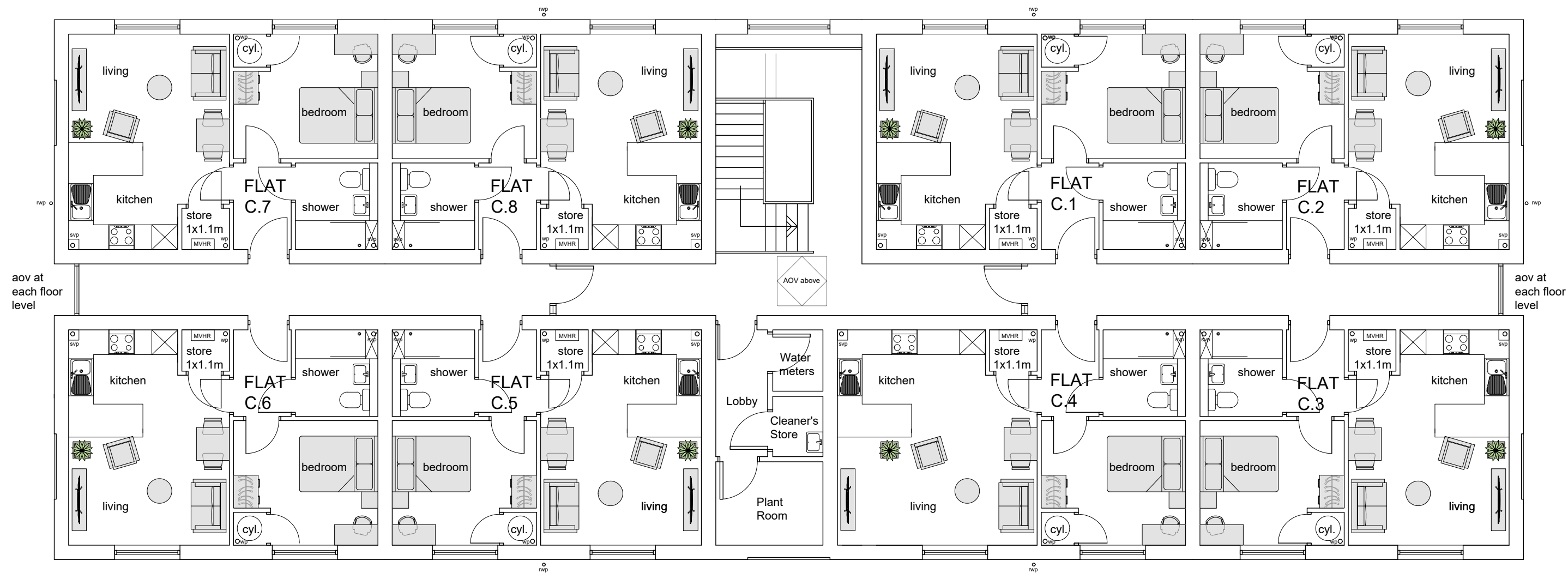
05

Issue

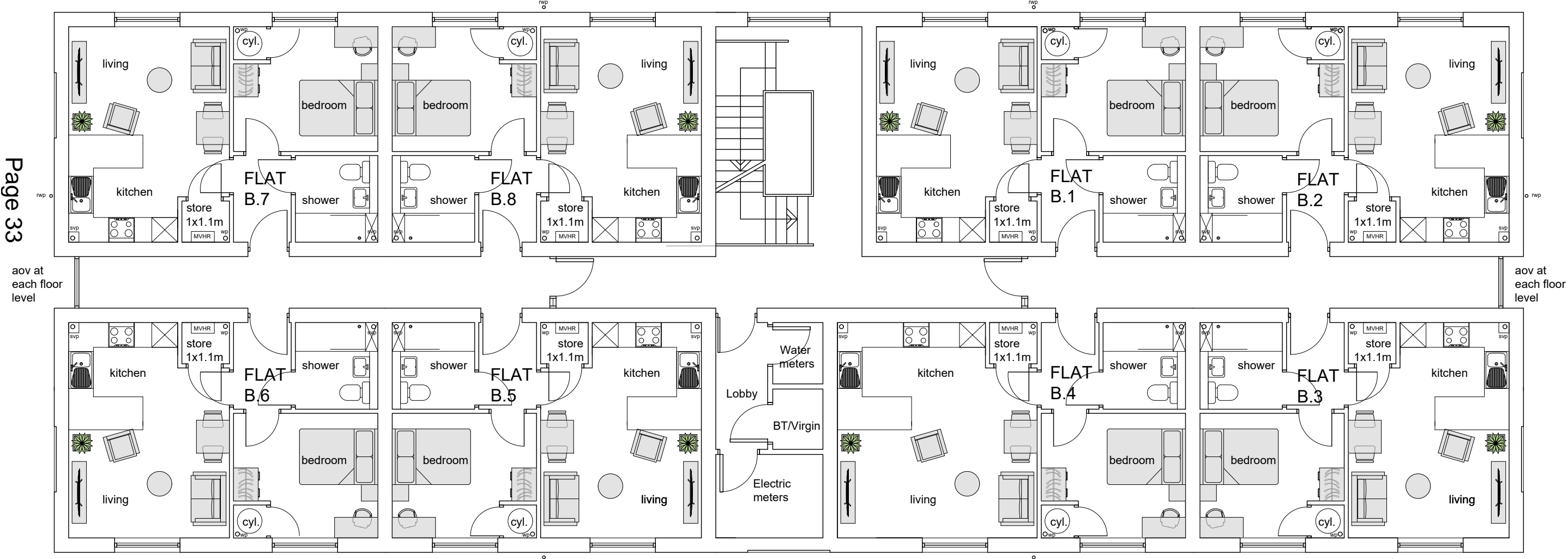
P4

This page is intentionally left blank

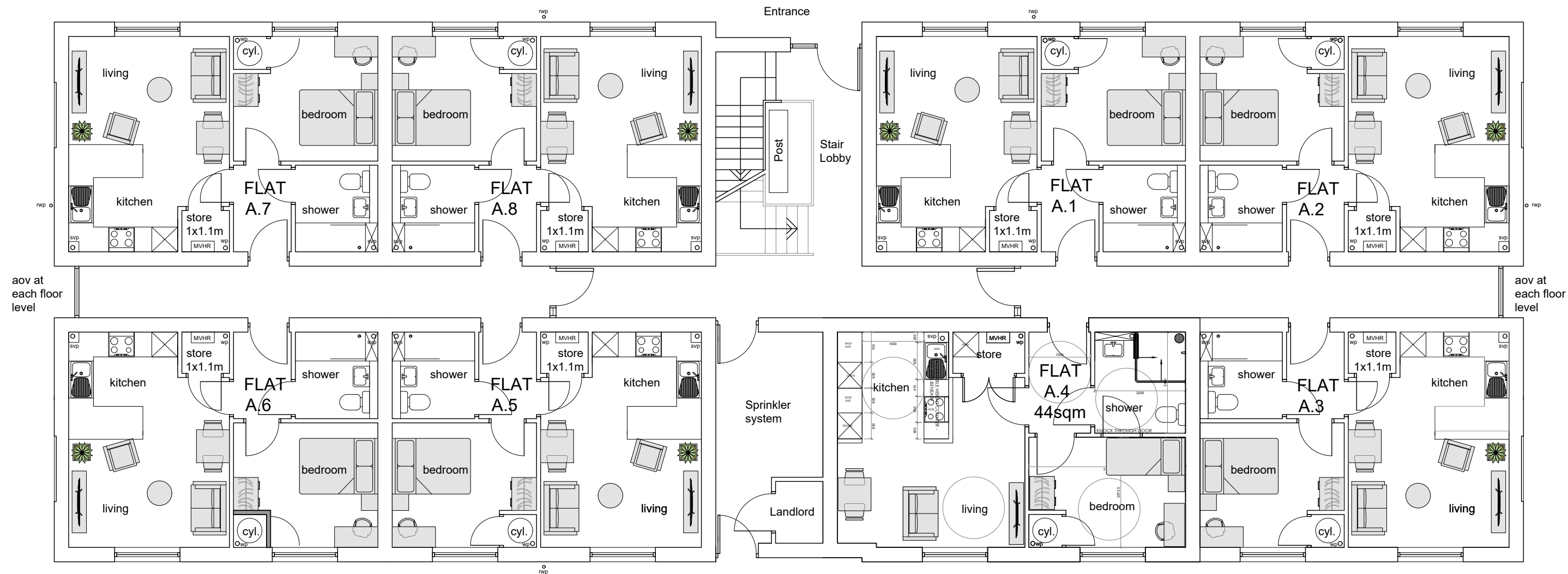




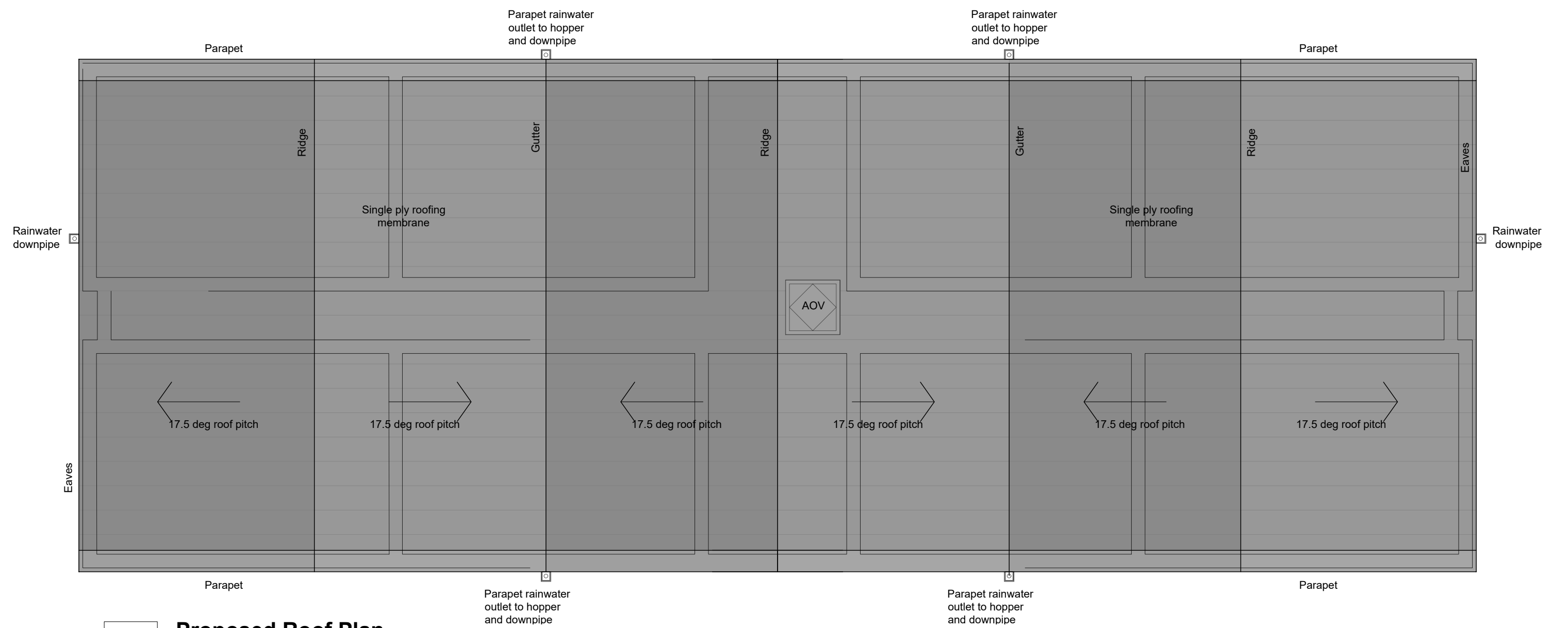
03 Proposed Second Floor Plan  
04 Scale 1:50 @ A1



02 Proposed First Floor Plan  
04 Scale 1:50 @ A1



01 Proposed Ground Floor Plan  
04 Scale 1:50 @ A1



04 Proposed Roof Plan  
04 Scale 1:50 @ A1

**General Notes**  
01: Dimensions must not be scaled from this drawing. If in doubt, please ask.  
02: All dimensions are in millimetres unless noted otherwise.  
03: All dimensions should be verified on site before proceeding with the work.  
04: TADW Architects shall be notified in writing of any discrepancies.  
05: © TADW Limited (UK) 2015


**Legend**

P5	Meter cupboards added	12.11.21	MH	MH
P4	Flats A.4, B.4 and C.4 revised	11.11.21	MH	MH
P3	Breakfast bar revised	30.9.21	MH	MH
P2	Revised to suit client requirements	28.9.21	MH	MH
P1	Issued for comment	14.9.21	VA	MH
Issue	Description	Date	Drawn	Checked

**Drawing Status**  
P - Planning | T - Tender | C - Construction | R - As Record

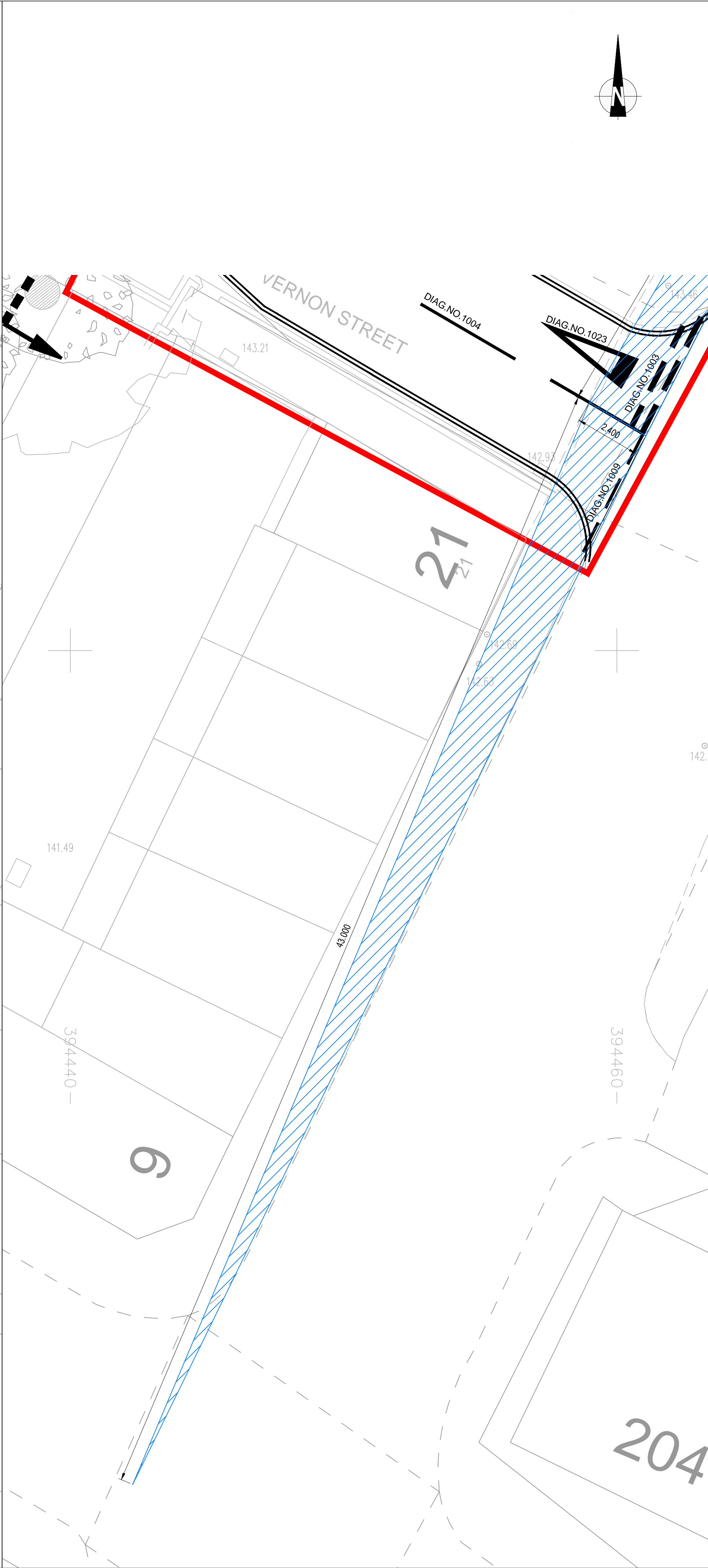
For Planning



Six St. Petersburg Stockport Cheshire SK1 1HD Ph 0161 477 6158 Fx 0161 480 8342 mail@tadw.co.uk www.tadw.co.uk			
Client	Watson Homes		
Job	Vernon Street Ashton under Lyne		
Title	Proposed Floor Plans		
Scale	1:100 @ A1		
<b>Note</b> - Prints from PDF files may not be to scale, check accuracy against scale			
			
Job Number	Drawing Number	Issue	
121303	04	P5	

This page is intentionally left blank





**NOTES:**

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS AND ENGINEERS DRAWINGS AND SPECIFICATIONS.
- DO NOT SCALE THIS DRAWING. ALL DETAILS AND DIMENSIONS ARE TO BE CHECKED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE
- ALL LEVELS ARE RELEVANT TO ORDNANCE DATUM (NEWLYN).
- LOCATION OF EXISTING SEWERS, UTILITIES AND SERVICES TO BE SURVEYED BEFORE COMMENCING WORK ON SITE.
- ANY DISCREPANCIES ON THIS DRAWING SHOULD BE REPORTED BACK TO THE ENGINEER PRIOR TO CONSTRUCTION.

B	UPDATED TO SUIT LATEST SITE LAYOUT	16.11.21	MJS	LM
A	DOUBLE YELLOW LINES AND VISIBILITY SPLAYS ADDED	11.11.21	MJS	LM
Rev:	Description:	Date:	By:	Chkd:
Status:	<b>PRELIMINARY</b>			
Client:	WATSON HOMES			
Project:	VERNON STREET, ASHTON			
Dwg Title:	S278 TRAFFIC SIGNS AND ROAD MARKINGS			
<b>ELLUC Projects</b> ELLUC PROJECTS 423 KIRKSTALL ROAD AIREDALE HOUSE LEEDS LS4 2EW t: (0113) 357 2100 info@ellucprojects.co.uk www.ellucprojects.co.uk				
Scale:	Size:	First Issue:	Drawn:	Checked:
1:100	A1	07/10/2021	MJS	LM
Drawing No:	ELL/21142/WH/L/554			

This page is intentionally left blank

**Application Number** 20/00498/FUL

<b>Proposal</b>	Demolition of existing garden centre store building and use of the site to increase the size of existing customer car parking area. Proposed 16.00m x 10.00m single storey garden centre store building (replacing that which is to be demolished).
<b>Site</b>	Lymefield Garden Nursery, Lymefield, Broadbottom
<b>Applicant</b>	Mr David Pryce
<b>Recommendation</b>	Approve, subject to conditions.
<b>Reason for Report</b>	A Speakers Panel decision is required because, in accordance with the Panel's Terms of reference, the Head of Service considers that the application raises issues about which a member of the public has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has also been given the opportunity to speak.

## 1. APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission works that would reconfigure the arrangements at the garden centre.

## 2. SITE AND SURROUNDINGS

- 2.1 Lymefield Garden Centre, which previously formed part of Lymefield Farm, was established following the grant of planning permission (ref. 97/00363/FUL) in October 1997, since when activities and facilities at the site have expanded substantially. The garden centre is located approximately 180 metres to the south of Market Street, which is the main road through Broadbottom village, and is accessed from here via Lymefield, which is an unadopted road. Lymefield also serves to provide access to the former Lymefield Visitor Centre, commercial premises at George Bray Mill Yard and to dwellinghouses at Lymefield Terrace, each to the north of the garden centre.
- 2.2 Access to the garden centre is from the north, via Lymefield. After entering the site, circulation is one-way around an amalgam of adjoining, single-storey buildings used for storage. On the western side of the circulation route there is an open plant sales area that occupies the north western part of the site, and immediately to the south of this there are conjoined, single-storey buildings laid out in an 'L-shaped' configuration, which accommodate the main indoor facilities associated with the garden centre business, including a retail area, farm shop, and tea rooms.
- 2.3 Car parking facilities are currently provided around the central building and in a portion of the site that extends to the south-east of the site towards the River Etherow. In total, the current arrangements can accommodate 45 cars.

## 3. PROPOSAL

- 3.1 The proposal is twofold:

- to remove the central, storage building and utilise the cleared site for car parking; and
- to develop a replacement storage building located at the north-eastern part of the wider site close to the southern side of the neighbouring mill.

3.2 The proposed arrangement would provide parking spaces for 58 cars, including three dedicated disabled spaces, together with three secure cycle storage spaces.

3.3 The proposed building would have a mono-pitched roof, rising from a height of 4.9m at the front to 4.4m at the rear. The front and side walls would be finished externally with tanalised timber cladding above a blockwork plinth. The rear wall, facing towards the mill, would be finished externally with green-coloured, profiled metal cladding above the plinth. The floor area would measure 10m x 16m.

#### **4. RELEVANT PLANNING POLICIES**

4.1 **Tameside Unitary Development Plan (UDP) Allocation**  
Allocated Green Belt

4.2 Part 1 Policies  
1.3: Creating a Cleaner and Greener Environment  
1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 **Part 2 Policies**  
OL1: Protection of the Green Belt  
T1: Highway Improvement and Traffic Management  
T7: Cycling  
T10: Parking

4.4 **Other Policies**

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

4.5 **National Planning Policy Framework (NPPF)**  
Section 2. Achieving Sustainable Development  
Section 12. Achieving Well-Designed Places  
Section 13. Protecting Green Belt Land

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. PUBLICITY CARRIED OUT**

5.1 The application has been advertised by means of neighbour notification letters being dispatched on 17 June 2020 to 10 addresses in Lymefield, Broadbottom and to Long Lane, Charlesworth; and, a notice being posted at the site on 22 June 2020, and being published in a local newspaper on 25 June 2020.

## **6. RESPONSES FROM CONSULTÉES**

- 6.1 The Head of Environmental Services (Highways) has raised no objections to the proposals.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 Two third party objections have been received. The reasons given for objecting are:
- Highway Safety: it is contended that the increased car parking provision could result in almost 1000 vehicle movements, including cars and delivery vehicles, each day along the unadopted, no-through road, so causing increased road safety hazards where there are walkers and people on-foot accessing play and picnic areas.
  - Noise: the potential for increased traffic movements will give rise to increased noise disturbance, particularly through the loading of aggregates.
  - Impact on the greenbelt. The expansion of the business has eroded the openness of the greenbelt, and will continue to do so.
- 7.2 It is alleged that information included in the application is incorrect, including the understatement of the parking provision.

## **8. ANALYSIS**

- 8.1 The site is located entirely within the greenbelt as allocated on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). Therefore, the main issues to consider are:
- The principle of the proposed development and whether the proposals represent inappropriate development within the greenbelt;
  - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development, including in terms of the impact on the visual amenities of the greenbelt;
  - The impact on residential amenities; and
  - Parking and highway safety.

## **9. PRINCIPLE**

- 9.1 At the time of its inception the garden centre operated principally from a single building alongside a storage building and open plant sales area.
- 9.2 The NPPF states that the fundamental aim of greenbelt policy is to prevent urban sprawl by keeping land permanently open and that their essential characteristics are their openness and permanence. Inappropriate development is, by definition, harmful to the greenbelt and so, with exceptions, the construction of new buildings is considered inappropriate in the greenbelt and should not be approved except in very special circumstances. An exception to inappropriate development is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 9.3 Although located in a different part of the site, the proposed building would replace the existing central storage building, and would be used for storage purposes in association with the



garden centre. In order to accommodate the new building an existing open-fronted, pre-fabricated top soil storage building would have to be removed. The proposed building would occupy an area of approximately 160sqm. The existing central storage building occupies an area of approximately 306sqm, and the soil store an area of approximately 64sqm. Each building being single-storey, it is not considered that the replacement building would be materially larger than the one it replaces. Moreover, the new building would occupy land where previously notification (ref. 18/00314/NAG) was issued in April 2018 that the prior approval of the local planning authority was not required for the development of an agricultural building. The replacement building would not protrude beyond the extent of the existing developed area at the garden centre and farm. Due to the confines of existing buildings, long distance views of the replacement building would be from the south only, and from where it would be seen against the background of the larger mill, and so not encroaching visually on the countryside. The proposed new building is therefore considered to be appropriate development in the greenbelt and compliant with policy OL1 of the UDP and Section 13 of the NPPF.

- 9.4 Demolition of the existing building is permitted development, subject to the prior approval of the local planning authority, where only the method of demolition and restoration of the site would be considered. The laying of a new hard surface in its place, constituting an engineering operation and thus development, will then require planning permission. The courts have established that areas of hard-standing have an impact upon the openness of the greenbelt and are thus harmful to the essential characteristic of permanent openness. The proposed new, hard surfaced car park is therefore considered to represent inappropriate development in the greenbelt and should not be approved unless very special circumstances can be demonstrated.
- 9.5 The provision of the hard surface is dependent upon the removal of the existing building. The impact of the existing building on the openness of the greenbelt is then far greater than would be that of the hard surfaced area. The parking of cars on the hard surface would impact on the openness of the greenbelt, but again to a lesser degree than the existing building, and cars might be parked on this land once the building is cleared without the need for any further express consent.
- 9.6 For the purposes of assessment in respect of the requirements of the NPPF, it is considered that, on balance, the removal of the central storage building and its replacement with a car park in the same location and a new building in a less conspicuous position within the site would enhance the openness of the greenbelt and so amount to the very special circumstances that are necessary so that the proposal is considered acceptable in principle and compliant with Policy OL1 of the UDP and Section 13 of the NPPF.

## **10. RESIDENTIAL AMENITY**

- 10.1 UDP policy 1.12 requires conflicts between industrial or commercial operations and the enjoyment of a clean and quiet residential environment be avoided. The nearest dwellings to the site are those at Lymefield Terrace immediately to the north of the garden centre. Further afield, there are houses in Market Street and Bostock Road some 200m to the north, and in Long Lane, Charlesworth, the nearest being approximately 300m to the north-east.
- 10.2 It is considered that sufficient distance would exist, or that adequate screening would be provided by the existing mill, between the proposed new building and any residential properties so as to ameliorate the impact of any activities in the building on the quietude of the residential environment. Whilst the new car park would give rise to the potential for increased traffic

movements, and manoeuvres, close to the houses in Lymefield Terrace, the removal of the storage building would diminish the associated activities, such as servicing, and loading and unloading to and from the store, and so, on balance, any existing residential amenities would not be impacted unduly by the new arrangements. The requirements of policy 1.12 are satisfied.

## **11. PARKING AND HIGHWAY SAFETY**

- 11.1 The new building would be a replacement storage building and would not constitute an increase in the retail area. The new arrangements are intended to improve facilities, and the general environment, within the garden centre. The application proposes to formalise the car park layout, whilst increasing car parking provision, and creating signed access and egress, and guidance arrows around the car park. By formalising and improving the access/egress, and parking arrangements, and meeting the car parking standards given by the UDP, in terms of the impact on parking and highway safety the proposal is acceptable and complies with policies T1 and T10 of the UDP and with Section 9 of the NPPF.

## **12. CONCLUSION**

- 12.1 Unlike the proposed replacement building, the laying of a new hard surface is considered to represent inappropriate development within the greenbelt. However, the fact that the proposals overall, which are interdependent, would serve to increase the openness of the greenbelt, without impinging unduly on the visual amenity provided by that openness, are considered to constitute the very special circumstances that are necessary to allow for the development to be permitted. In these circumstances, there being no other material considerations to indicate otherwise, the proposal constitutes a sustainable development that conforms to the relevant requirements of the UDP and the NPPF and the recommendation is therefore that planning permission be granted.

## **RECOMMENDATION**

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

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

The Location Plan;  
The Existing Site Plan – ref. 20.3/5, and  
The New Store Building Details – ref. 20.3/6, received on 03.06.2020.

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

- 3) Other than the demolition of the existing building, as indicated on the approved plan ref. 20.3/5, the development hereby approved shall not commence until details of a scheme for the sustainable drainage of surface water from the new hard surfaced area, as indicated on the approved plan ref. 20.03/4A, has been submitted to, and approved in writing by, the local planning authority. The drainage scheme must include:
- i. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - iii. A timetable for its implementation.

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

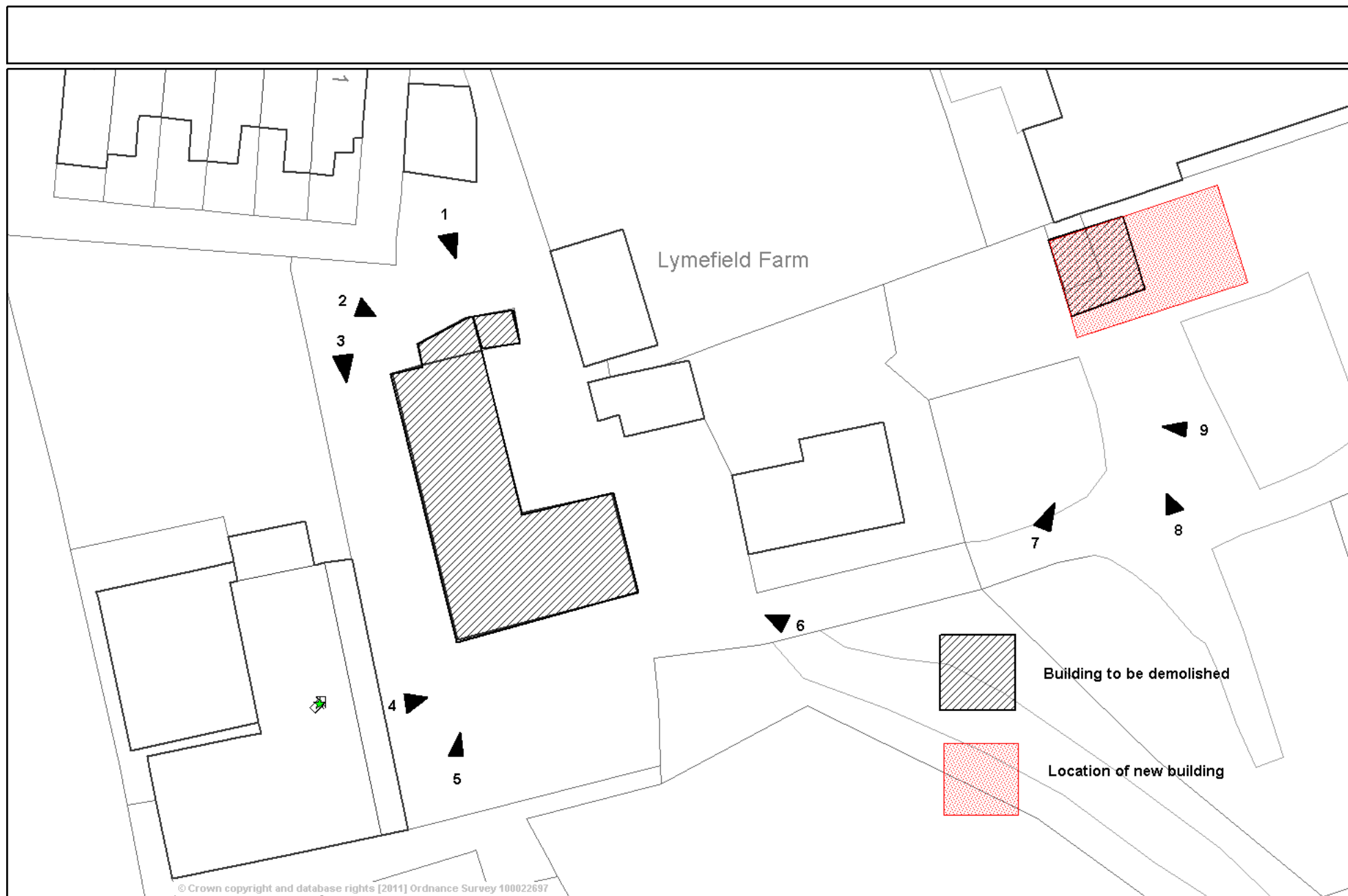
The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 4) The new building hereby approved, as indicated on the approved plans ref. 20.03/4A and ref. 20.3/6, shall be used for storage purposes only. No retail sales shall take place from the building directly.

Reason: To ensure an appropriate development in the greenbelt.





This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office (c) Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Scale 1/500

Centre = 399644 E 393465 N

Date 22/6/2020

Photo 1



Photo 2



Photo 3



Photo 4





Photo 5



Photo 6





Photo 7



Photo 8



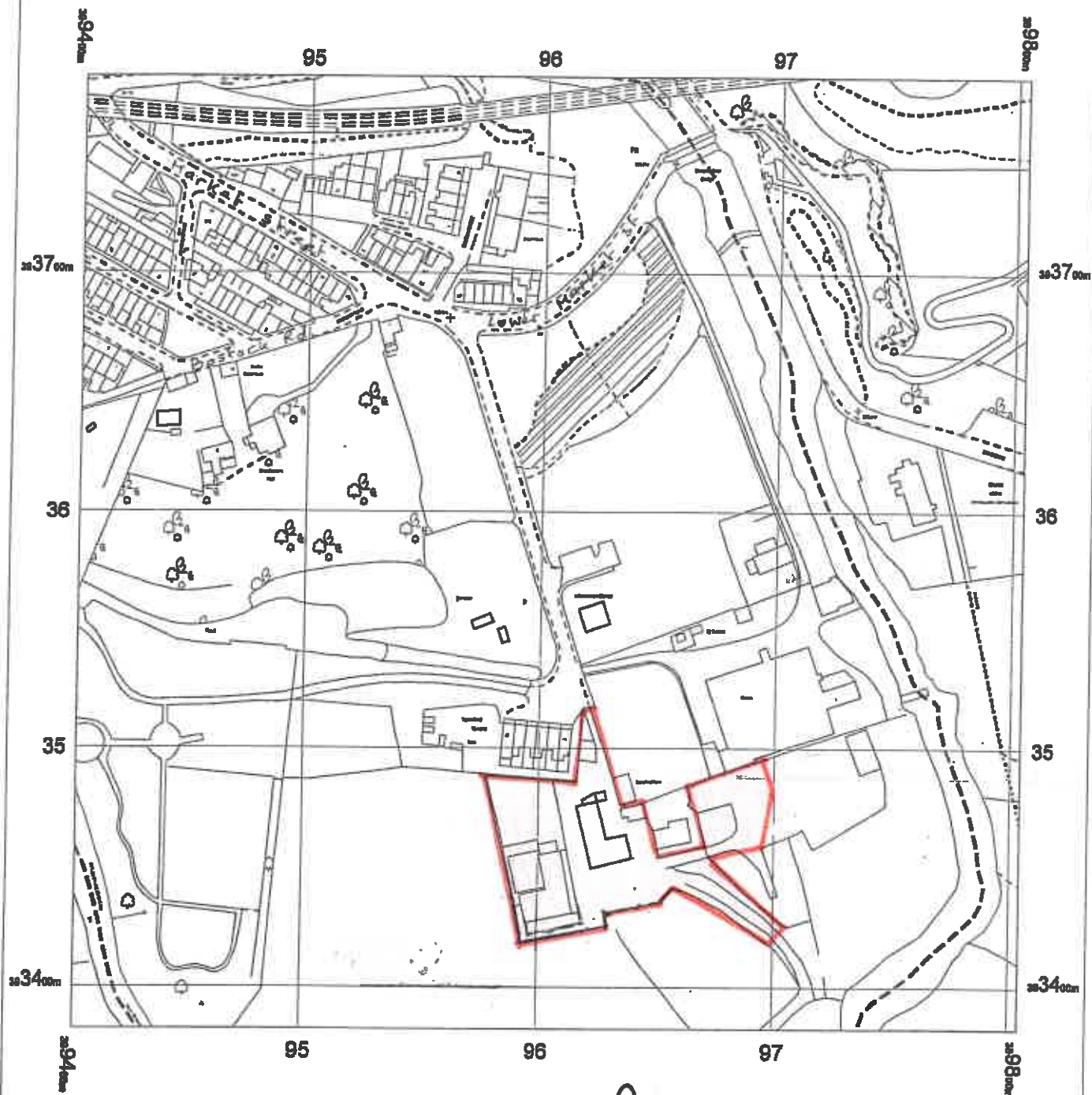


Photo 9

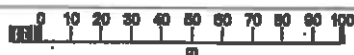


Site Notice posted 22/06/20





## Location Plan



LYMEFIELD GARDEN  
CENTRE  
BROAD BOTTOM  
HYDE  
SK14 6AG

OS MasterMap 1250/2500/10000 scale  
28 November 2016, ID: BW1-00678784  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:2500 scale print at A4, Centre: 399604 E, 393582 N

©Crown Copyright and database rights 2016 OS  
100019980



**BLACKWELL'S**  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

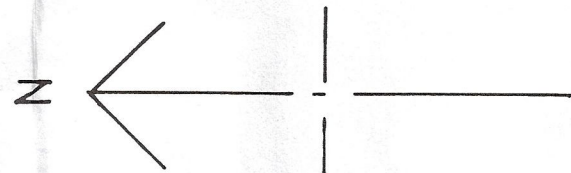
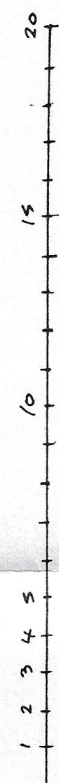
TEL: 0114 298 7888  
[maps.sheffield@blackwell.co.uk](mailto:maps.sheffield@blackwell.co.uk)

This page is intentionally left blank



existing site plan

scale 1:200



yard area

existing open fronted  
topsoil store to be  
demolished

gates

field

staff and overflow  
carpark

field

carpark

existing open  
garden centre store to  
be demolished

access road



This page is intentionally left blank

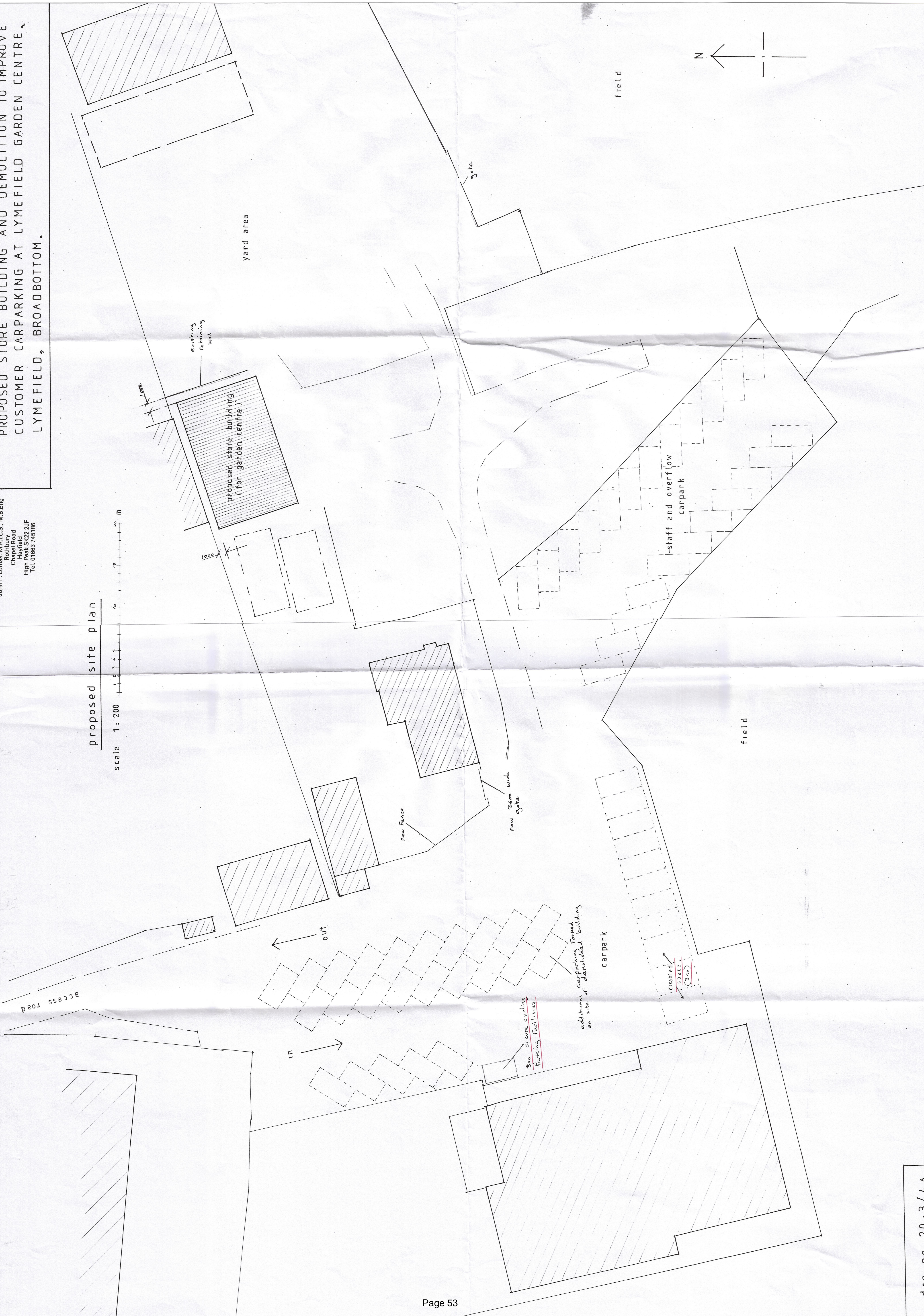


PROPOSED STORE BUILDING AND DEMOLITION TO IMPROVE  
CUSTOMER CARPARKING AT LYMEFIELD GARDEN CENTRE,  
LYMEFIELD, BROADBOTTOM.

John F. Lomas M.R.I.C.S., M.B.Eng  
Rothbury  
Cape Road  
High Peak SK22 2JF  
Tel. 01663 745186

proposed site plan

scale 1:200

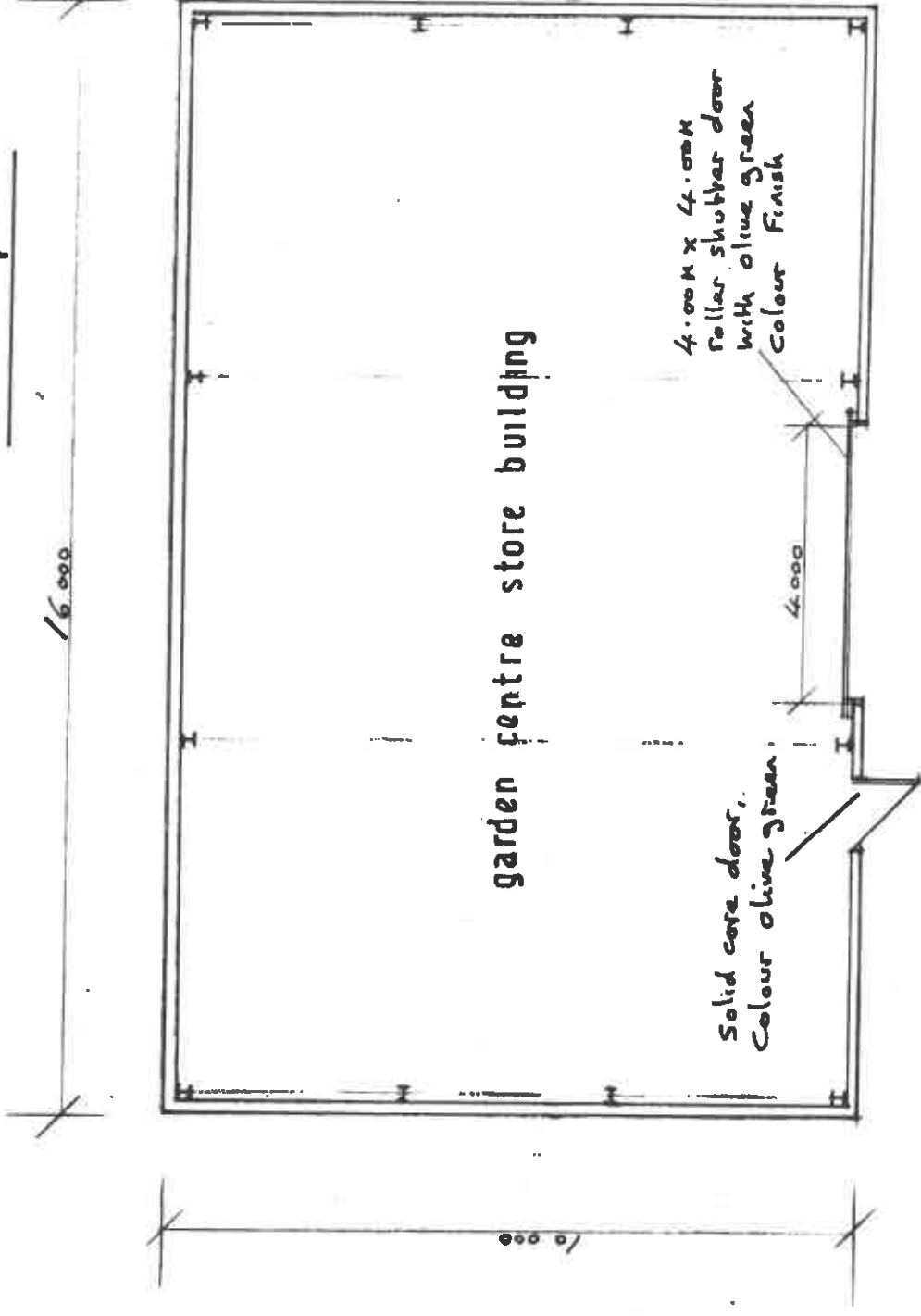




This page is intentionally left blank

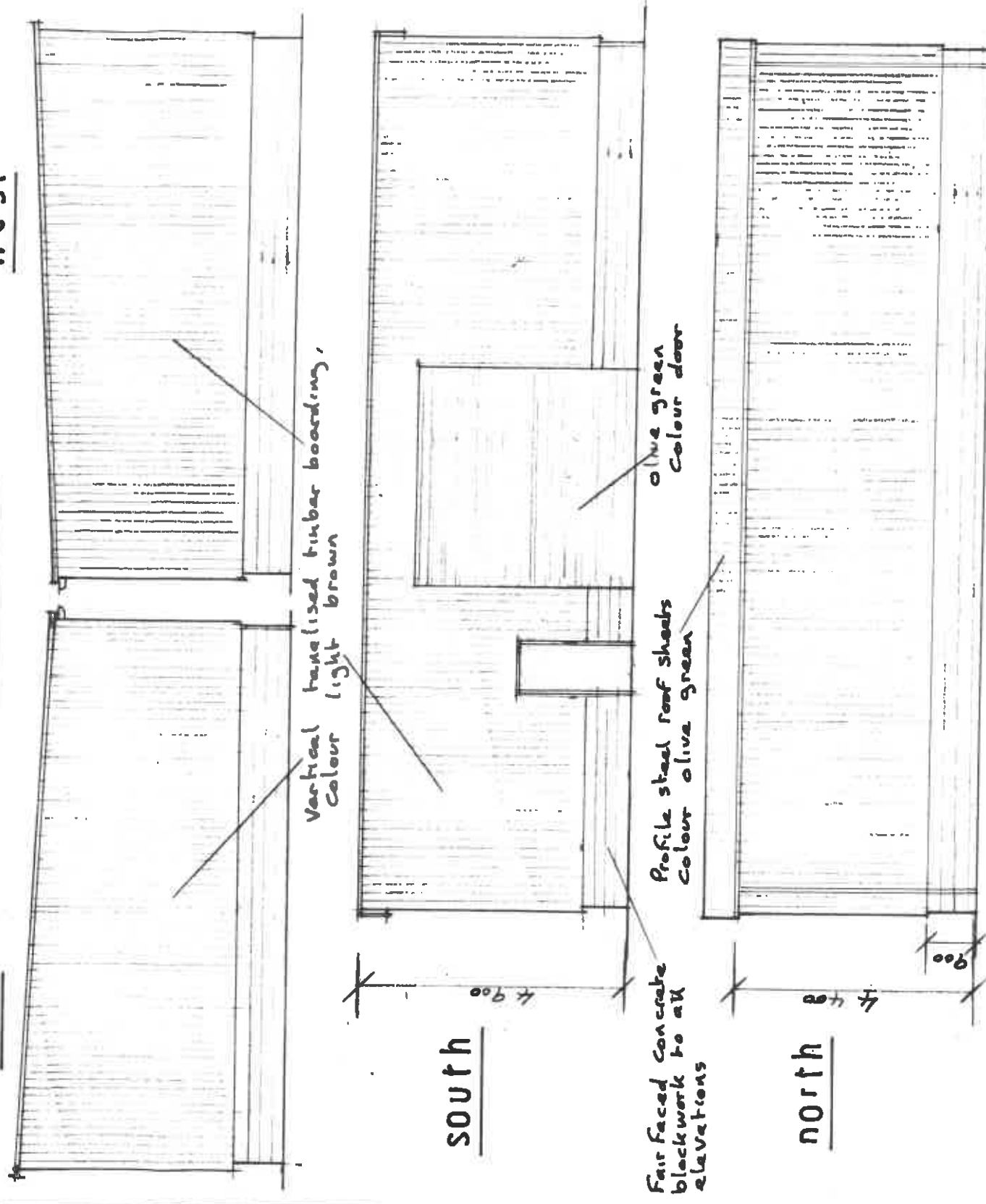
scale 1:100

7 m

elevations

east

west



Profile steel cladding  
Colour olive green

## new store building details

drg no 20.3/6

This page is intentionally left blank

**Application Number** 21/00804/FUL

<b>Proposal</b>	Erection of 1 no. open sided waste paper storage building, 3 no. site welfare cabins, 1 no. prefabricated sub-station building and 1 no. brick built meter building (retrospective application).
<b>Site</b>	Saica Natur Limited, York Street, Audenshaw, M34 5TN
<b>Applicant</b>	Saica Natur Limited
<b>Recommendation</b>	Members resolve to grant planning permission.
<b>Reason for Report</b>	A Speakers Panel decision is required because the application constitutes a major development.

## 1. APPLICATION DESCRIPTION

- 1.1 The application seeks retrospective planning permission for the erection of six buildings within the site. One of the buildings is open-sided, utilised for the storage of waste paper. This is joined by three site welfare cabins; one prefabricated sub-station building; and one brick built meter building.
- 1.2 The open-sided building includes a sloping roof, and measures a total height of 7.65m, with a floor space of 18m by 12m. The building consists of a profile metal cladding roof and upper sections, atop block walling, with grey UPVC gutters and downpipes.
- 1.3 The site welfare cabins each measure approximately 2.3m in height, and consist of green clad elevations. The largest measures 9.2m by 2.8m; the second 7.4m by 2.8m; and the third 3.7m by 2.6m.
- 1.4 The sub-station measures 2.88m in height, and has a flat roof, and the meter building measures 2.36m in height, also with a flat roof.
- 1.5 The application has been supported with the following documents:
  - Design & Access Statement
- 1.6 The supporting information states that the site is a 2-acre depot incorporating a range of recycling and processing facilities covering paper grades, cardboard and extensive confidential shredding services. The depot receives collections of waste paper that can include skips, bulk containers, curtain sided articulated vehicles and “moffet” mounts. The depot then sorts the paper and card waste into paper grades and cardboard material. The existing high-sided industrial unit houses the compacting unit that takes the deliveries and compacts the product into individual 900kg compressed bales of paper or card.
- 1.7 The supporting information notes that whilst the use is long since established, the requirements for storage of paper bales has changes and the preference is that this is now stored under cover where possible. Planning approval for a large open-sided storage building (ref: 19/00751/FUL) remains extant, but the shelter subject of this application was constructed due to urgent need, and due to constraints of the Covid-19 pandemic. The applicant has stated that the sub-station and meter building were constructed in June 2020, and the three welfare cabins in 2014. These assist in providing essential utility provision for the site and staff welfare facilities respectively.

## 2. SITE & SURROUNDINGS

- 2.1 The site is located at the end of and to the north of York Street, at its junction with Poland Street, Audenshaw. The site comprises an established industrial use, which is bound by Poland Street to the south and the Ashton Canal to the north.
- 2.2 The surrounding area is characterised by a mixture of uses. An industrial building is situated to the south, alongside residential dwellings along Poland Street and York Street, and a primary school to the east of those properties. Existing fencing and buildings define the boundary of the site with Poland Street.
- 2.3 The application site is within an accessible area on the road network, close to the A6140, accessed beyond York Street to the south.

### **3. PLANNING HISTORY**

- 3.1 19/00751/FUL: Erection of open sided extension to provide additional site storage – Approved subject to conditions
- 3.2 00/00748/FUL: Proposed replacement workshop/store - Approved subject to conditions
- 3.3 95/00314/FUL: Erection of a new warehouse and process plant - Approved
- 3.4 78/00515/FUL: Erection of a single storey warehouse to store paper bales - Approved
- 3.5 74/00320/FUL: Erection of a bailing Shed - Approved

### **4. RELEVANT PLANNING POLICIES**

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation:** Established Employment Area (E3).

#### **4.2 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
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

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

- E3: Established Employment Areas
- E6: Detailed Design of Employment Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention

#### **4.4 Other Policies**

Employment Land Supplementary Planning Document adopted January 2009



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

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

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. PUBLICITY CARRIED OUT**

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

- Neighbour notification letters to 36 premises;
- Display of site notices; and
- Advertisement in the local press.

### **6. RESPONSES FROM CONSULTEES**

6.1 Canal and River Trust – No comment to make on this application.

6.2 Contaminated Land – Initially requested a statement demonstrating no contamination was encountered during any groundworks at the site. Since this has been provided, no further issues or objections raised.

6.3 Environmental Health Officer – No objections.

6.4 Environment Agency – No objections. Wishes to note that the applicant must be aware of the conditions of their T4 waste exemption and not exceed the limits prescribed therein.

6.5 Highway Authority – No objections. Recommends that cycle parking be provided.

6.6 Lead Local Flood Authority – No objections.

### **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 There have been no public comments received in relation to the development.

### **8. ANALYSIS**

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

- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - specific policies in the Framework indicate development should be restricted.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 6 of the NPPF is entitled “Building a strong, competitive economy”. Paragraph 81 states that ‘planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’
- 9.2 The site has a longstanding established employment allocation, adjacent to the Ashton Canal.
- 9.3 Policy E3 relates specifically to employment sites and is applicable to the proposals. It states that, in established employment areas, the Council will permit development for employment purposes. The erection of the additional main open-sided storage building allows for storage of paper bales, with preference that this take place under cover where possible. Although the site benefits from planning approval for a larger building for these purposes (ref: 19/00751/FUL), the smaller building subject to this application was erected during the Covid-19 pandemic, with the applicant stating the increase in demand and requirement for covered storage was urgent. The applicant has stated that the sub-station and meter building were constructed in June 2020, and the three welfare cabins in 2014. These assist in providing essential utility provision for the site and staff welfare facilities respectively. It is considered that these buildings yield direct economic outputs, contributing to the economy and provide ongoing employment opportunities as the use of the operation has advanced. The investment and long-term commitment to the presence and operation of the use in Audenshaw is welcomed. The further expansion of the business is likely to safeguard existing jobs and lead to job creation opportunities in the future. This investment is welcomed and it fully accords with the strategic objectives of the Council.
- 9.4 The principle of development is considered to be acceptable, the proposals would be fully compliant with the site allocation and meets the test of policy E3 ‘Established Employment Areas’ subject to all other material considerations being satisfied.

## **10. DESIGN & LAYOUT**

- 10.1 Policy E6 ‘Detailed Design of Employment Developments’ sets out a number of design based criteria to be applied in the consideration of new employment development. The site itself is viewed as being more self-contained in comparison to neighbouring uses. Although public views are provided into the site, it already houses an established industrial and employment

use and this character is clearly established. The proximity of the site to the Ashton Canal and its potential impacts are an important consideration.

- 10.2 The location of the buildings are not viewed as being contentious. Their position is to the far south western section of the site, broadly screened from immediate public views by the existing boundary treatment to Poland Street to the south. The buildings are visible from the A6140 highway that wraps to the south west of the site, but this is at an elevated level and the buildings are viewed in the same context as those existing. An existing building is situated further north within the site toward the boundary with the Ashton Canal, and there is a substantial yard area separating the buildings from that boundary. It is considered that the proposals would not impact further upon the setting of the canal than the existing situation. The Canal and River Trust have raised no objections.
- 10.3 The design is considered acceptable meeting the criteria of policy E6. The elevations are of a functional, industrial appearance similar to other buildings within the confines of the site, and those which are situated close by. The appearance of the scheme is thereby considered to be acceptable in this regard.

## **11. RESIDENTIAL AMENITY**

- 11.1 The site is not bounded immediately by any residential properties and is located within an established employment area. There are residential properties located to the south of the site along Poland Street and York Street.
- 11.2 It is considered that the main source of additional noise through the proposals would be the open sided building, however this is utilised primarily for storage purposes.
- 11.3 Environmental Health officers have raised no objections to the scheme, and it is not considered that any significant additional disturbance over and above the normal operations of the site would occur.
- 11.4 Collectively having regard to the above, it is considered that the relationship to nearby residential properties would be acceptable with their amenity not being unduly prejudiced.

## **12. HIGHWAY SAFETY & ACCESSIBILITY**

- 12.1. Consultation has taken place with the LHA, who have confirmed that the additional vehicle trips generated by the development are likely to be minimal, and would not have a residual cumulative impact upon the road network that would be severe.
- 12.2 The LHA furthermore note that the development proposes no further requirement for parking, with the buildings proposed generally supporting the existing operations of the business. This would allow for covered storage of paper, improving rather than expanding the business, and the welfare facilities would enhance the provision for existing staff.
- 12.3 The LHA has recommended that covered cycle parking provision be provided within the site. This however is not considered necessary given the explanations provided within paragraphs 12.1 and 12.2, noting that the buildings are proposed to support rather than expand the existing use and operations. Should the business expand in future or seek additional facilities, it may be necessary to provide cycle parking provision at that time.
- 12.4 Having full consideration to the merits of the proposals it is considered that the development provides a safe, secure and convenient access for all road users in accordance with UDP policy T1.

### **13. GROUND CONDITIONS**

- 13.1 The Council's Environmental Protection Officer (EPO) notes that potential sources of contamination have been identified on the site, occurring from previous uses. These include the Iron Foundry and Cotton Mills (mid to late nineteenth century); Union Mills, which handled waste rubber, and tanks were associated with this use (approximately 1930s) and the Corporation Yard and Works (approximately 1950s). Furthermore, the site is situated approximately 20m east of the former Groby landfill site. Noting that the buildings have already been constructed at the site, the EPO requested submission of a signed statement as evidence that no contamination was encountered during the groundworks for the buildings.
- 13.2 Since the applicant has provided such confirmation, the EHO has reviewed this information and raises no further objections. It is therefore considered that the scheme is acceptable with regards to ground conditions and contamination.

### **14. DRAINAGE**

- 14.1 The Environment Agency have raised no objections to the scheme, however they note that the applicant must be aware of their obligations under a separate waste arrangement (T4 Waste Exemption). As this does not fall under the remit of the planning system, an informative is recommended advising the applicant of this.
- 14.2 The Lead Local Flood Authority (LLFA) note that the proposal is retrospective, with works already completed. The LLFA consider that, as the proposal is built on an existing concrete yard, there has been no increase in impermeable area, and that existing drainage has been retained. The LLFA note that the new structures are moderate in size, and therefore do not require any further measures to be imposed with regards to surface water. In conclusion, the LLFA raise no objections, and it is considered that the application would be acceptable in this regard.

### **15. ECOLOGY**

- 15.1 As noted earlier, the site lies adjacent to the Ashton Canal, sharing the northern boundary of the site. Other built development and hardstanding is situated within the site closer to the canal than the development proposed.
- 15.2 It is not considered that the development would unduly impact upon the ecology of the canal. The Canal and River Trust have raised no objections, and although no comments have been received from the Ecology Unit, it is considered that the existing site situation would not lead to a detrimental ecological impact following the proposals.

### **16. CONCLUSION**

- 16.1 The proposal is considered to comply with local and national planning policy in that it would support economic development on an established employment site. The associated investment would secure economic, social and environmental benefits fully in line with aspirations of sustainable development. The continued job availability as a result of the employment site would secure continued economic benefits to the local economy.
- 16.2 The application has adequately demonstrated that the site is of an appropriate size to accommodate the scale of the employment development proposed. Its location within an established employment area with good access to the strategic highway network.

- 16.3 The design of the building would be of a sufficient quality which reflects the industrial and employment use of the site. The scale and choice of material, and position of the buildings, would not detract from the setting of the adjacent Ashton Canal.
- 16.4 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

**RECOMMENDATION:**

Grant planning permission, subject to the following condition:

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

Site location plan (dwg no. 2115-GTA-ZO-00-DR-A-1003).

Existing site layout (as built) (dwg no. 2115-G&T-ZO-00-DR-A-1001).

Existing elevations & plans (dwg no. 2115-G&T-ZO-00-DR-A-1002).

Reason: for the avoidance of doubt.



This page is intentionally left blank

**Application Number 21/00804/FUL**

**Erection of 1 number open sided waste paper storage building, 3 no. site welfare cabins, 1 prefabricated sub-station building and 1 no. brick built meter building (retrospective application).**

---

**Photo 1: Aerial view of site**



**Photo 2: Entrance to site off York Street**



**Photo 3: Open-sided waste paper storage building**





**Photos 4 and 5: boiler room and meter room**







Photo 6: Welfare cabins





NOTES:  
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.  
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.  
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

All relevant boundary positions are to be checked prior to proceeding.



Rev	Revision	Int.	Date
-----	----------	------	------

Client:

Saica Natur

Project:  
Retrospective application for covered shelter /  
Storage building & Site cabins.

Location:  
York street  
Audenshaw  
Manchester  
M34 5TN

Good & Tillotson Chartered Architects

2 The Studios,  
318 Chorley Old Road,  
Bolton,  
BL1 4JU

Tel: 01204 497700

Email : info@goodandtiltson.co.uk  
Web: www.goodandtiltson.co.uk



Drawing Title:

Site Location Plan

G&T Job No:	Scale:	Drawn:	Checked:	Date:
2115	1:1250@A3			22.06.21

Drawing Purpose:	Status:	Revision:
PLANNING		S1

BIM Project:	Origin:	Zone:	Level:	Type:	Role:	Dwg No:
2115-GTA-Z0-00-DR-A-1003						

This page is intentionally left blank



NOTES:  
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.  
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.  
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

All relevant boundary positions are to be checked prior to proceeding.

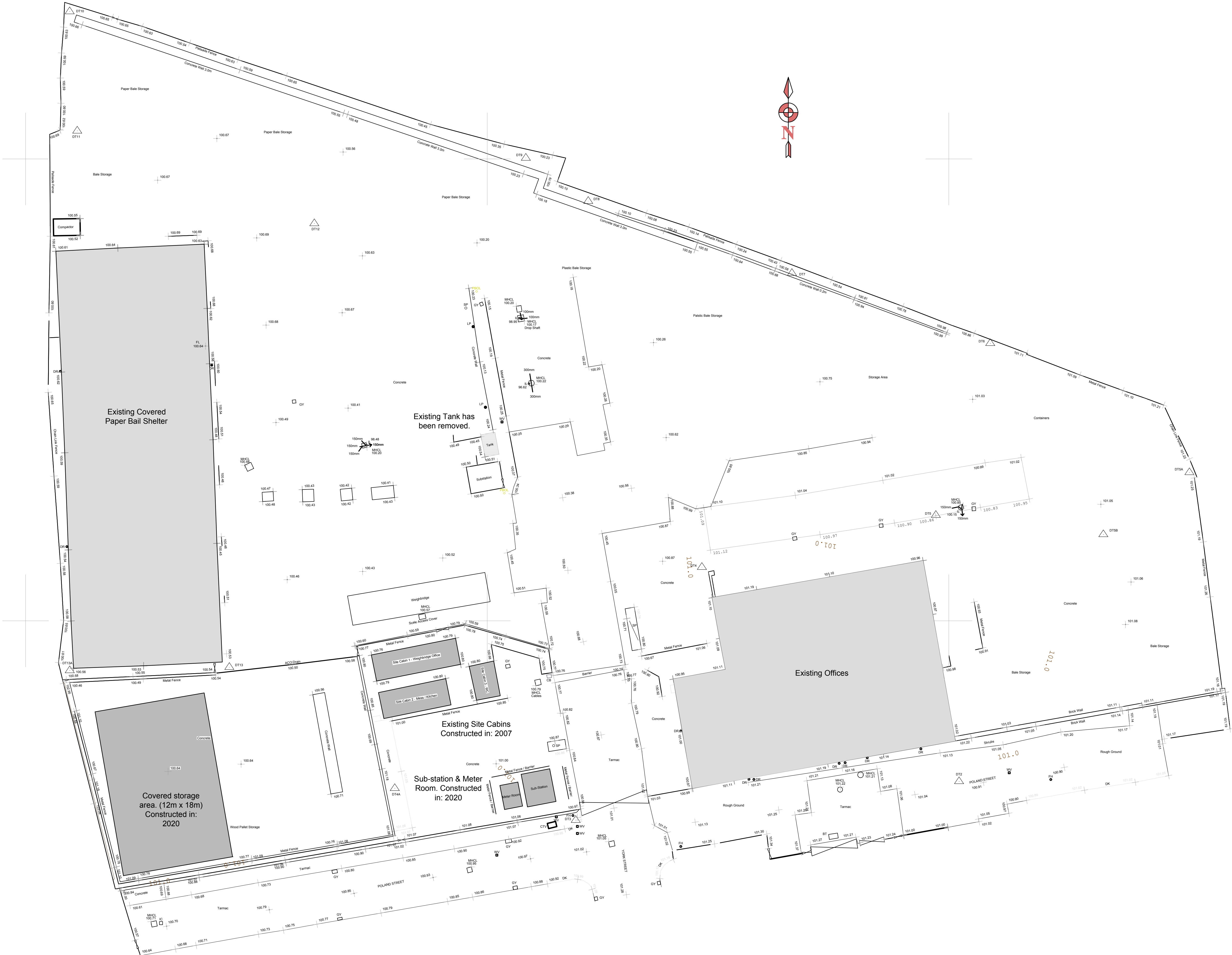
Rev	Revision	Int.	Date
Client:			
Saica Natur			
Project:			
Retrospective application for covered shelter / Storage building & Site cabins.			
Location:			
York street Audenshaw Manchester M34 5TN			
Good & Tillotson Chartered Architects			
2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU			
Tel: 01204 497700			
Email : info@goodandtillotson.co.uk			
Web: www.goodandtillotson.co.uk			
Drawing Title:			
Existing Site Layout (Prior to erection of buildings requiring retrospective approval)			

G&T Job No:	Scale:	Drawn:	Checked:	Date:
2115	1:200@A1	AR	RPW	29.03.21
Drawing Purpose:				
Status:				
Revision:				
PLANNING				
BIM Project:				
Origin:				
Zone:				
Level:				
Type:				
Role:				
Dwg No:				

2115-G&T-Z0-00-DR-A-1004

This page is intentionally left blank





NOTES:  
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.  
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.



ALL LEVELS TO BE CHECKED ON SITE.  
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

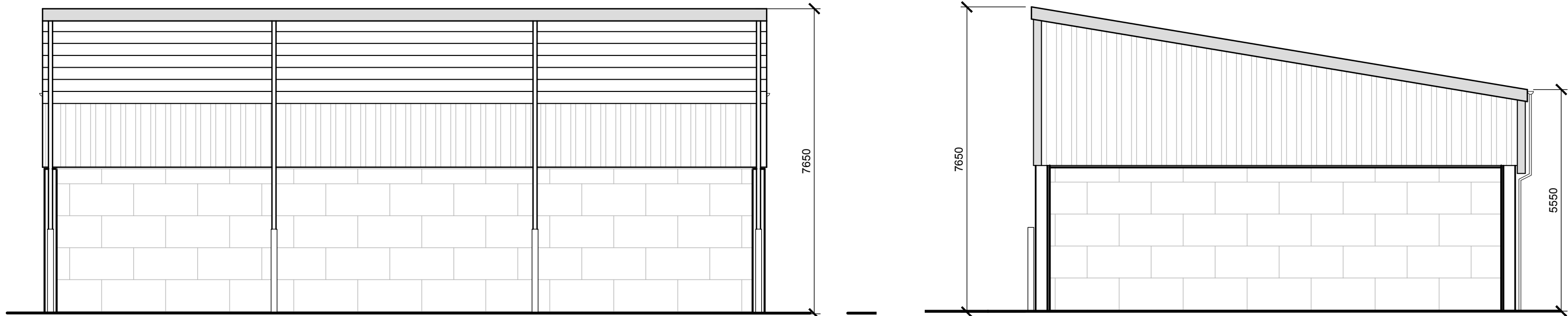
All relevant boundary positions are to be checked prior to proceeding.

Rev	Revision	Int.	Date
Client:			
Saica Natur			
Project:			
Retrospective application for covered shelter / Storage building & Site cabins.			
Location:			
York street Audenshaw Manchester M34 5TN			
Good & Tillotson Chartered Architects			
2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU			
Tel: 01204 497700			
Email : info@goodandtillotson.co.uk Web: www.goodandtillotson.co.uk			
Drawing Title:			
Existing Site Layout (As built)			

G&T Job No:	Scale:	Drawn:	Checked:	Date:		
2115	1:200@A1			29.03.21		
Drawing Purpose:		Status:		Revision:		
PLANNING						
BIM Project:	Origin:	Zone:	Level:	Type:	Role:	Dwg No:
2115-G&T-Z0-00-DR-A-1001						

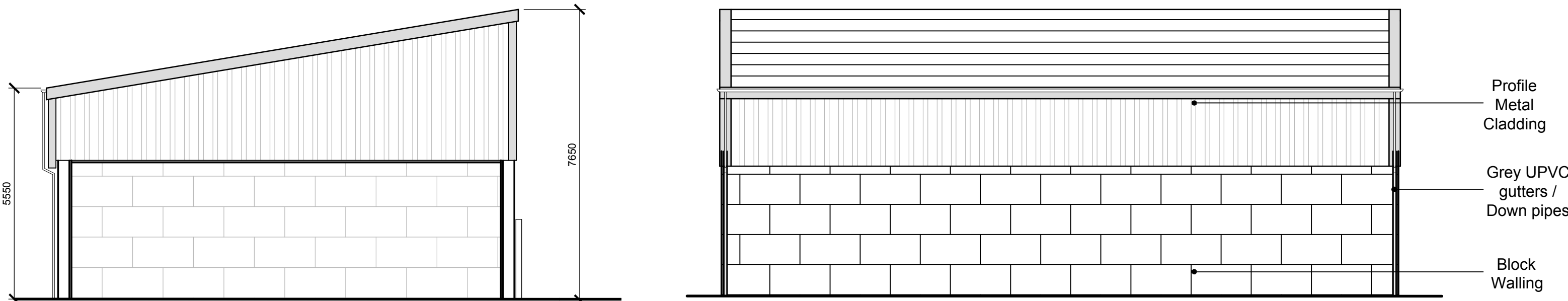


This page is intentionally left blank



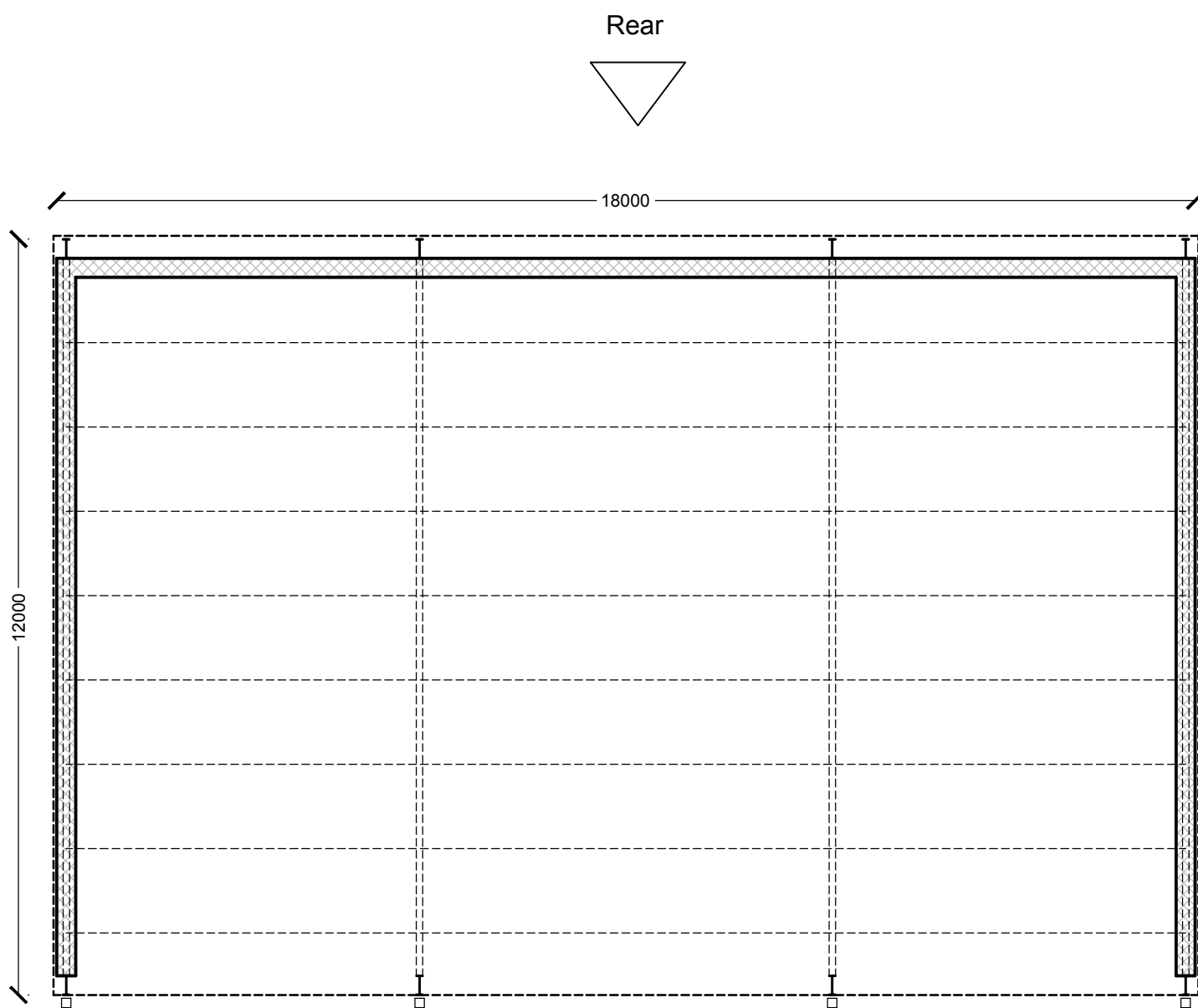
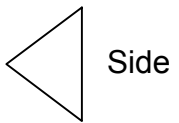
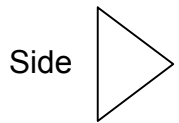
Existing Covered Storage Area: Front Elevation  
1:100@A1

Existing Covered Storage Area: Side Elevation  
1:100@A1

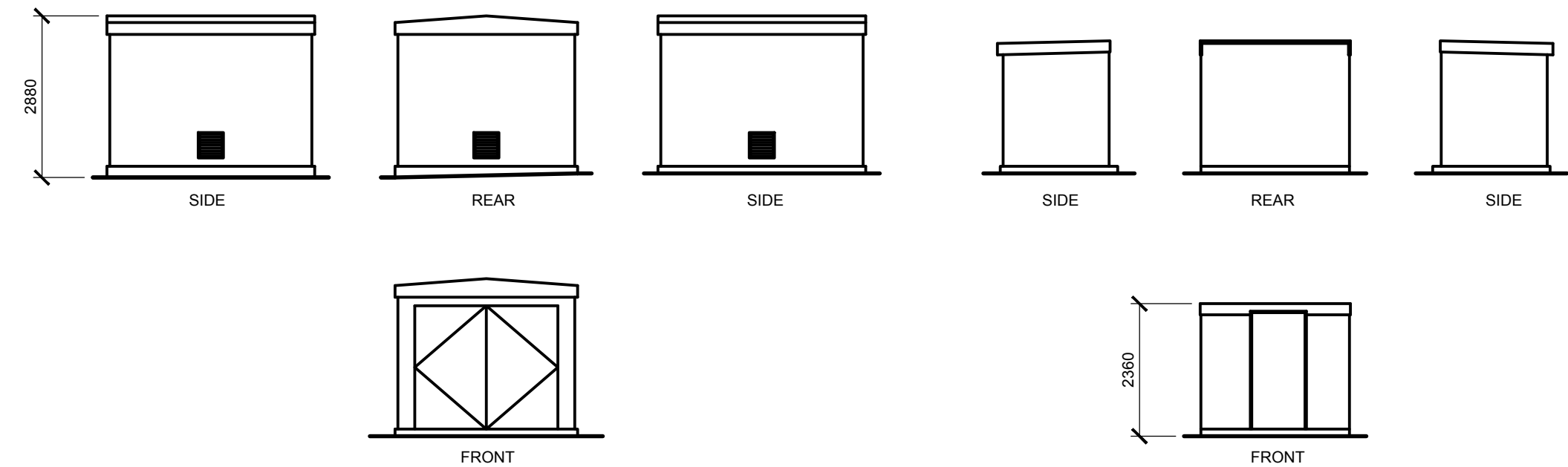


Existing Covered Storage Area: Side Elevation  
1:100@A1

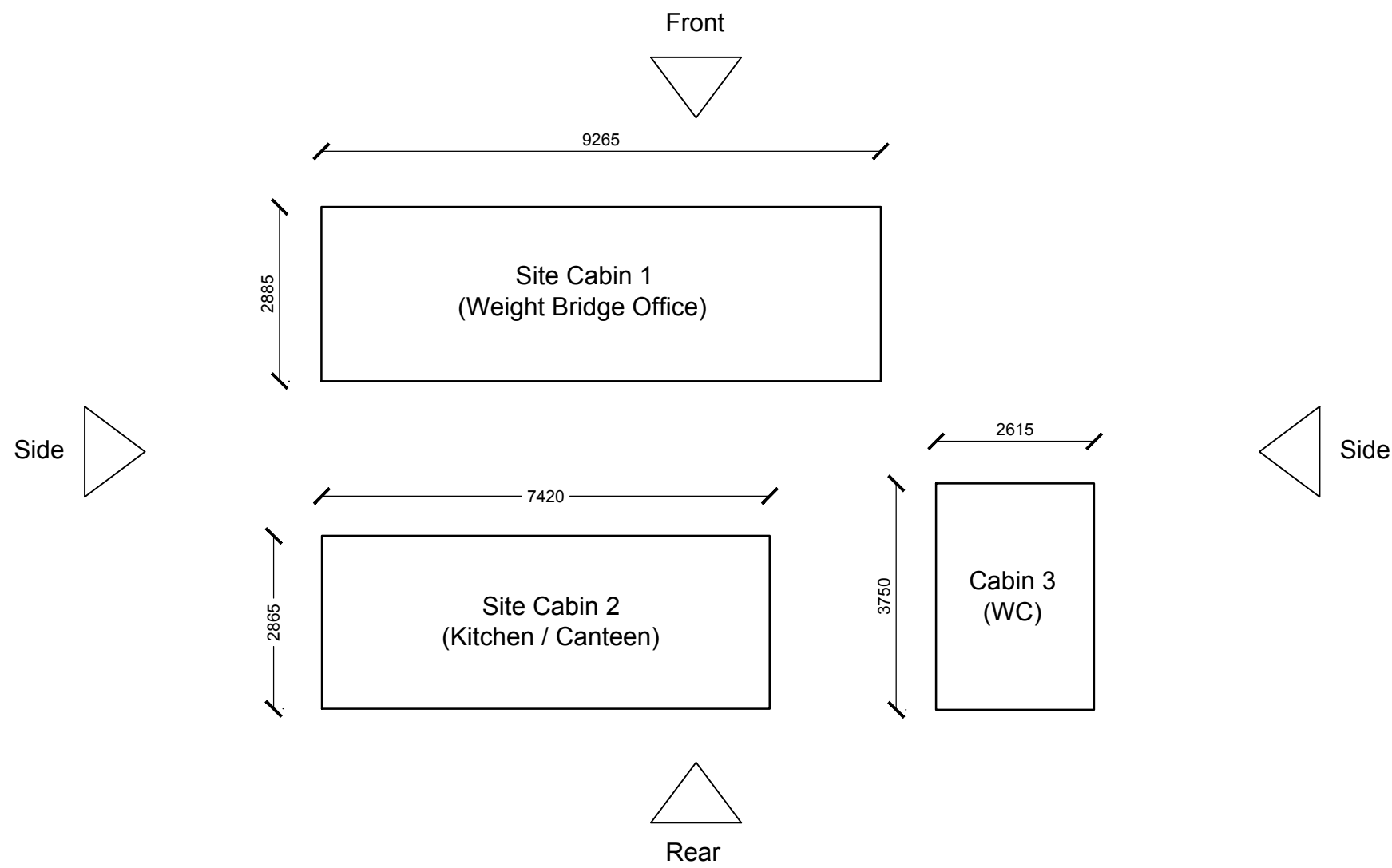
Existing Covered Storage Area: Rear Elevation  
1:100@A1



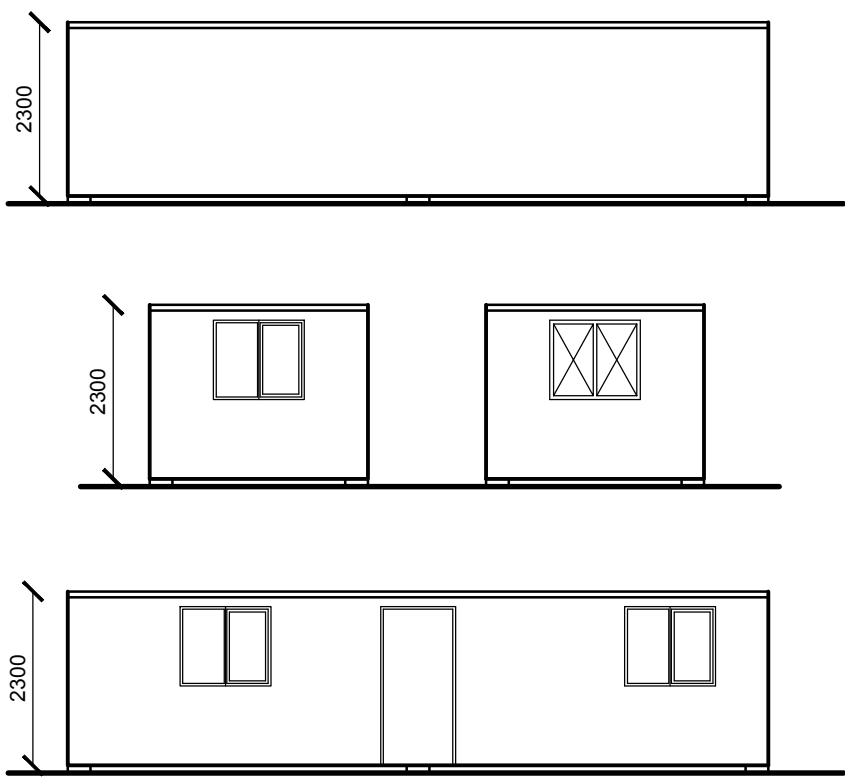
Existing Covered Storage Area: Floor Plan  
1:100@A1



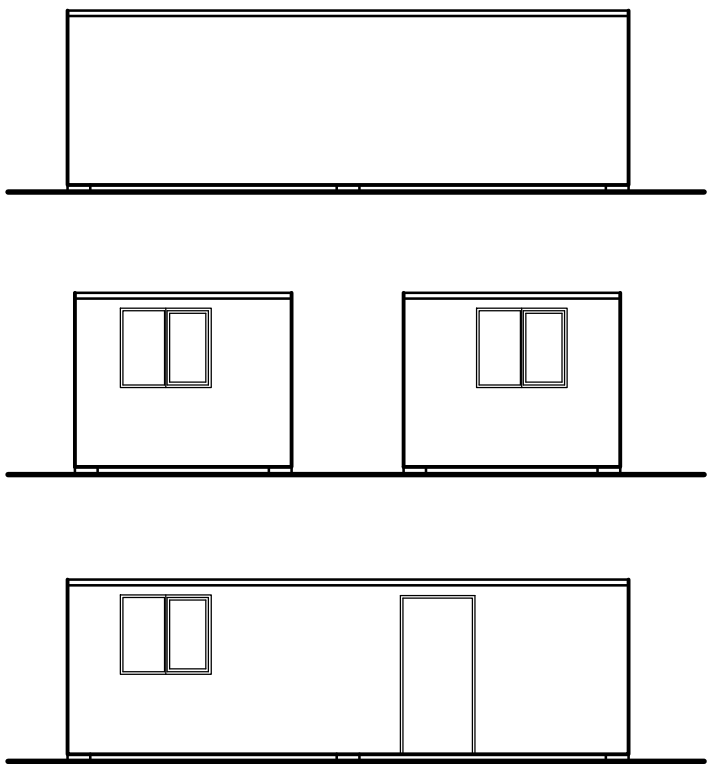
Existing Sub-station & Meter Room: Elevations  
1:100@A1



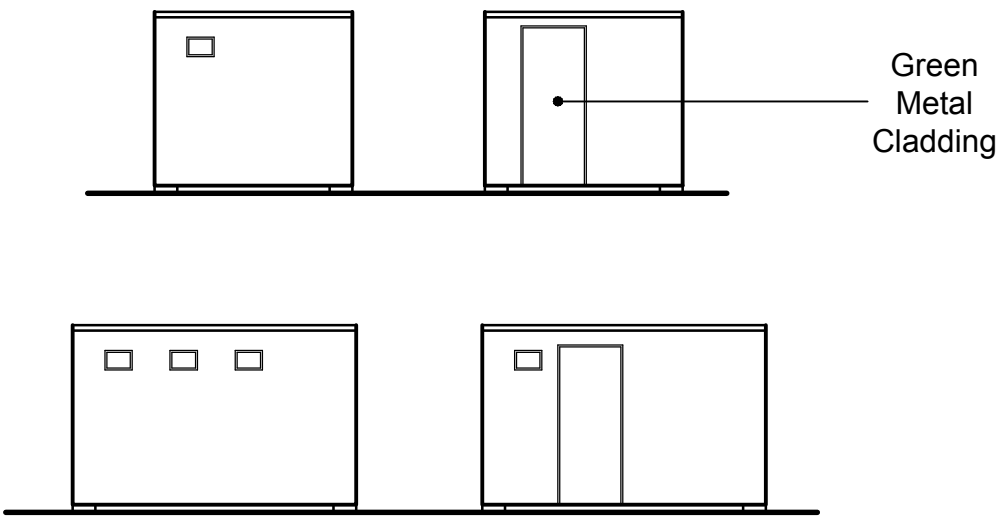
Existing Site Cabins: Floor Plan  
1:100@A1



Existing Site Cabin 1 : Elevation(s)  
1:100@A1



Existing Site Cabin 2: Elevation(s)  
1:100@A1



Existing Site WC: Elevation(s)  
1:100@A1

NOTES:  
Copyright in all documents prepared by the architect and any works executed from these documents and drawings, shall unless otherwise agreed, remain the property of the architect and must not be reproduced by, lent or disclosed to, a third party without the written consent of Good and Tillotson.

DO NOT SCALE OFF THIS DRAWING.  
All dimensions to be checked on site and any discrepancies to be referred to the architect before proceeding.

ALL LEVELS TO BE CHECKED ON SITE.  
All discrepancies between information shown on the drawings and the information in the specification to be referred to the architect before proceeding.

All component sizes and references to be checked prior to the ordering of materials.

Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure they are suitable to accommodate additional capacity and the type of effluent being connected.

All relevant boundary positions are to be checked prior to proceeding.

Rev	Revision	Int.	Date
Client:			
Saica Natur			
Project:			
Retrospective application for covered shelter / Storage building & Site cabins.			
Location:			
York street Audenshaw Manchester M34 5TN			
Good & Tillotson Chartered Architects			
2 The Studios, 318 Chorley Old Road, Bolton, BL1 4JU			
Tel: 01204 497700			
Email : info@goodandtillotson.co.uk			
Web: www.goodandtillotson.co.uk			
Drawing Title:			
Existing Elevations & Plans (As Built)			

G&T Job No:	Scale:	Drawn:	Checked:	Date:
2115	1:100@A1			29.03.21
Drawing Purpose:				
PLANNING				
BIM Project:	Origin:	Zone:	Level:	Type:
2115-G&T-Z0-00-DR-A-1002				

This page is intentionally left blank

## Appeal Decision

Site Visit made on 31 August 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: 01 November 2021**

**Appeal Ref: APP/G4240/Z/21/3276343**

**Land at Stockport Road & Corner of Birch Street, Ashton Under Lyne  
OL7 0NP**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Wildstone Group Ltd against the decision of Tameside Metropolitan Borough Council.
- The application Ref 21/00301/ADV, dated 11 February 2021, was refused by notice dated 28 April 2021.
- The advertisement proposed is conversion of 2x 48-sheet illuminated advertising displays to 1x 48-sheet digital advertising display.

### 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). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations<sup>1</sup> to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

### Main Issue

5. The Council has no objection to the proposal on the grounds of visual amenity. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter.

<sup>1</sup> The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

6. Therefore, the main issue is the effect of the advertisement on public safety with particular regard to the safety of highway users.

### **Reasons for the Recommendation**

7. The PPG in its section on advertisements states that all advertisements are intended to attract attention, with those proposed at points where drivers need to take more care more likely to affect public safety. Furthermore, it advises that the main types of advertisement which may cause danger to road users are those which are illuminated which could be mistaken for, or confused with, traffic lights and those subject to frequent changes of the display. Moreover, those which, because of their size or siting, would obstruct or confuse a road-user's view, or reduce the clarity or effectiveness of a traffic sign or signal could also pose a risk to highway safety.
8. The proposed advertisement would replace two externally illuminated advertisement hoardings with one digital display. It would be visible to drivers approaching the crossroads with Birch Street and Stockport Road. Although the new advertisement would be unlikely to be confused with the traffic lights for the pedestrian crossing, it would be located in close proximity to them and there would be a high probability that a driver's attention would be diverted by the illuminance and changing imagery of the advertisement at a point in the road where they would need to be focussing on traffic signals and road conditions. Such a loss of concentration on the highway conditions would be likely to result in harm to highway safety to both pedestrians crossing over Stockport Road and to vehicles approaching the junction along this road. This could be exacerbated by the proximity of the petrol filling station on the opposite side of Stockport Road with vehicles exiting or slowing down to enter in close proximity to the junction.
9. I acknowledge that the existing advertisement has been in place for a considerable number of years, however its static display is distinctly different to the proposal before me. I also note the highway technical note and accident figures provided by the appellant; however, the limited number of recorded accidents is not a justification to provide an advertisement which would be likely to increase the risk of accidents as a result of its potential to cause distraction and confusion. The complexity of the road conditions including the crossroads, pedestrian crossing and proximity of the petrol filling station, is a set of circumstances where drivers really need to be focussed on the highway conditions in the locality.
10. The presence of the proposed advertisement would provide a distraction to drivers at a point where they need to be concentrating on the local highway conditions and a momentary lapse in concentration as a result of the advertisement would be likely to result in harm to public safety for the reasons set out above. The suggested conditions to control the display and level of illuminance would not mitigate the identified harm. Accordingly, the proposed advertisement would result in unacceptable harm to public safety with particular regard to the safety of highway users.
11. In reaching my conclusion, I have had regard to the previous appeal decision and considered the examples referred by the appellant in the Highways Technical Note, although as I do not have all the details before me I cannot be certain that the circumstances of them are directly comparable to this case. In

any event, I have determined this appeal on its own merits based on the site-specific circumstances of the case.

**Conclusion and Recommendation**

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

**Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be dismissed.

*RC Kirby*

INSPECTOR



This page is intentionally left blank

## Appeal Decision

Site visit made on 28 September 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

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

**Decision date: 9 November 2021**

**Appeal Ref: APP/G4240/Z/21/3277571**

**Land on south side of Hyde Road, Denton M34 3EH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
- The appeal is made by Wildstone Estates Limited against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/01238/ADV, dated 10 December 2020, was refused by notice dated 28 April 2021.
- The advertisement proposed is the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation.

### Decision

1. The appeal is allowed, and express consent is granted for the erection of an internally illuminated digital poster advertisement which will display static advertisements on rotation, as applied for. The consent is for five years from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following conditions:
  - 1) No individual advertisements displayed on the panel shall contain moving images, animation, video or full motion images or images that resemble road signs or traffic signs.
  - 2) The interval between successive displays shall be instantaneous (0.1 seconds or less) with no flashing and a smooth instant change into the next static poster image and the complete screen shall change, there shall be no visual effects including swiping or other animated transition methods between successive displays.
  - 3) During the hours of darkness the illumination level shall be no greater than 150 candelas per square metre during night-time hours and 300 candelas per square metre during twilight and in low light conditions. At all other times the illumination level shall not exceed 600 candelas per square metre. The display shall be equipped with a dimmer control mechanism and a photocell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
  - 4) The digital display shall be switched off between the hours of 00:00hrs and 05:00hrs.
  - 5) The sequential advertisement on any display panel shall not change more than once every ten seconds.

6) The display shall at all times maintain a safety feature that will turn the screen off (ie shows a black screen) in the event that the display experiences a malfunction or error.

### **Procedural Matters**

2. For clarity, I have taken the description of development from the Council's decision notice and other appeal documents submitted by the appellant, as it is more precise than that given on the application form.
3. The appeal process should not be used to evolve a scheme and, in the interests of ensuring that no one with an interest in the outcome of the appeal is prejudiced, it is important that the details considered at appeal stage are essentially the same as those considered and consulted upon by the Council at planning application stage. The intended revision is to increase the level of luminance to that stated on the application form. The revision evolves and materially alters the scheme that was originally submitted. Thus, I do not accept the revision and shall consider the appeal based on the level of luminance that was originally submitted to the Council for determination.
4. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. I consider that there have been no fundamental changes relevant to the main issue in this appeal and therefore, I will not prejudice any party by taking the Framework into account in reaching my decision.
5. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPG) reiterate this approach.

### **Main Issue**

6. Neither the Highway Authority, nor the Council, has raised an objection to the proposal in public safety terms, and I have little reason to disagree with this view.
7. Therefore, the main issue is the effect of the advertisement on the amenity of the appeal site and surrounding area.

### **Reasons**

8. The appeal site comprises a raised area of land, which until recently had 2no. externally illuminated poster boards sited upon it. The site is located adjacent to Hyde Road (A57) and is set back from the carriageway, which is a busy urban road with a slip road joining the A57 from the M67 in proximity. The area is of mixed use with both residential and commercial properties.
9. During my visit, I viewed the site from various locations along the A57. The previous poster hoarding, albeit now removed, is a consideration to which I give moderate weight in this appeal, as it was of a similar size and in a similar position to the appeal scheme. However, I am mindful that whilst the proposal has similar dimensions to the previous poster hoarding and is in a similar

location, the main difference is that the appeal proposal would be of a digital format and would incorporate changing images. During my visit, I also noted the existing poster hoarding on the gable end of 292 Hyde Road and the modest dual display on the opposite side of the A57 to the site.

10. Overall, I find that the proposed signage would not be excessive and would not appear out of place in local views or stand out as an incongruous feature in relation to its surroundings. Additionally, the display unit would not directly face any properties on the opposite side of the A57. Accordingly, I am satisfied that, subject to appropriate safeguards relating to the level of illumination and related matters, the appeal proposal would not be over dominant or form an intrusive feature to the detriment of the surrounding area.
11. I therefore consider that the advertisement would be generally compliant with the design, character and appearance aims of Policy C1 of the Tameside Unitary Development Plan (2004) and the requirements of the Framework. I am also satisfied that the appeal scheme would accord with the recommendations of the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements.

### **Conditions**

12. In addition to the 5 standard conditions set out in the Regulations, the appellant has suggested a number of additional conditions. I have reviewed these in accordance with the tests set out in the PPG, revising where necessary to better reflect its requirements. I have considered the suggested wording as a starting point, but have attached conditions more consistent in their necessity and form with the relevant advice.
13. The additional suggested conditions relate to the proposed level of illumination, and the nature of the advertisements. In the interests of visual amenity, I consider it reasonable and necessary to impose conditions to that effect broadly along the lines proposed. However, for reasons of enforceability, it is reasonable and necessary to include an upper luminance limit during daylight hours and the display includes a sensor to adapt to changing light levels, whilst incorporating a safety feature.

### **Conclusion**

14. The proposed advertisement would not have a detrimental visual effect on the amenity of the appeal site and the surrounding area. For the reasons set out above, I conclude that the appeal should be allowed.

*W Johnson*

INSPECTOR

This page is intentionally left blank

## Appeal Decision

Site visit made on 28 September 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

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

**Decision date: 12 November 2021**

**Appeal Ref: APP/G4240/W/21/3272598**

**Weir Mill, Manchester Road, Mossley OL5 9QA**

- 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 D Wilcox of Wilco Property against the decision of Tameside Metropolitan Borough Council.
- The application Ref 20/01089/FUL, dated 9 November 2020, was refused by notice dated 22 March 2021.
- The development is described as 'retrospective application for the change of use of land from existing yard to the use of land for self-storage containers.

### Decision

1. The appeal is allowed, and planning permission is granted for the change of use of land from existing yard to the use of land for self-storage containers at Weir Mill, Manchester Road, Mossley OL5 9QA in accordance with application Ref: 20/01089/FUL, dated 9 November 2020 and the plans submitted with it and subject to the following conditions:
  - 1) The development hereby approved shall be fully implemented in accordance with the approved plan, which is referenced as follows 1381.100 Rev D.
  - 2) Within 3 months from the date of this decision, the secure cycle storage and vehicular parking areas to serve the development shall be implemented in accordance with the details contained within drawing 1381.100 Rev D and shall be retained and maintained for the life of the development.
  - 3) Within 3 months from the date of this decision, a landscape plan shall be submitted to the Local Planning Authority (LPA) for approval. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting habitats resulting from the development hereby approved. The approved landscaping scheme and any bird boxes shall then be installed/implemented, no later than the next available planting season after approval from the LPA has been issued.

### Procedural Matters

2. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework), which forms a material consideration in the determination of this appeal. The main parties have had an opportunity to comment on the significance of the changes.
3. At the time of my site visit, it was apparent that the development had commenced, with 47no. containers located in position on the site, compared to the 48no. shown on the submitted drawings. However, a single container was



located close to the southern parking area within the site. I have dealt with the appeal on the basis of the existing situation but having regard to the possible layout shown on the submitted drawing.

### **Main Issues**

4. The main issues of this appeal are:

- i. whether the development would be inappropriate development in the Green Belt;
- ii. the effect of the development on openness of the Green Belt;
- iii. the effect of the development on the character and appearance of the appeal site and surrounding area; and,
- iv. if the development is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

### **Reasons**

#### *Inappropriate development*

5. Policy OL1 of the Tameside Unitary Development Plan 2004 (UDP) is concerned with the protection of the Green Belt, but it predates the Framework and contains less detail on the circumstances in which development may be regarded as not inappropriate. Consequently, I have used the wording from the Framework, which sets out current national policy on Green Belts, rather than UDP Policy OL1.
6. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149 of the Framework. The development does not comply with any of the exceptions listed.
7. However, the Framework establishes, at paragraph 150, that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes in the use of land at paragraph 150 e).
8. Consequently, the development would not be inappropriate development unless it would have a greater impact on Green Belt openness and purposes. My conclusions on the next issue will, therefore, determine whether or not the development is inappropriate.

#### *Openness*

9. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to prevent urban sprawl by keeping land permanently open. As such, openness is an essential characteristic of the Green Belt. The Planning

Practice Guidance (PPG) states that openness is capable of having both spatial and visual aspects.

10. The evidence indicates that the site historically formed part of the yard area to Weir Mill. In the absence of any substantive evidence to the contrary, I find that on the balance of probabilities, this is likely to be the case. Nonetheless, there is little before me to indicate that the development is located on a site which previously had a notable amount of built development. Thus, in this instance, the development, through the siting of the storage containers, results in both a spatial and visual reduction in the openness of the Green Belt.
11. The hard standing would also facilitate the parking of vehicles that, whilst not constituting an act of development in itself, adds to the loss of openness on an intermittent basis when the area of car parking is in use. Given the amount of development, there is significant harm to the openness of the Green Belt. The Framework requires that substantial weight is given to that harm to the Green Belt.
12. For the reasons given above, I conclude that the development has a harmful effect on the openness of the Green Belt and represents inappropriate development. This is contrary to UDP Policy OL1 and the requirements of the Framework.

#### *Character and appearance*

13. My attention has been drawn to the felling of trees on the site prior to the installation of the containers, although little evidence has been provided with regard to the former condition of the site by either main party. I am aware that the trees felled were not protected and their removal was considered necessary by the appellant, to facilitate repair work on the drainage of the site.
14. I have examined the historical maps submitted as part of the appellant's submission, and the appeal site is comparable to the area identified on these historical images. Additionally, whilst I accept the design limitations of a container, they are nonetheless, functional and fit for purpose. Although, the site comprises a notable area, the site is not visually prominent due to the lower land level that it occupies, due to the surrounding topography. However, I accept that when walking along the footpath adjacent to the main road, the site is visible, due to the modest height of the wall and its raised position. Nonetheless, given the context of its surroundings, including Weir Mill itself and the range of commercial uses that are in operation within it, the development does not discordant or out of place.
15. For the reasons given above, I conclude that the development does not have a significant harmful effect on the character and appearance of the Green Belt. This accords with the design, character and appearance aims of UDP Policy OL2 and the requirements of the Framework.

#### *Other considerations*

16. I have concluded that the proposal represents inappropriate development in the Green Belt and harms the openness of the Green Belt. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm. The appellant contends there are

considerations that would outweigh harm arising from inappropriate development and any other harm to amount to very special circumstances.

17. The appellant has provided a number of rental agreements which confirms that 2no. units are being rented on a personal basis and that 44no. units are rented for commercial purposes. The appellant asserts that the businesses' renting the units are based locally and on the evidence before me, I have little reason to disagree. The appellant's formal case to demonstrate very special circumstances, surrounds the notable number of people using the facility, particularly by local businesses.

### **Green Belt Balance**

18. I accept the absence of other harm arising from the appeal scheme, including character and appearance. However, I have concluded that the appeal scheme has harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. Accordingly, there is conflict with national policy and the development plan.
19. However, having carefully considered the benefits of the appeal scheme and all other considerations, including the physical characteristics of the site and the significant number of local business' that the facility serves, I find that individually and cumulatively, these clearly outweigh the substantial weight given to Green Belt harm. As such, the very special circumstances needed to justify the development in the Green Belt exist in this case.
20. Additionally, whilst not cited on the Council's decision notice, the Officer Report suggests that a sequential approach should have been applied to the scheme to demonstrate that no other sites were available, particularly those outside the Green Belt. However, there is little evidence to substantiate this assertion and no other sites have been suggested. Accordingly, I give this matter very little weight.
21. Even if, I agreed with the Council's suggestion surrounding the sequential approach, the lack of substantive evidence to the contrary would not in this instance outweigh my findings regarding the demonstration of very special circumstances. In this instance, there are other considerations in this case that clearly outweigh the harm that I have identified, which justify the development.

### **Conditions**

22. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the PPG.
23. A condition relating to the time limit for implementation is not required in this instance as the development has commenced. For reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary.
24. I have imposed a condition for the implementation of vehicular parking and cycle storage, as it is reasonable and necessary to ensure that these features are installed to ensure safe vehicular parking within the site and an area to park bicycles to encourage alternative methods of transport. Given the nature

and operation of the development, I do not consider that it is essential to provide covered bicycle parking. I have also imposed a condition relating to landscaping of the site, which is reasonable and necessary due to the loss of trees, shrubs and habitat to facilitate the development.

25. I have not imposed suggested conditions relating to surface water drainage and survey work for Himalayan balsam (HB) and Japanese Knotweed (JK). The Canal and River Trust have decided not to comment on the development and there is little evidence to suggest that the existing drainage system on the site is harmful to the River Tame. Additionally, whilst HB is present on the main road, there is little evidence to suggest that either HB or JK is present on the site. In both instances, the suggested conditions are not reasonable or necessary.

### **Conclusion**

26. For the reasons given above, I conclude that the appeal should succeed.

*W Johnson*

INSPECTOR

This page is intentionally left blank



### Appeal Decision

Site visit made on 22 November 2021

**Decision by L Wilson BA (Hons) MA MRTPI**

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

**Decision date: 26 November 2021**

**Appeal Ref: APP/G4240/Z/21/3282341**

**171-173 Old Street, Ashton-Under-Lyne OL6 7SQ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Benjamin Porte, Clear Channel UK, against the decision of Tameside Metropolitan Borough Council.
- The application Ref 21/00737/ADV, dated 8 June 2021, was refused by notice dated 12 August 2021.
- The development proposed is replacement of existing illuminated 48-sheet poster advertisement display with illuminated 48-sheet D-Poster advertisement display.

#### Decision

1. The appeal is dismissed.

#### Main Issues

2. The main issues are the effect of the proposed advertisement on:
  - Public safety; and
  - The amenity of the surrounding area, including the Ashton Town Centre Conservation Area (CA).

#### Reasons

##### *Public Safety*

3. The Planning Practice Guidance (PPG) states that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline<sup>1</sup>.
4. The advertisement would be located close to the signalised junction of Old Street and Cavendish Street which incorporates a pedestrian crossing. Whilst only a snapshot during the day, I observed on my site visit that the junction was well used by both vehicles and pedestrians.

<sup>1</sup> Paragraph: 067 Reference ID: 18b-067-20140306



5. The proposal seeks to replace the existing display with a digital advertisement. The replacement display would be broadly the same size, scale and position as the current display. The appellant highlights that, in the last five-year period, there have been no incidents in which the current advertisement has been a factor.
6. The advertisement would be seen in the direct sight line of the secondary signal head whilst travelling along Old Street towards the advertisement. Although the scheme replaces an existing advertisement and conditions could be attached, having regard to the illumination and changing nature of advertisements and paragraph 68 of the PPG<sup>2</sup>, based on the evidence submitted, the scheme would result in a distracting feature at a point where drivers need to take more care and interpret traffic signals due to its size, siting and digital display. This could result in a collision with another vehicle or pedestrian.
7. For the reasons given above, based on the evidence presented, the proposal would have an unacceptable impact on public safety. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would cause harm to public safety, the scheme would not meet with the aims of paragraphs 111 and 136 of the National Planning Policy Framework (the 'Framework').

#### *Amenity*

8. The PPG advises that the local characteristics of an area should be considered when assessing amenity. The PPG provides further advice and is generally supportive of advertisements in an industrial or commercial area of a major city, where there are large buildings and main highways, and where the advertisement would not adversely affect visual amenity<sup>3</sup>.
9. The appeal site is situated at the corner of Wellington Street and Old Street and within the CA. The Ashton Public Library, which is a Grade II listed building, and the Territorial Army Centre, which is a non-designated heritage asset, are located close to the appeal site. Based on the information presented, the CA is characterised by primarily commercial uses which reflects its town centre location. The character of the CA is diverse and includes a range of architectural buildings which vary in scale, design and quality.
10. Large advertisements, such as that proposed, are not common within the local area. However, the scheme would not introduce an alien feature due to the presence of the existing advertisement which is an established part of the street scene. The display would have a more modern appearance and greater impact during the hours of darkness because the current advertisement is not illuminated. To ensure that the scheme is not an unduly dominant feature in the street scene, the intensity of the illumination, display time and interval between advertisements could be controlled by a condition to ensure that the proposal is appropriate for its location.
11. Having regard to the existing advertisement, diverse character of the area and subject to appropriate planning conditions, the proposal would not harm the visual amenity of the area. Furthermore, having regard to section 16 of the Framework, the scheme would have a neutral impact upon, and would not

---

<sup>2</sup> Reference ID: 18b-068-20140306

<sup>3</sup> Paragraph: 079 Reference ID: 18b-079-20140306

harm, the nearby designated and non-designated heritage assets. I am satisfied that the scheme would preserve the character and appearance of the CA and have a neutral effect on the setting of the listed building and non-designated heritage asset.

12. For the reasons given above, the proposal would not harm the amenity of the area, including the CA. The provisions of the development plan, so far as they are relevant, have been considered. Since the proposed advertisement would not cause visual harm to the street scene, the scheme would meet with the aims of Policies C4 and C1 of The Tameside Unitary Development Plan (2004) and paragraph 136 of the Framework.

#### *Other Matters*

13. I have had regard to the benefits highlighted by the appellant, including that the scheme includes a vertical meadow green wall which aims to increase and enhance the biodiversity capital of the environment. However, the benefits would not outweigh the harm identified.

#### **Conclusion**

14. Although I have found that the advertisement would not harm the amenity of the area, including the CA, it would have an unacceptable impact on public safety to which I attach significant weight. For the reasons given above the appeal is dismissed.

*L M Wilson*

INSPECTOR

This page is intentionally left blank