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## SPEAKERS PANEL (PLANNING)

**Day:** Wednesday  
**Date:** 16 November 2022  
**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>	
2.	<b>DECLARATIONS OF INTEREST</b>  To receive any declarations of interest from Members of the Council.	
3.	<b>MINUTES</b>  The Minutes of the meeting of the Speakers Panel (Planning) held on 19 October 2022, having been circulated, to be signed by the Chair as a correct record.	1 - 6
4.	<b>OBJECTIONS TO THE TAMESIDE METROPOLITAN BOROUGH COUNCIL (ALDWYN PARK ROAD AND SIDE STREETS, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022</b>	7 - 16
5.	<b>TAMESIDE METROPOLITAN BOROUGH (ST ALBANS AVENUE AREA, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING) ORDER 2022</b>	17 - 28
6.	<b>OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) CHEETHAM HILL ROAD, DUKINFIELD 2022</b>	29 - 40
7.	<b>PLANNING APPLICATIONS</b>  To consider the schedule of applications:	
a)	<b>20/01255/OUT - LAND AT WOODEND VIEW, MOSSLEY, OL5 0SN</b>	41 - 64
b)	<b>21/01379/FUL - HANOVER MEMORIAL GARDENS, HANOVER STREET, MOSSLEY</b>	65 - 110
c)	<b>22/00262/FUL - LAND ON STAMFORD ROAD, MOSSLEY</b>	111 - 140
d)	<b>20/00268/FUL - LAND ADJACENT TO 24 STABLEFOLD, MOSSLEY, OL5 0DJ</b>	141 - 168
e)	<b>22/00280/FUL - JAMES HOWE MILL, TURNER LANE, ASHTON-UNDER-LYNE, OL6 8LS</b>	169 - 200
f)	<b>22/00565/FUL - WHITEHALL COTTAGE, LUZLEY ROAD, ASHTON-</b>	201 - 236

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

Item No.	AGENDA	Page No
	<b>UNDER-LYNE, OL6 9AJ</b>	
g)	<b>22/00723/FUL - TOP SHIPPON, HOME FARM, HILL END LANE, MOTTRAM, SK14 6JP</b>	237 - 260
h)	<b>22/00836/FUL - 28 ANGEL CLOSE, DUKINFIELD, SK16 4XA</b>	261 - 276
i)	<b>22/00940/FUL - 3 DOWNING CLOSE, ASHTON-UNDER-LYNE, OL7 9LX</b>	277 - 296
j)	<b>21/01459/FUL - AMENITY AREA ADJACENT TO 25 GROSVENOR STREET, STALYBRIDGE</b>	297 - 338
8.	<b>APPEAL DECISION NOTICES</b>	
a)	<b>APP/G4240/W/22/3298511 - LAND AT THE END OF FOUNDRY STREET, FOUNDRY STREET, DUKINFIELD, SK16 5PH</b>	339 - 342
b)	<b>APP/G4240/W/22/3298608 - 1 BOWLAND ROAD, DENTON, M34 2GD</b>	343 - 346
9.	<b>URGENT ITEMS</b>	
	To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
10.	<b>DATE OF NEXT MEETING</b>	
	To note that the next meeting of the Speakers Panel (Planning) will take place on 21 December 2022.	

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



# Agenda Item 3

## SPEAKERS PANEL (PLANNING)

19 October 2022

Commenced: 10:10 am

Terminated: 11:40 am

**Present:** Councillor Mills (In the Chair)  
Councillors: Affleck, Bowerman, Dickinson, Owen, and Ricci

**Apologies:** Councillors Boyle, McNally, Pearce and Quinn

### 20. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Mills	Agenda Item 4: Objections to the Proposed Traffic Scheme, Puffin Crossing, Bus Stop Relocations and Associated Road Markings for the Lumb Lane, Cryer Street Area, Droylsden	Prejudicial	Predetermined views against the proposals.

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

### 22. MINUTES

The minutes of the proceedings of the meeting held on 14 September 2022, having been circulated, were approved and signed by the Chair as a correct record.

### 23. APPOINTMENT OF CHAIR

#### RESOLVED

Whilst the Chair, Councillor Mills, left the meeting for agenda item 4, that Councillor Ricci be appointed as Chair for that agenda item.

### 24. OBJECTIONS TO THE PROPOSED TRAFFIC CALMING SCHEME, PUFFIN CROSSING, BUS STOP RELOCATIONS AND ASSOCIATED ROAD MARKINGS FOR THE LUMB LANE, CRYER STREET AREA, DROYLSDEN

Consideration was given to a report of the Assistant Director, Operations and Neighbourhoods outlining the objections received to the proposed traffic calming scheme, puffin crossing, bus stop relocations and associated road markings.

It was explained that as part of the proposals to build the new Laurus Ryecroft High School on Lumb Lane in Droylsden, it was agreed that a scheme to introduce a controlled pedestrian crossing and traffic calmed area to the front of the school would be funded by the developer.

The proposed scheme comprised a number of different elements and was outlined to Members:

- A controlled pedestrian crossing on Lumb Lane near its junction with Cryer Street, to allow pupils to cross the road safely when going to and from school;
- Changes to the waiting restrictions in the area to improve road safety and protect other road users;
- The relocation of two bus stops and introduction of associated clearway road markings to allow for the new pedestrian crossing;
- School keep clear markings; and
- A 20mph speed limit zone and associated traffic calming features.

In line with the statutory legal process, a scheme was advertised publicly in July 2020 for a period of 28 days. It was advised that during the consultation period, a number of objections were received, including objections from elected Members and the local police. Objections to the proposed scheme included the location and design of pedestrian crossing in relation to the bus stops, the revised bus stops locations and the waiting restrictions.

The Highways Manager informed the Panel that an attempt was made to appease some of the objections regarding the bus stop locations. Discussions were held with Transport for Greater Manchester (TfGM) over the necessity of the bus stops to remain in the locality, as the crossing location and required approach distances moved the bus stops further away from the crossing to areas that the residents did not approve of. TfGM were clear in their response that the bus stops were well used and an integral part of the area and moving the bus stops further apart would exceed the distance that was recommended good practice.

Following a review of the objections and discussions with the elected Members and the police, the scheme was redesigned. It was explained that only some elements of the scheme needed to be legally advertised at that stage, and were advertised for further public consultation in September 2021. During this consultation period, a number of further objections were received.

A decision was then taken to re-advertise the scheme as a whole in August 2022 so that it would be clear to everyone what was finally being proposed. This consultation was a combination of the previous two, which reflected changes to the original scheme in order to appease some of the objections received, and would allow individuals the further opportunity to object if there were elements that they still did not like.

Details of the final scheme advertised in August 2022 were provided to Members, including amendments to the Cryer Street restrictions and change of traffic calming features, as a result of the objections received at that point.

The Panel considered the views of, Garry Whitty, a local resident who objected to certain elements of the scheme. Mr Whitty was particularly concerned about the waiting restrictions within the proposed scheme as the yellow lines would cross outside his property. He did not feel that the school was helping local residents with the difficult parking situation. Concern was also raised that the relocation of the bus stops could lead to buses and other vehicles blocking access to Brookside Avenue and potentially impeding emergency service vehicles.

Addressing the concerns raised, the Highways Manager explained that none of the proposed waiting restrictions outside Mr Whitty's property exceeded 10 metres and advised that it was already illegal to park within 10 metres of a junction. It was accepted that there would be a reduction in on-street parking but the Highways Manager was clear that the proposed measures were the safest option for everybody. In relation to access for emergency service vehicles, the Highways Manager was confident that any vehicle that was obstructing a side street would move if access was required.

**RESOLVED**

That authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 and the Highways Act 1980 to introduce the Traffic Regulation orders; puffin crossing, traffic calming features and associated road markings as advertised in August 2022 and detailed in the submitted report.

**25. 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>21/00178/FUL</b> <b>KMM Homes Ltd</b>
<b>Proposed Development:</b>	<b>Variation of condition 2 (approved plans/details) of planning permission ref. 17/01033/FUL.</b> <b>Land to the rear of 81-95 Ridge Hill Lane, Stalybridge</b>
<b>Decision:</b>	<b>That planning permission be granted subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>21/01460/FUL</b> <b>Stalybridge St Paul's Cricket Club</b>
<b>Proposed Development:</b>	<b>Demolition of existing building and erection of 4 no. dwellings, with associated parking and landscaping.</b> <b>Land fronting Stalybridge Cricket Club, Gorse Hall Road, Dukinfield</b>
<b>Speaker(s)/Late Representations</b>	<b>Roy Spruce, on behalf of the applicant, addressed the Panel in relation to the application.</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>20/00360/REM</b> <b>Mr Jack Meredith</b>
<b>Proposed Development:</b>	<b>Reserved matters application (namely landscaping) for demolition of nos. 1 and 2 Ralphs Lane; provision of 29no. single bedroom Extra Care apartments, 17no. car parking spaces and communal gardens pursuant to outline planning permission application 16/00767/OUT.</b> <b>1 Ralphs Lane, Dukinfield, SK16 4UZ</b>
<b>Speaker(s)/Late Representations</b>	<b>The Planning officer advised that the Council's arborist and the Greater Manchester Ecology Unit (GMEU) had expressed some concern in relation to the proposed species of plants at the</b>

	<b>development. Following revision of the planting scheme, these objections had since been withdrawn.</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>22/00483/FUL Mr Darren Atkins</b>
<b>Proposed Development:</b>	<b>Demolition of existing industrial buildings and erection of 12no. 3-bedroom semi-detached houses with associated gardens and off-street parking. 30 Town Lane, Denton, M34 6LE</b>
<b>Speaker(s)/Late Representations</b>	<b>The applicant, Darren Atkins, addressed the Panel in relation to the application.</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>22/00523/FUL Helen Williamson</b>
<b>Proposed Development:</b>	<b>Proposed new two-storey Creative Arts Wing extension to existing school. Astley Sports College and Community High School, Yew Tree Lane, Dukinfield, SK16 5BL</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>22/00692/FUL Bricks and Soul Ltd</b>
<b>Proposed Development:</b>	<b>Change of use of former nightclub (Sui Generis use) to 17no. flats (use class C3); with roof infill section and section of roof to be replaced with lower pitch, and new windows, doors and roof lights. 228 Stamford Street Central, Ashton-under-Lyne</b>
<b>Decision:</b>	<b>That planning permission be granted, subject to the conditions as detailed within the submitted report.</b>

<b>Name and Application No:</b>	<b>22/00561/FUL Mr Naphtaly Stalmer</b>
<b>Proposed Development:</b>	<b>Variation of condition 2 (approved plans) of planning permission 21/00412/FUL (Demolition of existing building, erection of 14 semi-detached houses and associated parking and amenity space) to alter plans to show: individual plot floor</b>

	<p>levels; external alterations to elevations (pediments); alterations to bicycle storage and bin storage and updated site levels to suit surveyed site levels and existing adjacent property levels.</p> <p>Former Jonathan Grange Nursing Home, Micklehurst Road, Mossley, OL5 9JL</p>
<p><b>Speaker(s)/Late Representations</b></p>	<p>The Head of Planning advised that condition 2 outlined in the report should include the following additional document/plans:</p> <ul style="list-style-type: none"> <li>• Document Reference 4199 501 – Landscape Management Plan dated August 2022.</li> <li>• Drawing Number 4199 101 revision A – Landscape Layout dated 18.08.2022.</li> <li>• Drawing Number 4199 201 revision A – Planting Plan dated 18.08.2022.</li> </ul> <p>It was further advised that condition 16 should be reworded to:  “Prior to the occupation of the first dwelling hereby approved, the development shall be carried out and finished in accordance with the Landscape Layout Plan (reference 4199 101 A) and Planting Plan (reference 4199 201 A). The management responsibilities and maintenance schedules shall be in accordance with the approved landscape management plan (reference 4199 501 dated August 2022).</p> <p>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”.</p>
<p><b>Decision:</b></p>	<p>That planning permission be granted, subject to the amended conditions above and the conditions detailed within the submitted report.</p>

## 26. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
<p>APP/G4240/D/22/3300122 122 Joel Lane, Hyde, SK14 5LN</p>	<p>Development proposed is described as ‘existing roof to be raised to create additional first floor space, rear extension, roof removed with new roof design added. New dormers added to the front elevation’.</p>	<p>Appeal dismissed.</p>
<p>APP/G4240/Z/22/3295391 137-139 Manchester Road, Droylsden, M43 6EG</p>	<p>Proposed 1no. internally illuminated SMD LED Digital Display.</p>	<p>Appeal dismissed.</p>

<p><b>APP/G4240/W/22/3291282</b> Hyde Road, Denton, M34 3DN</p>	<p>Development proposed is described as '5G telecoms installations: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets'.</p>	<p>Appeal allowed.</p>
<p><b>APP/G4240/W/22/3299182</b> Clarence Hotel, 195 Talbot Road, Hyde, SK14 4HJ</p>	<p>Proposed residential development.</p>	<p>Appeal dismissed.</p>
<p><b>APP/G4240/W/22/3297030</b> Unit 1, Bank Mill, Manchester Road, Mossley, OL5 9BB</p>	<p>Proposed conversion of business storage unit into two dwellings.</p>	<p>Appeal dismissed.</p>

**27. URGENT ITEMS**

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

**28. DATE OF NEXT MEETING**


**RESOLVED**

That the next meeting of the Panel would take place on 16 November 2022.

**CHAIR**

# Agenda Item 4

<b>Report to:</b>	<b>Speakers Panel (Planning)</b>
<b>Date:</b>	16 November 2022
<b>Reporting Officer:</b>	Emma Varnam, Assistant Director of Operations and Neighbourhoods, Place
<b>Subject:</b>	<b>OBJECTIONS TO THE TAMESIDE METROPOLITAN BOROUGH COUNCIL (ALDWYN PARK ROAD AND SIDE STREETS, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022</b>
<b>Report Summary:</b>	This report outlines objections received to the proposed waiting restrictions on Aldwyn Park Road, Audenshaw and the associated side streets.
<b>Recommendations:</b>	It is recommended that authority is given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to introduce the Traffic Regulation Order as advertised and detailed in Section 4.2 of this report.
<b>Corporate Plan:</b>	Improvements to the highway network support the Council in delivering priority 5 of the Corporate Plan.
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications:</b>	The estimated cost of the proposed scheme is £3,000. This is inclusive of advertising costs, staff time and on-site work such as road markings and signage. The scheme will be funded from within existing Traffic Management budgets within the Place Directorate.
<b>Legal Implications:</b>	Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix 3</b> .
<b>Risk Management:</b>	Objectors have a limited right to challenge the Orders in the High Court.
<b>Access to Information:</b>	The background papers relating to this report can be inspected by contacting the report author, Lauren Redfern, Senior Engineer - Traffic Operations, Engineering, Operations and Neighbourhoods, Place by:

 Telephone: 0161 342 3927

 E-mail: [lauren.redfern@tameside.gov.uk](mailto:lauren.redfern@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 Tameside Metropolitan Borough Council have received correspondence expressing concern from residents and councillors regarding the visibility at the junctions along Aldwyn Park Road, Audenshaw.
- 1.2 In July 2022 a scheme was advertised proposing waiting restrictions at the critical locations on Aldwyn Park Road and the side streets of Dorset Avenue, Madison Avenue, Ruskin Avenue, Shirley Avenue and Porlock Avenue. The public notice and plan have been supplied as **Appendix 1 and 2** to this report.
- 1.3 A Public Notice was published in the local newspaper on 7 July 2022 it was also published on the council website and the lighting columns on the streets it related to. Copies were distributed to local residents directly affected by the proposals. The consultation, including a statement of reasons and draft order, was distributed to Ward Councillors and the Emergency Services including Greater Manchester Police, Fire, Ambulance, Bus Operators and Transport Associates
- 1.4 Following the consultation seven objections and three letters of support were received from residents.

## 2. REPRESENTATIONS TO THE PROPOSED SCHEME

- 2.1 The objections mainly highlighted a concern for a lack of parking spaces on the street and a fear of disputes being caused between the neighbours.
- 2.2 One resident is concerned regarding parking their vehicle on another street due to robberies in the area
- 2.3 There was representation from Porlock Avenue, Ruskin Avenue and Madison Avenue in favour of the proposals.

## 3. OFFICER RESPONSE

- 3.1 The concerns have been considered and whilst the parking within the area will be reduced, it is not deemed the proposals are restrictive unnecessarily. The proposed waiting restrictions reflect the guidance not to stop or park within 10 metres (32 feet) of a junction as recommended in the Highway Code 2022

## 4. PROPOSALS/SCHEDULE OF WORKS

- 4.1 The proposed restrictions as advertised are set out in 4.2
- 4.2 **TAMESIDE METROPOLITAN BOROUGH (ALDWYN PARK ROAD AND SIDE STREETS, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022**
  - Aldwyn Park Road, - from a point 20 metres west of its junction with Porlock Avenue  
north side to a point 13 metres east of that junction
  - Aldwyn Park Road, - from a point 10 metres west of its junction with Dorset Avenue  
north side to a point 10 metres east of that junction
  - Aldwyn Park Road, - from a point 10 metres west of its junction with Madison Avenue  
north side to a point 13 metres east of that junction



- Aldwyn Park Road, north side - from a point 10 metres west of its junction with Shirley Avenue to a point 10 metres east of that junction
- Aldwyn Park Road, both sides - from its junction with Lumb Lane for a distance of 10 metres in a westerly direction
- Aldwyn Park Road, south side - from a point 10 metres east of its junction with Ruskin Avenue to a point 10 metres west of that junction
- Dorset Avenue, both sides - from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction
- Madison Avenue, both sides - from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction
- Porlock Avenue, both sides - from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction
- Ruskin Avenue, both sides - from its junction with Aldwyn Park Road for a distance of 10 metres in a southerly direction
- Shirley Avenue, both sides - from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction

## **5. FUNDING**

- 5.1 The scheme will cost approximately £3,000 this will include publishing costs, staff time and the physical works.
- 5.2 These works are to be financed from the 2022/23 Engineering Services budget within the Place Directorate.

## **6. RECOMMENDATIONS**

- 6.1 As set out at the front of the report.

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# APPENDIX 1

## TAMESIDE METROPOLITAN BOROUGH (ALDWYN PARK ROAD AND SIDE STREETS, AUDENSHAW) (PROHIBITION OF WAITING) ORDER 2022

NOTICE is hereby given that the Tameside Metropolitan Borough Council propose to make the above Order under the Road Traffic Regulation Act 1984, and all other enabling powers the effects of which will be to:-

Introduce No Waiting at Any Time restrictions on:

- |                                 |   |  |
|---------------------------------|---|--|
| Aldwyn Park Road,<br>north side | - | from a point 20 metres west of its junction with Porlock Avenue to a point 13 metres east of that junction |
| Aldwyn Park Road,<br>north side | - | from a point 10 metres west of its junction with Dorset Avenue to a point 10 metres east of that junction  |
| Aldwyn Park Road,<br>north side | - | from a point 10 metres west of its junction with Madison Avenue to a point 13 metres east of that junction |
| Aldwyn Park Road,<br>north side | - | from a point 10 metres west of its junction with Shirley Avenue to a point 10 metres east of that junction |
| Aldwyn Park Road,<br>both sides | - | from its junction with Lumb Lane for a distance of 10 metres in a westerly direction                       |
| Aldwyn Park Road,<br>south side | - | from a point 10 metres east of its junction with Ruskin Avenue to a point 10 metres west of that junction  |
| Dorset Avenue,<br>both sides    | - | from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction               |
| Madison Avenue,<br>both sides   | - | from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction               |
| Porlock Avenue,<br>both sides   | - | from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction               |
| Ruskin Avenue,<br>both sides    | - | from its junction with Aldwyn Park Road for a distance of 10 metres in a southerly direction               |
| Shirley Avenue,<br>both sides   | - | from its junction with Aldwyn Park Road for a distance of 10 metres in a northerly direction               |

A copy of the plan relating thereto may be viewed online via <http://www.tameside.gov.uk/trafficregulationorders>. If you wish to discuss the proposals please contact Lauren Redfern on 0161 342 3927. Objections or comments to the proposals stating the grounds on which they are being made must be submitted in writing to the undersigned or by email to [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk) by 5 August 2022.

Date 7 July 2022.

E Varnam; Assistant Director — Operations and Neighbourhoods; Tameside One, Ashton-u-Lyne OL6 6BH

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Proposed 'no waiting at any time' restrictions



SCALE	1 : 1533
DATE	13/04/2022
DRAWING No.	
DRAWN BY	

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### **Section 122 Road Traffic Regulation Act 1984.**

#### **Exercise of functions by strategic highways companies or local authorities.**

(1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland the road.

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the strategic highways company or... the local authority ... to be relevant.

(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.

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# Agenda Item 5

<b>Report to:</b>	<b>Speakers Panel (Planning)</b>
<b>Date:</b>	16 November 2022
<b>Reporting Officer:</b>	Emma Varnam – Assistant Director, Operations and Neighbourhoods, Place
<b>Subject:</b>	<b>TAMESIDE METROPOLITAN BOROUGH (ST ALBANS AVENUE AREA, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING) ORDER 2022</b>
<b>Report Summary:</b>	This report outlines objections received to the proposed waiting restrictions within the St Albans Avenue Area, Ashton-under-Lyne.
<b>Recommendations:</b>	It is recommended that authority is given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to introduce the Traffic Regulation Order as detailed in Section 7.2 of this report.
<b>Corporate Plan:</b>	Improvements to the highway network support the Council in delivering all 8 priorities of the Corporate Plan.
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	The proposed scheme is to be funded from existing Traffic Management Revenue budgets within the Place Directorate. The estimated cost of implementation is £2,600. This is inclusive of staff time, advertising costs and the associated road markings and signage.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	<p>The Council has carried out consultation and advertised the proposed Order as required by The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.</p> <p>The Council has a statutory duty, which it must always have regard to under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix A</b>.</p>
<b>Risk Management:</b>	Objectors have a limited right to challenge the Orders in the High Court.
<b>Access to Information:</b>	<b>Appendix A</b> - S.122 of Road Traffic Regulation Act 1984 <b>Appendix B</b> – Public Notice <b>Appendix C</b> – Drawing No. 001
<b>Background Information:</b>	<p>The background papers relating to this report can be inspected by contacting, Joanne Biddle:</p> <p> Telephone: 0161 342 2879</p> <p> e-mail: <a href="mailto:joanne.biddle@tameside.gov.uk">joanne.biddle@tameside.gov.uk</a></p>

## 1. INTRODUCTION

- 1.1 Holden Clough Community Primary School is situated on St Albans Avenue, Ashton-under-Lyne, to the north east of a densely populated residential housing estate, known locally as Hartshead estate.
- 1.2 In recent years the school has been developed, expanding from a single form entry to a two form entry. This has inevitably led to an increase in both pedestrian and vehicular traffic which has exacerbated congestion around the school.
- 1.3 St Albans Avenue is the principal route through Hartshead estate, the road runs alongside the eastern and western boundaries of the school, effectively forming a 'U' shape. The school's main entrance is sited on the western boundary.
- 1.4 At the school's main entrance, there are existing 'school keep clear' road markings that are to be retained. In February 2020 approval was also given to implement 'no waiting at any time' restrictions on St Albans Avenue and around its junctions with Whalley Grove and Stainmore Avenue, these restrictions were introduced to address problem parking around the school's main entrance and are to be retained.
- 1.5 Since the latter restrictions have been implemented dangerous and obstructive parking is now occurring around the school's newly formed pedestrian entrance that is sited on the eastern boundary of the school. Predominantly at school opening and closing times vehicles have been witnessed parking at or near the bend opposite the pedestrian entrance and double parking too close to the junctions of Exeter Drive and Westminster Close, which impedes traffic flow and often leads to conflict between pedestrians and drivers.
- 1.6 Additionally, St Albans Avenue is served by the 231 bus service that runs throughout the school peak period, calling at stops which are less than 200m from the school's pedestrian entrance. Owing to vehicles parking at or near the bend buses travelling in opposing directions are frequently at an impasse, resulting in yet further localised congestion and delays to the bus service.
- 1.7 In response to numerous complaints from local residents, the Headteacher at Holden Clough Community Primary School, parents/carers of children attending the school, ward members and the local Member of Parliament a scheme to address the issues of road safety and congestion was designed and advertised in May 2022. The proposals, as advertised, are detailed in the Public Notice, attached at '**Appendix B**' and illustrated in Drawing No.001 attached at '**Appendix C**'.
- 1.8 During the statutory consultation period no objections were received to the proposed 'No Stopping Monday-Friday 8am-5pm in school entrance area' on St Albans Avenue (west side);
- 1.9 Four objections were received to the proposed 'No Waiting at Any Time' restrictions and one request was made for an amendment to the scheme.
- 1.10 Communication was received from Transport for Greater Manchester's Bus Services Directorate, seeking assurance that the existing bus stop clearway heading westbound, approximately outside No.71 St Albans Avenue (not shown on the plan) is to be retained. Confirmation was given that the existing clearway is to be retained.
- 1.11 The objections/comments raised are summarised below.

## 2. REPRESENTATIONS OBJECTING TO THE PROPOSED SCHEME

- 2.1 The main issue of contention, raised by four of the five objectors, is that congestion around the school on St Albans Avenue and the adjacent side roads is only an issue at school opening and closing times and that the proposed Order for 'No Waiting at Anytime' is excessive. It was suggested that parking restrictions are only necessary when the school is operational and that an order for limited waiting, Monday-Friday, 8am-5pm would be preferable.
- 2.2 Two of the objectors suggested that the proposed 'No Waiting at Any Time' restrictions on St David's Close "from its junction with St Albans Avenue for a distance of 15 metres" are unnecessary and excessive.
- 2.3 Another objector expressed concerns that further waiting restrictions around the school would displace parking and 'push the problem' further up and down Hartshead estate.
- 2.4 Two objectors suggested that there should be a pick up/drop off facility within the school grounds to reduce congestion around the school.
- 2.5 The resident of number 77 St Albans Avenue has expressed their support for the proposals but has requested an extension of the waiting restrictions to cover the full extent of their property, in order to stop parking and facilitate access to their driveway. The resident describes how a 'bottleneck' forms when vehicles parking on the west side of St Albans Avenue often cause vehicles travelling in a northerly direction to stop and give way to traffic travelling in the opposite direction. If a vehicle is stopped here the resident cannot access their driveway when entering from the bottom of the estate.

### **3. OFFICER RESPONSE**

- 3.1 While the obstruction to through traffic occurs predominantly at school opening and closing times, any vehicle parking at any time either too close to the bends or too close to the junctions, on the lengths of road covered by the proposed 'No Waiting at Any Time' restrictions would either obstruct the highway or block private driveways. Reducing the time span of the proposed restrictions would imply that it is acceptable to park here at other times throughout the day and therefore is not recommended.
- 3.2 Implementation of the proposed waiting restrictions would inevitably displace parking. If St David's Close is not included within this scheme it is highly likely that vehicles will park at this junction, given the close proximity to the school. Parking at a junction can cause a major hazard as it reduces visibility for both motorists and pedestrians who may be crossing the road. Rule 243 of The Highway Code dictates that drivers must not park within 10 metres of a junction. This is to allow motorists emerging from, or turning into the junction a clear view of the road they are joining. Although 15 metres is optimum, in this instance it is considered that the proposed restrictions could be reduced from 15 metres to 10 metres in length, on both sides of St David's Close.
- 3.3 Implementation of the proposed restrictions would inevitably displace parking to elsewhere on the estate, in the main however parents/carers would be parking in locations where they would be less likely to obstruct traffic, i.e. away from the bends and not at the junctions of the side roads adjacent to the school. Additionally, if the scheme is approved it is the intention to offer affected residents 'H-markings', i.e. white access protection road markings to discourage drivers from parking over private driveways.
- 3.4 Any changes to parking provision within the school grounds is the responsibility of the school and outside the remit of Engineering Services in terms of this scheme.
- 3.5 The scheme has been designed to allow for some parking along the straight section of St Albans Avenue (west side) opposite the main entrance to the school. The waiting restrictions,

as advertised, do cover the entrance to the driveway of number 77 to deter parking over the driveway itself. Whilst the council appreciates that standing traffic that is forced to wait/give way to oncoming traffic may hinder access/egress to the driveway of number 77 if entering from the bottom of the estate (although not if entering from the top), an extension of the waiting restrictions would only serve to move this problem further down the road and further reduce the available on street parking.

An extension of the waiting restrictions along the whole of the straight section of St Albans Avenue (west side) to join up with the existing waiting restrictions on the left hand bend was considered within the context of this scheme, however the removal of parked cars could potentially lead to an increase in vehicle speeds along the straight section which would not improve road safety outside the school.

#### 4. INITIALLY ADVERTISED PROPOSALS/SCHEDULE OF WORKS

4.1 The proposed 'No Waiting at Any Time' restrictions as advertised are set out in 4.2

#### 4.2 TAMESIDE METROPOLITAN BOROUGH (ST ALBANS AVENUE AREA, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING) ORDER 2022

<b>No Waiting at Any Time restrictions on:</b>	
St Albans Avenue (east side)	from a point 10 metres north-east of its junction with Westminster Avenue to a point 32 metres north-west of its junction with St David's Close.
Westminster Avenue (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in a south-easterly direction.
Exeter Drive (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in an easterly direction.
St David's Close (both sides)	From its junction with St Albans Avenue for a distance of 15 metres in a southerly direction.

#### 5. FUNDING

5.1 The proposed scheme, if approved, is to be funded from existing Traffic Management Revenue budgets within the Place Directorate. The estimated cost of implementation is £2,600.00. This is inclusive of staff time, advertising costs and the associated road markings and signage.

#### 6. CONCLUSION PROPOSALS / SCHEDULE OF WORKS

6.1 It is recommended that the scheme is implemented as advertised, subject to the reduction of the length of the 'No Waiting at Anytime' restrictions on St David's Close (both sides) from 15 metres to 10 metres.

#### 7. FINAL SCHEDULE OF WORKS

7.1 It is recommended that the proposals are introduced as set out in 7.2.

<b>No Waiting at Any Time restrictions on:</b>	
St Albans Avenue (east side)	from a point 10 metres north-east of its junction with Westminster Avenue to a point 32 metres north-west of its junction with St David's Close.

Westminster Avenue (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in a south-easterly direction.
Exeter Drive (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in an easterly direction.
St David's Close (both sides)	From its junction with St Albans Avenue for a distance of 10 metres in a southerly direction.

## 8. RECOMMENDATIONS

- 8.1 As set out at the front of the report.

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## **Section 122 Road Traffic Regulation Act 1984**

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

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**TAMESIDE METROPOLITAN BOROUGH (ST ALBANS AVENUE, ASHTON-UNDER-LYNE) (SCHOOL ENTRANCE PROHIBITION OF STOPPING) ORDER 2022**

**TAMESIDE METROPOLITAN BOROUGH (ST ALBANS AVENUE AREA, ASHTON-UNDER-LYNE) (PROHIBITION OF WAITING) ORDER 2022**

Please be aware that all representations sent in response to this Notice are public documents and may be viewed by anyone.

Tameside Metropolitan Borough Council proposes to make the above Orders under the Road Traffic Regulation Act 1984 the effects of which will be to introduce:-

<b>1.) No Stopping Monday-Friday 8am-5pm in school entrance area</b>	
St Albans Avenue (west side)	from a point 8 metres north of the unnamed access road to Alban Court for a distance of 70 metres in a north-easterly direction.
<b>2.) No Waiting at Any Time restrictions on:</b>	
St Albans Avenue (east side)	from a point 10 metres north-east of its junction with Westminster Avenue to a point 32 metres north-west of its junction with St David's Close.
Westminster Avenue (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in a south-easterly direction.
Exeter Drive (both sides)	from its junction with St Albans Avenue for a distance of 15 metres in an easterly direction.
St David's Close (both sides)	From its junction with St Albans Avenue for a distance of 15 metres in a southerly direction.

A copy of the proposed Order, plan and statement of reasons relating thereto may be inspected online via <http://www.tameside.gov.uk/trafficregulationorders> or be sent to you at your request by e-mailing [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk) and asking for the Hill Street deposited documents. Objections or comments to the proposals stating the grounds on which they are being made must be submitted in writing to the undersigned or by email to [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk). The statutory consultation period is 28 days ending on the 9 June 2022. If you wish to discuss the proposals please contact Joanne Biddle on 0161 342 2879.






Date: 12 May 2022

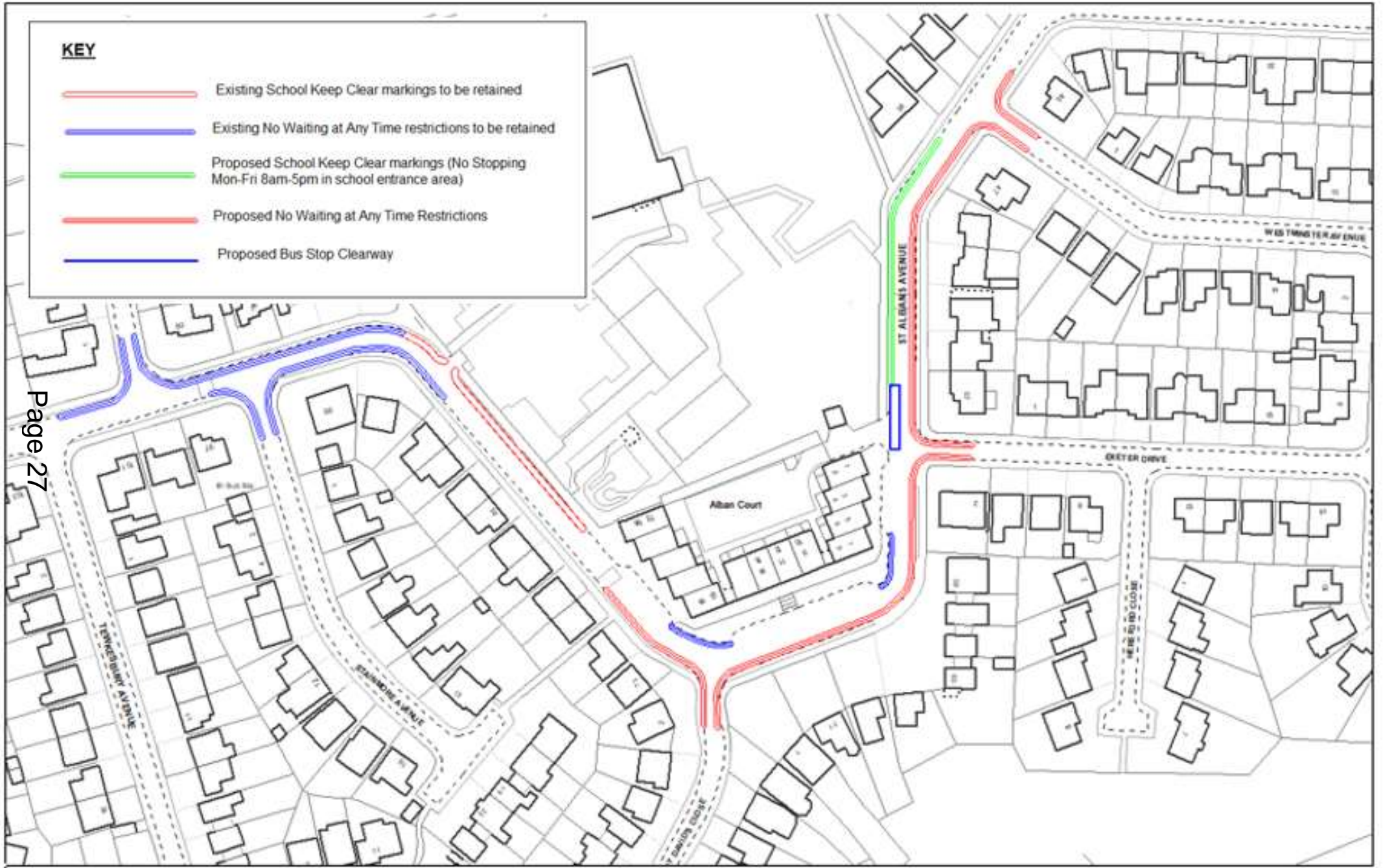
E Varnam; Assistant Director of Operations and Neighbourhoods; Tameside One, Market, Place, Ashton-under-Lyne, OL6 6BH



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**KEY**

-  Existing School Keep Clear markings to be retained
-  Existing No Waiting at Any Time restrictions to be retained
-  Proposed School Keep Clear markings (No Stopping Mon-Fri 8am-5pm in school entrance area)
-  Proposed No Waiting at Any Time Restrictions
-  Proposed Bus Stop Clearway



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# Agenda Item 6

<b>Report to:</b>	<b>Speakers Panel (Planning)</b>
<b>Date:</b>	16 November 2022
<b>Reporting Officer:</b>	Emma Varnam - Assistant Director, Operations and Neighbourhoods, Place
<b>Subject:</b>	<b>OBJECTIONS TO THE PROPOSED TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) CHEETHAM HILL ROAD, DUKINFIELD 2022</b>
<b>Report Summary:</b>	The report outlines correspondence received objecting to the proposal to introduce a new 24 hour Bus Stop Clearway on Cheetham Hill Road, Dukinfield, following a 28 day consultation, which included the frontagers within the immediate vicinity of the proposed Bus Stop Clearway.
<b>Recommendations:</b>	It is recommended that the panel review the objections and that authority is given to implement the 24 hour Bus Stop Clearway in accordance with The Traffic Signs Regulations and General Directions 2016 as detailed in Section 5.1 of this report.
<b>Corporate Plan:</b>	Improvements to the highway network support the Council in delivering all 8 priorities of the Corporate Plan
<b>Policy Implications:</b>	None arising from the report.
<b>Financial Implications: (Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	This report summarises the objections received to the proposed traffic management scheme. If the scheme goes ahead, the cost of the associated road markings is estimated at £200. This will be funded from existing Traffic Management Revenue budgets within the Place Directorate.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in <b>Appendix A</b> .
<b>Risk Management:</b>	Non-implementation may put bus passengers at risk.
<b>Access to Information:</b>	<b>Appendix A</b> - S.122 of Road Traffic Regulation Act 1984 <b>Appendix B</b> – Notice to frontagers <b>Appendix C</b> – Drawing No. 001:
<b>Background Information:</b>	The background papers relating to this report can be inspected by contacting, Joanne Biddle:  Telephone: 0161 342 2879  e-mail: <a href="mailto:joanne.biddle@tameside.gov.uk">joanne.biddle@tameside.gov.uk</a>

## **1. INTRODUCTION**

- 1.1 Cheetham Hill Road, Dukinfield (B6175) is a classified road that forms part of the borough's strategic route network. Bus stop EH0328 is located on the west side of Cheetham Hill Road approximately outside property No. 310. This bus stop is served by services 221, 346, 389 and school service 127. There are up to 5 buses an hour for services 221, 346 and 389 and one AM 127 school service.
- 1.2 In September 2021 bus stop EH0328 was upgraded to include a raised platform and a bus stop clearway installed, i.e. a bus stop 'cage' consisting of solid and dashed yellow lining together with the wording 'BUS STOP'. With the exception of buses, vehicles must not stop or park within a bus stop clearway. However, following a complaint from a resident it transpired that frontagers had not been consulted prior to the clearway being installed and it was subsequently removed.
- 1.3 At this point the council wrote to Transport for Greater Manchester (TfGM) to establish the necessity for a clearway at this location. TfGM responded that they would like to see this clearway reinstated to ensure the full benefit of the raised platform at the recently upgraded stop. If vehicles other than buses continue to park here, passengers using this stop will have to alight and embark from the bus while it is stopped in a live lane of traffic. This is an unsafe practice as passengers cannot access the footway without going between parked vehicles as well as causing congestion on an already busy road. If buses are unable to pull up parallel to the boarding kerb, it can also restrict access to and from buses for the mobility impaired, and push chair users.
- 1.4 Buses pulling up against the boarding kerb has become more important given the increasing provision of fully accessible buses, in accordance with the Public Service Vehicles Accessibility Regulations (PSVAR). The benefits of low-floor and "kneeling" buses are considerably reduced if the bus cannot get to the kerb.
- 1.5 The council's formal procedure for the consultation and implementation of bus stop clearways is as follows:-
- a) Ward Members consultation;
  - b) Frontagers within the immediate vicinity of the proposed bus stop clearway are formally consulted by letter;
  - c) That there is a minimum consultation period of 21 days within which objections can be made in writing to Engineering Services;
  - d) That if no objections are received within this period of time then the proposals are implemented; and
  - e) That if objections are received during this period of time then a report outlining the objections will be considered by Speakers Panel.
- 1.6 In August 2022 the Ward Members for Dukinfield were sent a copy of the Notice to introduce a 24 hour bus stop clearway on Cheetham Hill Road (west side), from a point 45 metres north of its junction with Yew Tree Lane for a distance of 23 metres in a northerly direction. No objections were received.
- 1.7 On the 15 September 2022 frontagers within the immediate vicinity of the proposals were hand delivered a copy of the Notice and a plan showing the location of the proposals. During the 28 day consultation period, correspondence from two objectors was received. The objections raised are summarised below.

## **2. REPRESENTATIONS OBJECTING TO THE PROPOSED SCHEME**



- 2.1 Both objectors contend that bus stop EH0328 is located too close to the signal controlled junction at Yew Tree Lane and that when buses are stopped here it causes the traffic to back up over the pedestrian crossing, especially when two buses turn up at the same time. The congestion is particularly bad at school pick up/drop off times given the close proximity to the schools within the area. The objectors have suggested that the bus stop could either be moved to a different location or removed completely.
- 2.2 One objector also raised concerns that emergency service vehicles may be unable to get through when a bus or buses are pulled up at the stop, especially given the close proximity to the Ambulance Station on Dewsnap Lane, Dukinfield.
- 2.3 The same objector queried the location of the bus stop clearway in relation to the bus stop and believes that the clearway is too long and an 'eyesore'.
- 2.4 One resident reports to have witnessed anti-social behaviour from school children and other people waiting at this stop.
- 2.5 It has been reported that the council litter bin previously sited at this bus stop had been removed, leading to increased littering in the gardens adjacent to the bus stop.
- 2.6 If the proposed clearway is installed one objector will be unable to park on the road outside their property as they have done for over 40 years. They cannot park on the road opposite their property, Monday to Friday between the hours of 8am-9.30am and 4pm-6pm owing to the existing limited waiting restrictions on the east side of Cheetham Hill Road.
- 2.7 Both objectors state that they need to be able to park outside their own house owing to either their own disabilities or the disabilities of their dependant. If the proposed clearway is installed they will be unable to do so.
- 2.8 One objector raised concerns that if the proposed clearway is installed they will be unable to reverse onto their driveway off Cheetham Hill Road.
- 2.9 One objector believes that the installation of the proposed clearway will adversely affect the value of their property and that their car insurance premiums will increase.

### **3. OFFICER RESPONSE**

- 3.1 Bus stop EH0328 is located on Cheetham Hill Road, Dukinfield approximately 50 metres from its junction with Yew Tree Lane, which is well within the parameters of bus stop design guidance. The stop has been in its current position for 13 years and neither the council nor TfGM are aware of any issues with the location of this stop or its proximity to the signalised junction. If this stop was to be removed completely this would result in the distance between the next and previous stop being over 450 metres which is above TfGM's recommended guidance. It is not TfGM's policy to move or remove bus stops unless on road safety grounds.

This stop is not listed as a timing point so buses should only stop to board and alight passengers, however there are occurrences in the timetable where two buses are due to arrive together or within a minute of each other. The waiting restrictions around the junction of Cheetham Hill Road/Yew Tree Lane and on the east side of Cheetham Hill Road restrict parking to keep the junction clear and facilitate traffic flow at peak times. Owing to the nature of the road and close proximity to four schools localised congestion is inevitable at school pick up/drop off times. In slow moving and queuing traffic it is expected that the pedestrian crossings is to be left clear, in line with Rule 192 of the Highway Code.

- 3.2 As above at 3.1 this bus stop is not listed as a timing point so buses will only stop to board and alight passengers intermittently for short periods of time. Cheetham Hill Road is not

dissimilar to a number of roads within the borough that are also on a bus route and therefore it is assumed that in an emergency, motorists, including the bus driver would move to allow an emergency service vehicle through, provided that it is safe to do so. Regardless, the ability of the bus to be parallel to the kerb will allow more road space for any emergency vehicle to travel past, which is not easily possible with the current arrangement as a stopping bus will be forced to double park due to parked cars and vans.

- 3.3 The bus stop pole is sited approximately outside No.310 Cheetham Hill Road, Dukinfield. The proposed clearway has been designed to allow approximately 14 metres for buses to pull up and stop parallel to the kerb where passengers are boarding and a clear exit distance of at least 9 metres. This is to allow buses leaving the stop to re-join the general lane of traffic without overhanging the kerb. The proposed road marking, is a bus stop 'cage' comprising of solid and dashed yellow lining and the wording 'BUS STOP', to diagram 1025.1 of the Traffic Signs Regulations and General Directions 2016. The TSRGD 2016 sets out the design of official traffic signs that can be placed on or near roads in England, Scotland and Wales.
- 3.4 Anti-social behaviour, including verbal abuse, harassment, intimidation or threatening behaviour should be reported to the police in the first instance and to the schools if it is school pupils who are the perpetrators.
- 3.5 It is likely that the litter bin was removed whilst the bus stop upgrade was undertaken. The council's Operations and Greenspace team are arranging for the bin to be replaced.
- 3.6 Although the Council is not unsympathetic to the resident's situation and understands that on street parking is often at a premium, there is no legal entitlement for residents to park on the public highway outside or near to their property address. The limited waiting restrictions on the east side of Cheetham Hill Road have been implemented to enhance the flow of traffic along this route at peak times. Revoking these restrictions could lead to further congestion on the network and therefore is not an option. However, the resident would be able to park on the road opposite their property at weekends and outside of the restricted hours Monday to Friday.
- 3.7 As above at 3.6. However, the Council can offer Blue Badge holders who have no access to off street parking the opportunity to apply for an advisory disabled parking bay. Although the bay could not be sited directly outside the resident's property it could be sited within close proximity where there are no parking restrictions. As such bays operate on a courtesy basis all applications are subject to consultation with neighbouring properties. Further information on how to apply for an advisory parking bay can be found on the council's public website at: <https://www.tameside.gov.uk/TrafficManagement/Advisory-Disabled-Parking-Bays>
- 3.8 The implementation of the proposed clearway would not prevent the resident from completing the necessary manoeuvre to reverse park on to their driveway, providing there is not a bus stopped in the clearway at that time of doing so.
- 3.9 There is no evidence to suggest that the implementation of a bus stop clearway would impact on property prices within the vicinity of the restriction nor that car insurance premiums would be affected if the vehicle is still being parked on the public highway within the same post code area.

#### **4. FUNDING**

The cost of associated road markings (approximately £300) will be funded from within the existing Traffic Regulation Order budget.



## **5. CONCLUSION - PROPOSALS / SCHEDULE OF WORKS**

- 5.1 It is recommended that the proposals are introduced as per the initial notice given to the frontagers, set out below and attached at **Appendix B**.

### **SCHEDULE**

Tameside Metropolitan Borough Council proposes to introduce a 24 hour bus stop clearway on Cheetham Hill Road (west side), from a point 45 metres north of its junction with Yew Tree Lane for a distance of 23 metres in a northerly direction.

TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR)  
CHEETHAM HILL ROAD, DUKINFIELD 2022

## **6. RECOMMENDATION**

- 6.1 As set out at the front of the report.

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## **Section 122 Road Traffic Regulation Act 1984**

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

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# APPENDIX B

## TAMESIDE METROPOLITAN BOROUGH COUNCIL BUS STOP CLEARWAY (24 HOUR) CHEETHAM HILL ROAD, DUKINFIELD 2022

Tameside Metropolitan Borough Council proposes to introduce a 24 hour bus stop clearway on Cheetham Hill Road (west side), from a point 45 metres north of its junction with Yew Tree Lane for a distance of 23 metres in a northerly direction under the Road Traffic Regulation Act 1988 provision 36.

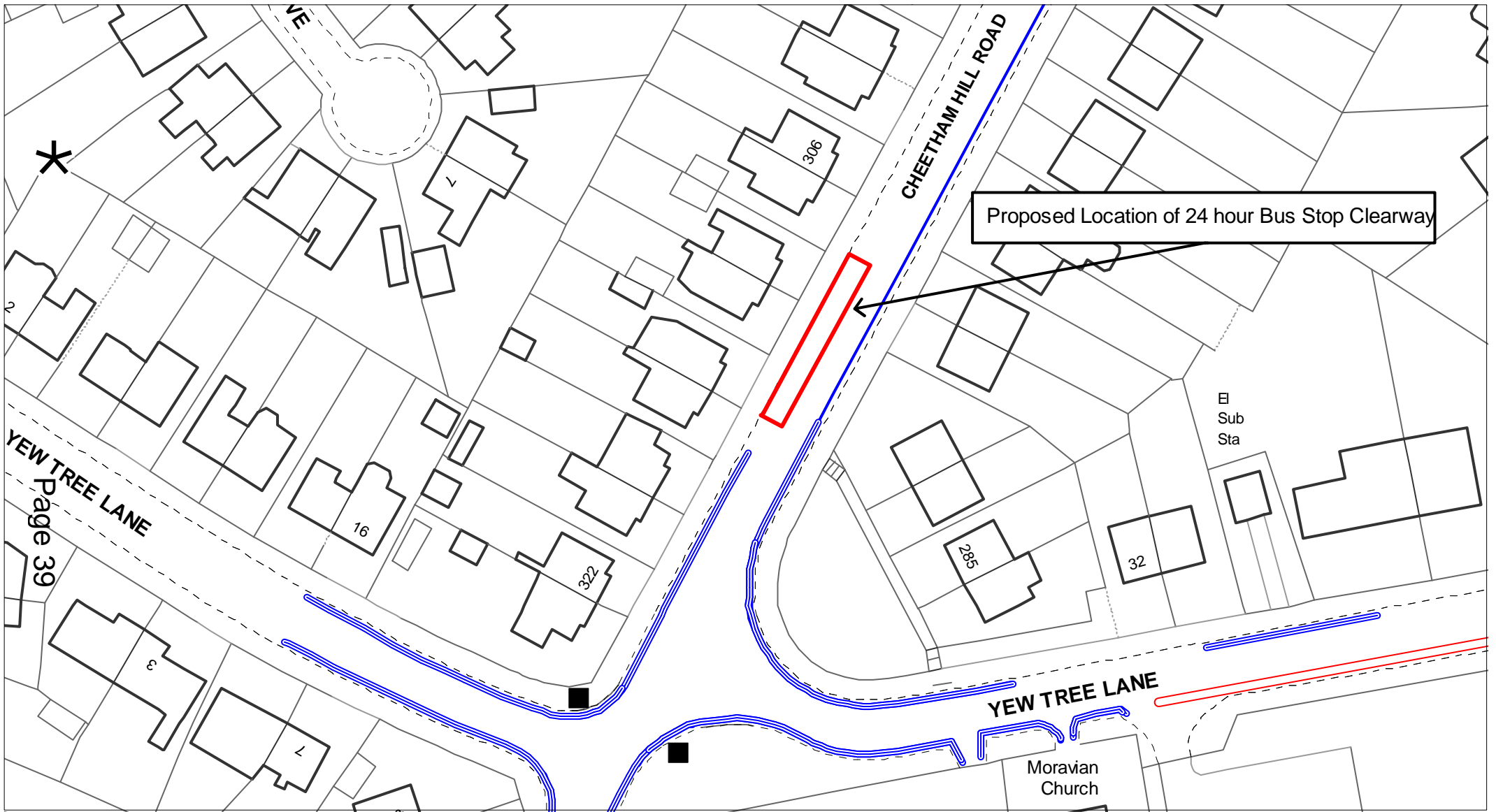
A copy of the plan relating thereto may be inspected during normal office hours at Tameside One, Market Place, Ashton under Lyne OL6 6BH or be sent to you at your request by e-mailing [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk).

If you wish to discuss the proposal please contact Joanne Biddle on 0161 342 2879 or e-mail [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk). Objections or comments to the proposals stating the grounds on which they are being made must be submitted in writing to the undersigned or by email to [trafficoperations@tameside.gov.uk](mailto:trafficoperations@tameside.gov.uk). Objections must be made in writing by the 13 October 2022.

Date 15 September 2022

E Varnam; Assistant Director of Operations and Neighbourhoods; Tameside One, Market Place, Ashton under Lyne OL6 6BH

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Proposed 24 hour Bus Stop Clearway - Cheetham Hill Road, Dukinfield

SCALE	1 : 673
DATE	08/08/2022
DRAWING No.	
DRAWN BY	JB1



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<b>Application Number:</b>	20/01255/OUT
<b>Proposal:</b>	Outline planning application for the erection of 8 houses (landscaping reserved).
<b>Site:</b>	Land at Woodend View, Mossley
<b>Applicant:</b>	Mr Mark Andrew & Mr Frank Williams
<b>Recommendation:</b>	Refuse planning permission.
<b>Reason for Report:</b>	A Speakers Panel decision is because the application has been called in by Councillor Sharif.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application site is located approximately 580m to the north-east of Mossley town centre in what is a predominantly residential area, although interspersed with areas of open space. Along its northern boundary the application site encompasses a level, unmade track that connects New Earth Street in the west to Roughtown Road in the east. The remainder, and majority, of the site then comprises land that slopes steeply southward down to the railway. The sloping land is densely wooded. From New Earth Street, the track passes behind, and serves as the primary access to, a terrace of six houses, in Woodend View,. To the north, immediately beyond the unmade track, there is landscaped area of open land, including a children's playground, and the land then continues to rise towards the rear of a terrace of stone-built houses in Carrhill Road.

## 2. PROPOSAL

- 2.1 The application seeks outline planning permission, including the details of access, appearance, layout and scale for the development of eight detached house. Only details of landscaping are excluded from the proposals.
- 2.2 The proposed houses would be arranged in a generally linear arrangement on the southern side of the unmade track, which would be improved to an adoptable standard so as to provide access. The houses would be set back behind front gardens and rise to two storeys at the front. At the rear, because of the topography and the land being at a lower level, there would be a lower ground-floor. The submitted plans indicate that two of the houses would include five bedrooms, each including an en-suite bedroom on the lower ground-floor. The other six houses would each include four bedrooms, involving utilising the roofspace with dormers to provide a bedroom.
- 2.3 In order to provide relatively level rear gardens, the land behind the houses, before the railway, would be excavated and so require the higher ground to be supported with retaining structures.

## 3. RELEVANT PLANNING HISTORY

- 3.1 04/00131/FUL - Erection of 3no detached dwellings - Approved 30.04.2004
- 3.2 11/00552/FUL - Erection of 6no detached houses and associated works - Refused 01.07.2012

- 3.3 19/00943/OUT - Outline application for the erection of 6 houses and 3 apartments including details of Access, Appearance, Layout & Scale - Withdrawn 04.03.2020

## 4. PLANNING POLICY

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

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Development Plan
- 4.4 Paragraph 111 of the NPPF states that: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 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 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).
- 4.7 **Tameside Unitary Development Plan (2004)**
- 4.8 Part 1 policies
- 1.3: Creating a Cleaner and Greener Environment.
  - 1.5: Following the Principles of Sustainable Development.
  - 1.10: Protecting and Enhancing the Natural Environment.
  - 1.12: Ensuring an Accessible, Safe and Healthy Environment.
- 4.9 Part 2 Policies
- H2: Unallocated Sites.
  - H10: Detailed Design of Housing Developments.
  - OL4: Protected Green Space
  - T1: Highway Improvement and Traffic Management.
  - T10: Parking.
  - C1: Townscape and Urban Form.
  - N4: Trees and Woodland.
  - N5: Trees Within Development Sites.

- MW11: Contaminated Land

### **Supplementary Planning Documents**

- Residential Design Supplementary Planning Document.
- Tameside Council Open Space Review 2017/18

### **Other Relevant Policies**

#### **National Design Guide (2021)**

- 4.10 Illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### **Places for Everyone**

- 4.11 Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.12 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.13 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

- 4.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in regard to respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.15 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been publicised by neighbour notification letters and a notice being posted at the site and having been published in a newspaper

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

- 6.1 Councillor Sharif has objected on the grounds that it is considered that:

- This is a very poor application with insufficient details for a determination, and on this ground alone it should be refused or additional information should be sought prior to Panel.
- The development will result in additional pressure on current open space in the area.
- It will amount to an overdevelopment of the site, going from 9 builds (6+3) to 8 is still an overdevelopment.
- It will be out of character with the surrounding area.
- The access to the site via narrow and heavily parked streets is inappropriate, disruptive and will be detrimental to highway safety.
- The proposal includes no details of how heavy plant and materials will access or deliver to the site.
- The density of the proposed residential accommodation is excessive and is detrimental to the residential amenity of the proposed occupiers and surrounding residential areas.
- There is a high chance for flooding from natural streams in the locality, and this will be exacerbated as a result of increased hard surface treatments associated with the development. The proposals do not include any measures to assess or address this potential problem.

6.2 Objections have been received from thirty-two households.

6.3 The reasons given for objecting are the contentions that:

- the constrained access to the site will likely result in contractors' vehicles coming in to conflict, and causing damage to residents' vehicles, and creating road safety hazards, including to children using the neighbouring playground;
- the loss of parking spaces on the unmade road leading to road safety hazards due to increased parking on surrounding roads;
- the proposal would add to already excessive residential development in Mossley;
- roads in the vicinity are inadequate to cater for the increased traffic that would be generated;
- the development will increase pressure on local services and use of open spaces;
- the houses are out-of-keeping with the setting;
- the necessary earthworks may cause damage to existing properties and affect drainage; and,
- the development would result in the loss of trees, habitats, and play space.

6.4 An objector contends that the application effectively seeks full planning permission and so a decision would be premature without consideration of a set of documentation that is absent.

## **7. RESPONSES FROM CONSULTÉES**

7.1 The local highways authority has raised no objection subject to conditions regarding:

- highway construction details,
- surface water drainage details,
- a Construction Environment Management Plan,
- the provision of parking spaces,
- electric vehicle charging points, and
- cycle storage,
- together with informative notes regarding postal address and working near to a public highway,

being attached to any permission.

7.2 The Council's Arboriculturalist has identified that the site contains a number of trees, including mature specimens, that are valuable to the amenity of the wider area, and recommends that a full Arboricultural Report and Impact Assessment should be submitted, together with a high quality landscaping to mitigate for losses.

7.3 The Head of Environmental Services (Public Protection) has raised no objection subject to conditions:

- requiring the provision of noise mitigation measures;
- restricting the hours of construction work; and
- requiring a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site, and the implementation of any works identified as being necessary,

being attached to any permission.

7.4 The Lead Local Flood Authority has identified shortcomings in the submitted proposed drainage strategy which might be overcome by a condition being attached to any permission to require a surface water drainage strategy to be submitted to, and approved by, the local planning authority.

7.5 United Utilities has raised no objection subject to a condition requiring a surface water drainage strategy to be submitted to, and approved by, the local planning authority

7.6 Network Rail has objected on the grounds that the proposal includes drainage channels adjacent to the railway boundary as well as gabion walls and an acoustic fence on the railway boundary. In the event that permission is granted it is suggested that certain conditions, regarding a trespass-proof fence and working within close proximity to the railway, be attached to any permission.

7.7 The Greater Manchester Ecology Unit has raised no objection subject to a condition requiring a badger survey be carried out ahead of any work commencing.

## **8. ANALYSIS**

8.1 The application seeks approval for the details of the means of access to, the layout, and scale and appearance, of the development of eight detached houses. Any approval of these details will then constitute substantive planning permission that confirms that the principle of the proposed development is acceptable on this site.

## **9. PRINCIPLE OF THE DEVELOPMENT**

9.1 Whether the details of the proposed development for which permission is sought are considered acceptable, the approval of the application would constitute substantive planning permission that confirms that the principle of the proposed development is acceptable on this site.

9.2 The applicant contends that there remains an extant planning permission (ref. 04/00131/FUL) for three houses on the application site. If this is the case the inference is then that the principle of residential development on the site is established. The contention is that the permission remains extant because work commenced on the implementation of the approved development before the permission would otherwise have expired, and this was confirmed by Council building control officers.

- 9.3 The contention can however be afforded little weight in determining whether the principle of the proposed development on this site is acceptable. Whilst it is accepted that some work on the site began following the grant of planning permission, as the applicant was advised at the time:
- none of the pre-commencement conditions of the planning permission had been discharged when work began, so any commencement might be considered unlawful; and,
  - the proposals included in the application for building regulations approval were found to differ from those included in the planning permission and so the commencement of works, as conformed by building control officers, would not constitute a commencement of the implementation of the planning permission.
- 9.4 In determining whether the principle of the proposed development on this site is acceptable now the weight that can be afforded to the grant of planning permission in 2004 is again limited. That permission was granted before both the adoption of the development plan (the current Tameside UDP) and the introduction of the NPPF. The planning policy framework within which the previous application was decided differs from that in place today.
- 9.5 Whilst the previous refusal of planning permission (ref. 11/00552/FUL) did not cite that the principle of development on the site was unacceptable, the decision, whilst post-dating the adoption of the current UDP, was made before the introduction of the current NPPF.
- 9.6 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.
- 9.7 The planning policy framework has changed substantively since the previous applications were considered, most significantly by the introduction of the NPPF. The provisions of the NPPF are now material considerations that should be afforded significant weight in the determination of the application.
- 9.8 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.
- 9.9 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions 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.
- 9.10 Although not allocated specifically as protected green space, UDP policy OL4 affords the same protection from built development to other areas of open land. The principle of the development must therefore be considered against policy OL4 of the UDP and the policies of Section 8 of the NPPF, and whether built development is acceptable on the area afforded the status of Protected Open Space.
- 9.11 The council commissioned an Open Space Study (the Study) published in 2018. The Study covers a number of open space specific typologies and, of these, the application site will constitute an area of amenity space. Such a space offers opportunities for informal activities close to home or work

or enhancement of the appearance of residential or other areas, these would include informal recreation spaces, housing green spaces, village greens and other incidental space.

- 9.12 The application site is privately-owned and not readily accessible to the public. Parts of the site have been cleared of vegetation previously but it has now largely regenerated. The contribution of the application site as open space to the community is almost solely of visual amenity, providing, as it does, an incidental tract of land that enhances the appearance of the predominantly residential area, and provides a visually attractive buffer before the railway. Part of that attractiveness is due to a number of mature trees present on the site.
- 9.13 The current application proposes that all of the vegetation on site be removed, the detail of landscaping would then held in reserve for subsequent approval. The application does not include any arboricultural survey of the site, nor an appraisal of the amenity value afforded by the existing mature trees and what compensation, by way of replacement planting, there would be for their loss. Whilst the development of part of the site might be acceptable in principle, the development of the whole of the site as is now proposed would result in the loss of whatever amenity value the site provides, including that provided by the presence of the mature trees.
- 9.14 The determination of whether a site is suitable in principle for the proposed use, in this case housing, includes consideration of ground conditions and stability. The NPPF requires that:
- Planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... land instability. Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 9.15 The issue goes to the heart of the proposal.
- 9.16 The application includes a Ground Investigation Report. The recommendations of the Report include that additional site investigations be carried out at the site to provide further information to allow an accurate assessment of the site and the risks posed by the existing slope. The Report is inconclusive and so it cannot be ensured that the proposed development will not contribute to, and that it, as well as those existing, including the safe operation of the railway, will not be put at risk from unacceptable levels of land instability. The applicant has thus not demonstrated that what is proposed would be a safe development, and for this reason the proposal cannot be considered acceptable in principle.
- 9.17 Notwithstanding that the proposal is found unacceptable in principle, the application seeks approval for detailed matters of access to; appearance, layout, and scale of, the proposed development. Each of these matters are then addressed in turn.

## **10. ACCESS**

- 10.1 The proposal includes the making-up of the track between New Earth Street and Roughtown Road to an adoptable standard. Each of the houses would then be provided with driveways with appropriately geometrically-designed access, and adequate space to park at least two cars off the road. It is estimated that the development would have the potential to generate nine additional vehicle trips at peak times.
- 10.2 Whilst there are bus services along both Carrhill Road and Stockport Road, which are relatively close to the site, access to local services, such as shops, is limited.

10.3 Despite the absence of local services it is considered that the site is accessible by modes of transport other than motor cars and that the parking provision and arrangements proposed are adequate so that the presence of eight new houses would not have an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe so that, in terms of access, the proposal is accepted as being compliant with policies T1 and T10 of the UDP, and with paragraph 111 of the NPPF.

## **11. LAYOUT**

11.1 The houses would be laid out in a relatively linear formation but, following the curve of the embankment at the rear, coming closer to the road nearer to Roughtown Road. The linear arrangement is consistent with the built form of nearby houses that are generally in terraces.

11.2 There being no existing houses either immediately in front or behind, the layout of the proposed houses would create minimal impact on the amenities of any neighbours in terms of over-looking and over-shadowing.

11.3 The layout of the proposed housing plots within the site would provide commensurate private amenity, or garden, spaces.

## **12. DESIGN AND APPEARANCE**

12.1 Each of the proposed houses would rise to two storeys on the street frontage with external walls being finished in stone and tiled roofs.

12.2 A consistent palette of external finishes would be used throughout the development so as to achieve a cohesive scheme that acknowledges the character of the locality within which it is set whilst remaining identifiably contemporary, including such features as artstone window surrounds and mullions. In terms of scale and design, it is accepted that the houses would appear appropriate within the existing context they would be set.

12.3 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards – nationally described space standard document (THS).

12.4 Including accommodation over three storeys, the four bedroomed houses would provide approximately 117 square metres floor area and the five bedroomed houses would provide approximately 147 square metres floor area and this comply with THS.

## **13. CONCLUSION**

13.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the 4th bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

13.2 In terms of its component dimensions there would be a relatively small social benefit in providing eight extra housing units. Economic advantages would also arise from the construction and



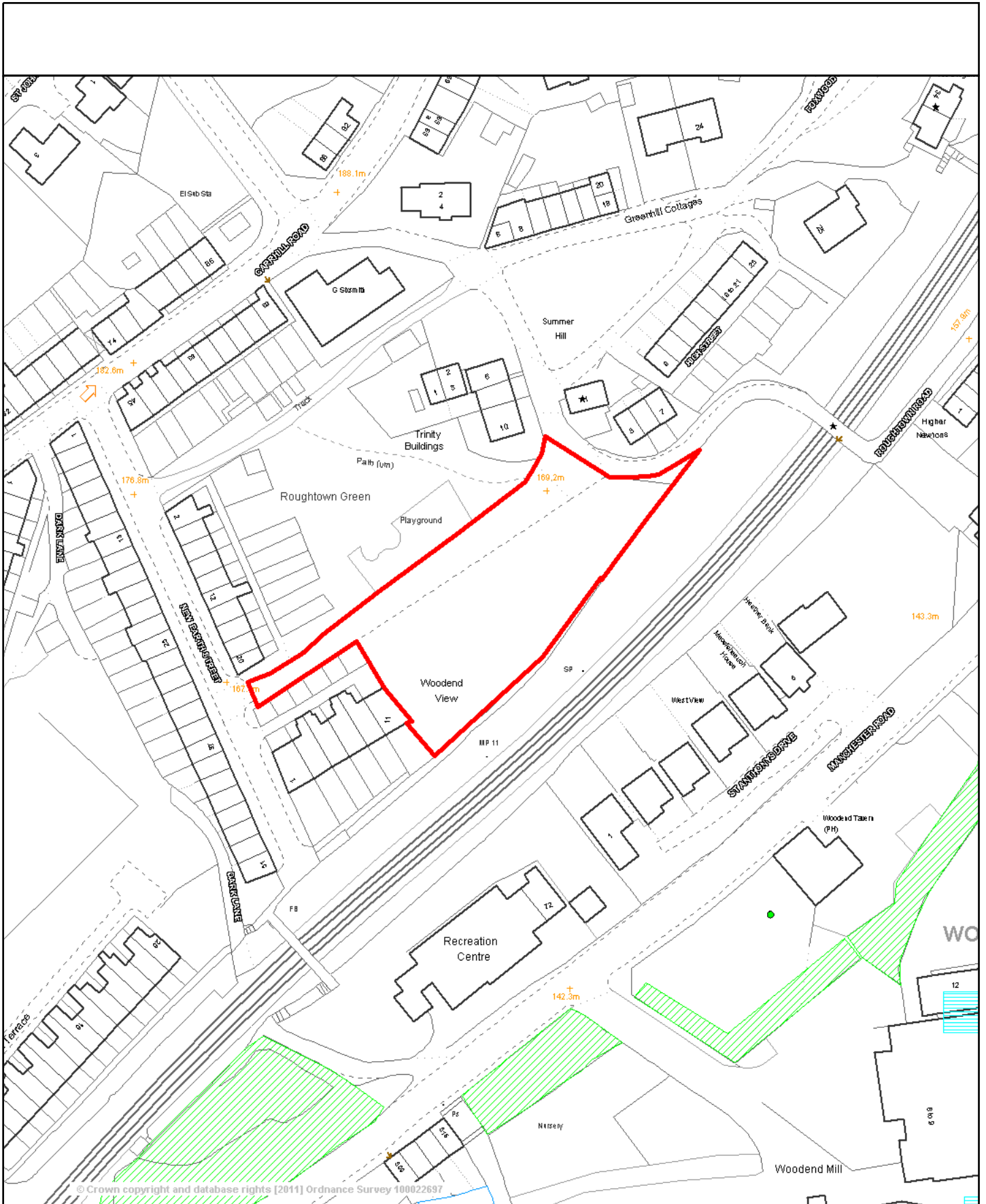
occupation of the new houses. Nevertheless, it is considered that the adverse impacts of the proposed development on the land afforded protection from development as if were allocated as protected green space, and that it is not demonstrated that the proposed development will not contribute to, and that it, as well as those existing, including the safe operation of the railway, will not be put at risk from unacceptable levels of land instability, would outweigh any associated benefits. When assessed against the policies in the NPPF taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits and so the proposal would not constitute a sustainable form of development and the recommendation is for refusal.

## **RECOMMENDATION**

That planning permission be refused for the following reasons:

1. The proposal includes that all of the vegetation on the site be removed, and the detail of landscaping would then held in reserve for subsequent approval. The application does not include any arboricultural survey of the site, nor an appraisal of the amenity value afforded by the existing mature trees and what compensation, by way of replacement planting, there would be for their loss. Whilst the development of part of the site might be acceptable in principle, the development of the whole of the site as is now proposed would result in the loss of whatever amenity value the site provides, including that provided by the presence of the mature trees. The proposal thereby fails to comply with policies 1.3, 1.5, 1.10, OL4, N4 and N5 of the Tameside Unitary Development Plan, and Sections 2, 12 and 15 of the National Planning Policy Framework
2. The application includes a Ground Investigation Report that recommends that additional site investigations be carried out at the site to provide further information to allow an accurate assessment of the risks to the stability of the land within the site, and the risks posed by the existing slope just beyond the site boundary. That the proposed development will not contribute to, and it, as well as those existing, including the safe operation of the railway, will not be put at risk from unacceptable levels of land instability cannot then be ensured. The proposal is thus contrary to Section 15 of the NPPF.

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NEW HOUSING DEVELOPMENT, ON VACANT LAND, ADJACENT TO WOODEND VIEW, MOSSLEY, OL5 0SN (1:500@A3)

**WALLING MATERIALS :**  
BRADSTONE RECONSTITUTED WALLING, SQUARE COURSED RUBBLE, COLOUR TO BE BUFF, WITH LIME MORTAR, AND WITH COLOUR AGENT TO WEATHER THE AESTHETICS OF THE WALLING. SPLAYED CORNERS TO ALL BAY LOCATIONS. ALL WORKS CARRIED OUT TO BRADSTONE INSTRUCTIONS.

**ROOFING MATERIALS :**  
ROOFING TO BE HARDROW HERITAGE, (STONE LOOKALIKE APPEARANCE) 5NO. TILES IN VARIOUS COLOURS PER SQ.M. MIX OF COLOURS OF LIGHT GREY, LIGHT BROWN, YELLOW, THATCH, ALL RANDOMLY PLACED. IN RANDOM WIDTHS AND DIMINISHING COURSE AVAILABLE. EAVES DETAILS TO HAVE EAVES SUPPORTS PROJECTING FROM FEATURE OPENING DETAILS.

**FEATURE OPENING DETAILS :**  
THE STONE FACE, ALL STONE OPENINGS TO HAVE CILLS, HEADS, MULLIONS, IN SIMILAR COLOURED CONCRETE AS THE WALL. NEW WINDOWS AND EXTERNAL DOORS ARE IN ANTHROCITE COLOUR FINISH.

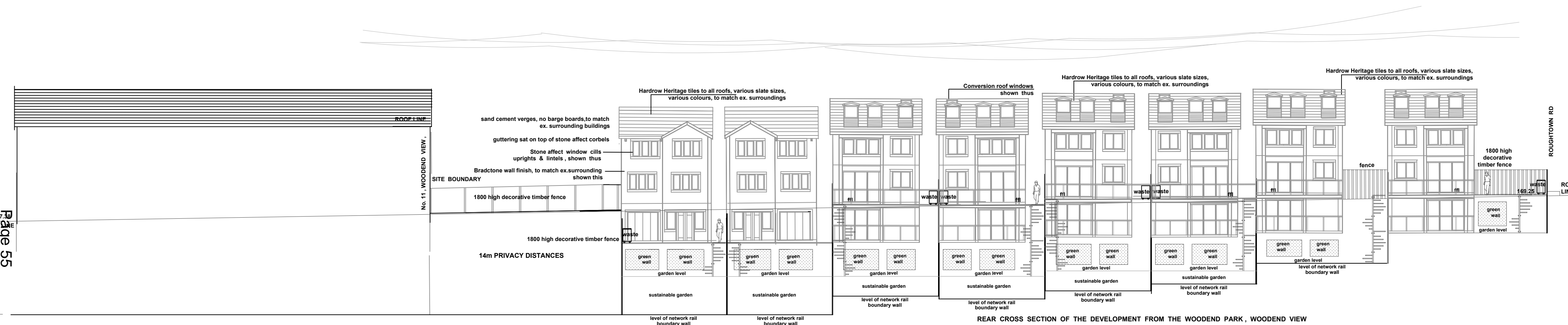
**WINDOW FRAMES, PATIO FRAMES, TO BE IN PVC 70mm SECTIONS, DOUBLE GLAZED, COLOUR ANTHROCITE, FRONT DOOR AND FRAME TO BE IN ASH HARDWOOD, CLEAR VARNISH FINISH IN BLACK HOUSE NUMBER.**

**GROUND LEVEL PAVING :**  
ALL EXTERNAL GROUND LEVEL FINISHED FLOOR AREAS, I.E. PATHWAYS, WALKWAYS, PATIO AREAS, NOT CAR PARK HARDSTANDINGS, ARE TO BE BRADSTONE COLOURED CONCRETE OLD TOWN PAVING SLABS, VARIOUS SIZES BEING 600 X 600, 600 X 450, 600 X 300, 300 X 300, LAID RANDOMLY, ALL TO FALLS AWAY FROM THE HOUSE. ALL NEW PAVING SLABS TO BE PERMEABLE PAVING SLABS.

NEW HOUSING DEVELOPMENT ON VACANT LAND ADJACENT TO 11 WOODEND VIEW, MOSSLEY, OL5 0SN  
SCALE: 1:200 @A2  
TITLE: STREET SCENE FRONT VIEW  
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**WALLING MATERIALS :**  
 BRADSTONE RECONSTITUTED WALLING, SQUARE COURSED RUBBLE, COLOUR TO BE BUFF, WITH LIME MORTAR, AND WITH COLOUR AGENT TO WEATHER THE AESTHETICS OF THE WALLING. SPLAYED CORNERS TO ALL BAY LOCATIONS. ALL WORKS CARRIED OUT TO BRADSTONE INSTRUCTIONS.

**ROOFING MATERIALS :**  
 ROOFING TO BE HARDROW HERITAGE, (STONE LOOKALIKE APPEARANCE.) 5NO. TILES IN VARIOUS COLOURS PER SQ.M. MIX OF COLOURS OF LIGHT GREY, LIGHT BROWN, YELLOW, THATCH, ALL RANDOMLY PLACED. IN RANDOM WIDTHS AND DIMINISHING COURSE AVAILABLE. EAVES DETAILS TO HAVE EAVES SUPPORTS PROJECTING FROM CLADDING TO DORMER WINDOWS ARE IN PVC PLANKS 150mm WIDE, INTERLOCKING, ANTHROCITE IN COLOUR, WITH CODE 5 LEAD UPSTANDS, SOAKERS, ETC., TO THE LEAD ASSOCIATION STANDARD DETAILS.

**FEATURE OPENING DETAILS :**  
 THE STONE FACE, ALL STONE OPENINGS TO HAVE CILLS, HEADS, MULLIONS, IN SIMILAR COLOURED CONCRETE AS THE WALL. NEW WINDOWS AND EXTERNAL DOORS ARE IN ANTHROCITE COLOUR FINISH.

**GROUND LEVEL PAVING, FENCING AND RETAINING WALLS :**  
 ALL EXTERNAL GROUND LEVEL FINISHED FLOOR AREAS I.E. PATHWAYS, WALKWAYS, PATIO AREAS, NOT CAR PARK HARDSTANDINGS, ARE TO BE BRADSTONE COLOURED CONCRETE OLD TOWN PAVING SLABS, VARIOUS SIZES BEING 600 X 600, 600 X 450, 600 X 300, 300 X 300, LAID RANDOMLY, ALL TO FALLS AWAY FROM THE HOUSE, RETAINING WALLS TO PLOT 2 & 3, TO BE CAGED GABIONS 1m SQUARE, TO MAKERS INSTRUCTIONS TO THE DEPTHS SHOWN ACOUSTIC WALLING TO PLOTS 1 TO 8 CONINUOUS, TO THE ACOUSTIC REPORT RECOMMENDATIONS FULLY FENCING BETWEEN REAR PLOTS TO BE 1800mm HIGH CONCRETE POST / PANELS WITH WANEY LAP TIMBER PANELS

- A - FRONT VIEW AMENDED TO SUIT PLANNERS REQUIREMENTS
- B - EXTERNAL MATERIALS AND SPECIFICATIONS ADDED TO PLANS APPROVAL
- C - MATERIALS SCHEDULE ADDED
- D - LEVELS AMENDED TO SUIT TOPO SURVAY

NEW HOUSING DEVELOPMENT ON VACANT LAND ADJACENT TO 11 WOODEND VIEW, MOSSLEY, OL5 0SN

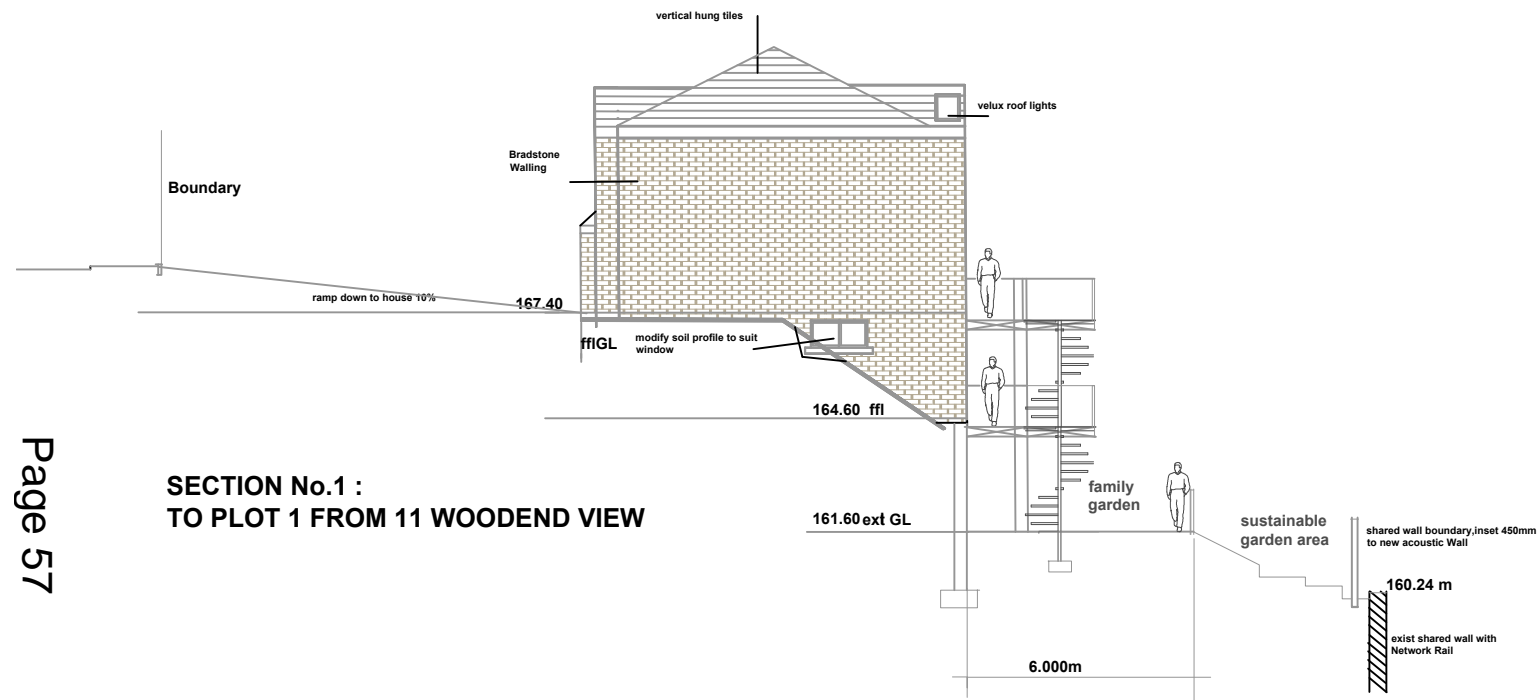
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TITLE: PROPOSED REAR VIEW OF PROPOSED HOUSING DEVELOPMENT

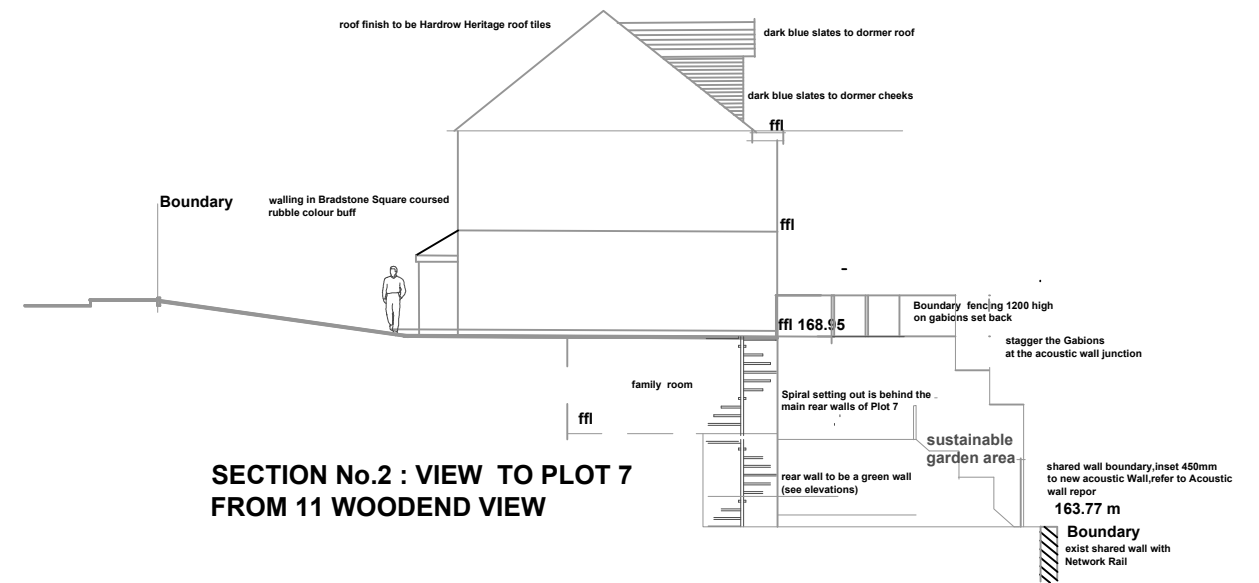
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**SECTION No.1 :  
TO PLOT 1 FROM 11 WOODEND VIEW**



**SECTION No.2 : VIEW TO PLOT 7  
FROM 11 WOODEND VIEW**

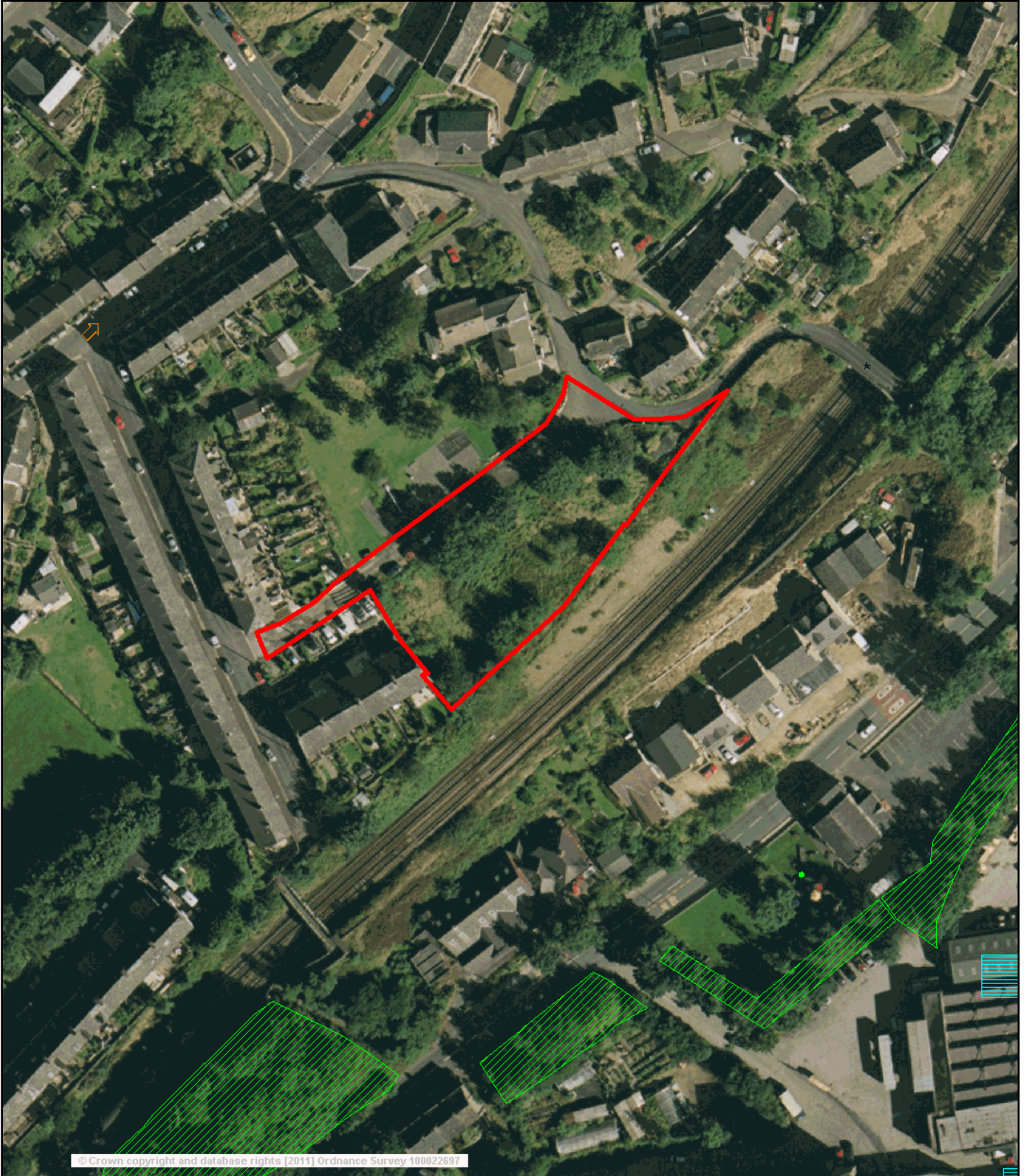
REV A -- to suit levels topo survey

Green walls are all under the balcony to the ground floors, metal frame bolted to the wall, at a 5° pitch, using 100x100x6mm sq. section frames with 50mm metal mesh panels pvc coated, shade flowers are to be : hosta , astilbe , heuchera species  
Rear garden to have turf finish to falls on prepared land, falling into the house, into eco drain ,sustainable garden layered areas to suit the topograghy / shared boundary wall, no border area planting.  
Front garden to have turf finish on prepared land to falls, borders having perennial plants only, ground cover only no bush species allowed to enjoy the front views available to the Council park area.

NEW HOUSING DEVELOPMENT ON VACANT LAND ADJACENT TO 11 WOODEND VIEW, MOSSLEY, OL5 0SN  
**SCALE:** 1:200 @A3  
**TITLE:** SECTIONS  
**DRAWING REF:** NO . 2011/03 - 09A



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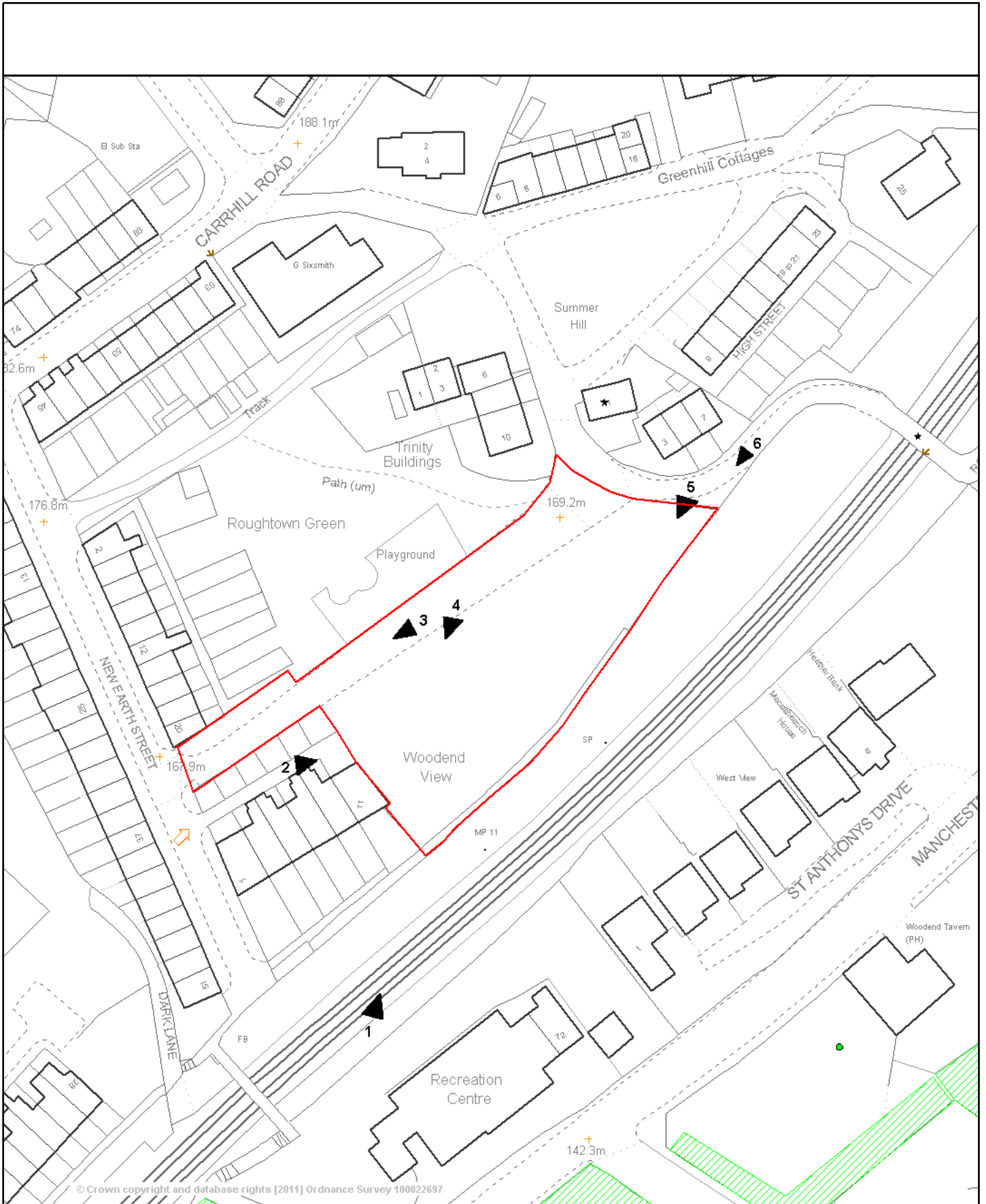
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Scale 1/1000    Date 22/9/2021  
 Centre = 397640 E 402793 N

**Photo 1**



**Photo 2**





**Photo 3**



**Photo 4**





**Photo 5**



**Photo 6**





<b>Application Number:</b>	21/01379/FUL
<b>Proposal:</b>	Proposed Development of 6no. detached dwellings.
<b>Site:</b>	Hanover Memorial Gardens, Hanover Street, Mossley
<b>Applicant:</b>	Mr Andrew Rhodes
<b>Recommendation:</b>	Refuse planning permission.
<b>Reason for Report:</b>	Speakers Panel decision is required in accordance with the Council's constitution because a ward Councillor and four members of the public have requested a Speakers Panel decision.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 Situated approximately 150 metres to the east of the Mossley town centre boundary, the site is located in a predominantly residential area in close proximity to local bus routes. The closest primary school on Mountain Street is situated approximately 150m to the east of the site.
- 1.2 The site is situated at a higher level (approx.16.8m) than properties to the east (rear) on Stamford Street. The remaining boundaries about the existing properties on Hanover Street.
- 1.3 Historically there were sandstone quarries to the west of Stamford Road and the remnants of the rock face run north to south parallel to Stamford Road and form the eastern boundary of the application site. Due to the topography of the area, the ground level of the site is slightly lower than Hanover Street and has an elevated position some 4/5 metres above the ground level on Stamford Road. In the 1950's, the site was turned into a memorial gardens for pets and this use does not appear to have altered to the present day. The rest of the land is overgrown open land.

## 2. PROPOSAL

- 2.1 The application is for full planning permission for the development of 6no, 2-storey detached dwellings with habitable roof space on 0.16 hectares of land between Hanover Street to the west and the rear of houses on Stamford Road to the east.
- 2.2 The development would be accessed from Hanover Street with individual properties and driveways also fronting Hanover Street. Each house would have front and rear gardens and be provided with sufficient space to park two cars off-street.
- 2.3 All of the buildings would be two storey with a basement below street level and the roof space maximised, rising to a height above street level of 2.1m at eaves level and 6.3m at ridge and at the rear would be 5.3m to eaves level.
- 2.4 The properties would measure 9.7m in length with a width of 8m. To the rear is a balcony. All the properties would be stone built with a slate roof.
- 2.5 The application is supported with the following documents :
  - Planning Statement

- Proposed Layout of houses showing location of piling and Section Drawings
- Site Investigation and Re-evaluation of Slope Stability, dated 28<sup>th</sup> August 2007
- Meeting notes between TerraConsult (geotechnical specialist) and Greater Manchester Geological Unit (GMGU) held on 16th May 2007.
- Walkover Inspection
- Supply and Installation of Rockfall Protection Measures
- Method Statement and Control proposals for Japanese Knotweed

### **3. PLANNING HISTORY**

- 3.1 15/00878/FUL– Development of 6 No. detached houses – Approved on 05.01.2017.
- 3.2 11/00730/REM– Approval of reserved matters relating to landscaping, access, scale and appearance following outline consent for six dwellings under reference 11/00072/OUT– Refused on 05.03.2014. – Appeal dismissed 26.02.2015.
- 3.3 11/00072/OUT– Renewal of planning application 03/00817/OUT for Residential Development – OUTLINE – approved on 08.04.2011.
- 3.4 10/00805/REM– Approval of reserved matters relating to landscaping, access, scale and appearance following outline consent 03/00817/OUT – Withdrawn on 15.10.2010.
- 3.5 03/00817/OUT - Residential Development – OUTLINE. Approved on 08.04.2008.

### **4. PLANNING POLICY**

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

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

## Tameside Unitary Development Plan (2004)

### 4.5 **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
- 1.10: Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

### 4.6 **Part 2 Policies:**

- C1: Townscape and Urban Form
- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking.
- N5: Trees Within Development Sites
- MW11: Contaminated Land

### **Supplementary Planning Documents**

#### 4.7 Residential Design Supplementary Planning Document

### **Places for Everyone**

4.8 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.9 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.10 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

### **Other Considerations**

4.11 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.12 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement, the application has been advertised by a site notice and neighbour letters.

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

- 6.1 152 letters of representation have been received citing objections to the application on the following grounds:

### **Slope Stability/Structure**

- I have it on council level authority that the cliff on which the land sits is unsafe and the last planning permission should never have been granted.
- The cliff on which the development sits, has been deemed unsafe on the record by survey.
- The cliffs would not have become safe over time.
- To build houses on this land would be dangerous due to the fault and the piling, overburden an already failing infrastructure.
- The Mossley Fault line and the former Colliery on Stamford Road. The Deep piling that would be required could have a disastrous affect upon the fault and cause structural damage to existing houses on Stamford Road, Hanover Street and Mountain Street. This is a significant risk and a hazard to life.
- Applications have been refused a number of times for this site, each listing issues with properties on Stamford Road, suitability of the site and land slide/rock fall, issues and faults associated to Hanover St, access to the site and disruption it would cause.
- In the past the land has been considered unsafe and planning permission has been refused. I cannot imagine things have changed since then and I am surprised that planning permission was granted subsequently, which has now obviously expired.
- Area/ground is unstable.
- There have been previous structural surveys done on this piece of land and the land was found to be structurally and irrefutably unsafe.
- Over the years there have been many rockfalls, as evidenced by the substantial screen which has built up at the foot of the cliff face. This has occurred because of the inherent instability of the site; and in spite of the fact that there have been no buildings on the cliff top.
- The site forms part of a geographical fault line which runs from Jacob's Ladder to Mossley Park, parallel to Hanover Street and Stamford Road; the same fault line which caused the huge landslide in Mossley Park in 2002 which necessitated the building of retaining walls etc. at great expense. Again, this occurred because of the inherent instability of the land, combined with water erosion, and despite the fact that there were no buildings contributing their weight to causing the landslide.
- Many houses on Hanover Street have had to be underpinned over the years as a result of subsidence on this very same fault line. Similarly, the cliff face to the rear of the properties at Rock Bank Terrace on Stamford Road has also suffered from rock falls, even though no properties have been erected on the top of it. Also in the 1960s, the house at 11 Stamford Road had to be demolished as a result of water erosion flooding from the same cliff.
- In 1973, such was the concern of Mossley Borough Council with regard to this fault line, especially concerning the safety of the local residents, that they commissioned a geological and scientific study from Mossley Park to the top of Jacob's Ladder. This was carried out by various experts, e.g. Prof. Howell (the leading expert of the day) and his team from Manchester University. They described the rock formation as being like huge building blocks, all piled one on top of another. Leave this alone, and all would be well.

BUT disturb this delicate balance, and major problems would ensue. Their conclusion was unequivocal: this land was so unstable that it must NEVER be built on.

- The preparation of the site will apparently involve driven piles and concrete beams and supports, which must have a detrimental effect on its already fragile stability; similarly, drilling holes into the cliff face for steel anchor bolts and huge securing pins for meshing will make matters worse, not better. What protection will a mesh grid provide against a landslide? All this, combined with the huge weight of six houses is a recipe for disaster.
- In 2000, we were granted planning permission by Tameside Council to excavate a parking area between 27 Stamford Road and Jacob's ladder, but only on condition that we built a double retaining wall. The Council's own engineers emphasised that this was necessary because the land, although some distance from the fault line itself was "unstable"
- The safety and wellbeing of the present residents of those houses on Stamford Road and Hanover Street in close proximity to the site are paramount; as indeed are the safety and wellbeing of those people who might live in the new development should it be built.
- Who would accept legal liability and responsibility should a landslide occur or for any damage to people or property? The builders, the Council, or both?
- The Council need to ensure that the safety and wellbeing of its residents are secured.
- This site has previously been declared unfit for development, based on a number of concerns around rock falls, fault lines and a history of damage and inconvenience caused by attempts to develop in this area.
- Nothing in the current plans goes anyway to addressing those concerns, and to proceed without a thorough evaluation of the potential risks and inconvenience to local residents is irresponsible.
- What has been done to address the very real concerns that have caused this development to be blocked previously?
- Making the cliff (an adjacent part of which has historically suffered from a rock fall event) safe requires access which is impossible, as well as being detrimental to the aesthetics of the surroundings.
- The development is on a cliff, an area which has in it's history had structural issues/collapse - therefore building such a large development on a fragile site is dangerous and unnecessary as there is not a shortage of property in the area.
- A large landslide about 20 years ago blocked Stamford Rd below it for about 10 weeks causing carnage to the traffic and residents of Mossley. The residents who live close by on Hanover Street and the adjoining houses would also be at risk of landslide.
- Our properties and gardens are right underneath this, there is a strong possibility of any falling debris caused by the development to damage our property and even cause physical harm to any residents outside in their own gardens
- Long term impacts from potentially making the rock face any more unstable than it already is.
- There is also water running underneath the proposed development site, again not visible from the side the surveys have been done from, but from here you can see it pours out of the rock face, down it, and forms a small stream at the back of our property. This is obviously cause for concern. Freeze/thaw cycles will have had a huge impact on the stability of the rock face that we cant even see, which will only get worse as the years go by.
- This site has underground water courses and is made up of fragmented rock below ground.
- The sheer amount of excavation and construction needed to build these six homes is huge with obvious potential consequences.
- The land is clearly unsuitable for building on and I have huge concerns on the safety of our house if this goes ahead.
- Added weight to hillside could be extremely dangers to retaining wall below.
- Dangerous site with large overhang which is an embankment .Once this is disturbed it could collapse down onto Stamford Rd or the railway.

- Building so many large houses on the precipice of a hill of unsafe ground will only lead to land slips in the future and could affect houses further down the hill on Stamford Road and could cause issues of the main road as well.
- Pile driving will cause movement and damage to my property, I feel the gradient of this land is unstable, it will cause movement in neighbouring properties.
- This land has a long history of subsidence, and as such is a health & safety issue.
- Not a suitable site for large machinery.
- The site is geologically unsuitable for building.
- The report, which accompanies the application in relation to the conditions of the unstable site, does not provide any confidence in this development, especially in the light of historic and credible local knowledge.
- The developer's survey reports are not even able to confirm that it is safe for building upon and does not go far enough in ensuring the stability of the area.
- One of the developer's reports even recommends netting the rockface, which would be detrimental to all flora & fauna. A netted rockface would also be out of keeping with the general appearance of Top Mossley from below.
- Any work taking place on the site risking the chance of destabilising the foundation. The developer.
- The rockface appears unstable small cascades of stone are not uncommon and water penetration of the rock surface appears to be a semi-regular occurrence.
- A neighbour on Stamford Road has suffered a land slip from the cliff face directly underneath the proposed development on Hanover Street.
- The bowling green in Mossley Park, 200 metres further down Stamford Road has been closed by Tameside Council because of a land slip which apparently occurred in early April.
- Remedial work along Stamford Road has previously had to be completed after landslide which caused chaos on the highway.
- I'm worried that building on the land above will cause more rocks to fall, endangering my family, and possibly more serious subsidence, potentially even putting my property at risk.
- This site has been considered unsafe for approx. 90 years.
- The H & H Building Solutions Ltd report of March 2011 was a response to an original report dating back to 12<sup>th</sup> November 2007 prepared by the Greater Manchester Geological Unit. The report was required to address existing and proposed ground levels, slope engineering rock fall proposals, foundation designs, ground and surface water management scheme and drainage measures. It is reported as being accepted by the Applicant and Structural Engineers that prior to carrying out any development, further assessment of the slope was required to ensure that the development is properly and fully engineered and designed.

### **Highways/Traffic & Parking Matters**

- There are schools in the area and at school drop off and pick up time the roads are littered with vehicles going too fast and parking haphazardly. Building more houses isn't going to ease the situation.
- Mountain St already suffers from an excess of traffic as it is a cut through for three schools and parking around this area is horrendous.
- Increase in 12 more vehicles without sufficient street areas to park.
- No capacity for on street parking and provision for parking is inadequate.
- The land is at a narrow and very busy T junction of two narrow streets close to a primary school and there are already issues with traffic congestion and parking on the street. This will be worsened by more houses in the area.
- I am concerned that heavy plant traffic/site traffic could cause disruption and potential road hazards during construction on Hanover Street and Mountain Street.
- Increased traffic in this area would be dangerous.

- The infrastructure can not accommodate more tenants. More traffic, more refuse, more disruption to residents. The recent development at the end of Hanover street (flats) has resulted in the tenants using the pavement as parking( very dangerous a tragedy waiting to happen).
- The building of these houses will not only cause severe issues with access, and danger to the pedestrians that use it frequently on their way to the park.
- The proposed access to the number of dwellings is inappropriate and unsuitable & will be detrimental to highway safety.
- I would expect the development to cause road blockages and jams.
- Will further increase traffic movement and will further exacerbate the problems we already have with heavy traffic and lack of parking.
- Excess traffic and insufficient infrastructure.

## **Ecology**

- What provisions will there be to safeguard wildlife and re-home the animals on site which have been viewed?
- Japanese knotweed has been around on site since the 2000s. The knotweed has been chemically treated on numerous occasions but still keeps sprouting back up and multiplying rapidly. The knotweed covers a substantial amount of the site.
- I remember when this used to be a beautiful community space and wildlife was prevalent.
- The uniqueness of a pet cemetery.
- I am also appalled by the destruction of the pet cemetery as people will have paid good money to inter their pets there and this will now be ripped up along with trees and shrubs to make way for oversized houses that most people in Mossley could not afford.
- We are rapidly losing green land around Mossley so I feel the Hanover memorial gardens would be better developed as a space for everyone to enjoy.
- The destruction of the natural habitat has been devastating and dreadful.
- The builder/owner of the land has hacked at the land with no regard to the wildlife living within the plot.
- The site is of high environmental interest with a variety of birds, bats, foxes along with plant life using this as habitat. Building work as well as noise will destroy this and impact negatively on the local ecology and deprive such wildlife of their natural environment.
- Finally, there are a number of bats that roost in the crevices of the rock face and the whole area just below the site is used by bats for foraging and commuting. The proposed development will cause significant disturbance if not all-out destruction. It also causes an issue with potentially netting over the rock face to try to prevent falling debris as this will prevent bats from accessing their roosts, which is illegal to do.
- Trees have been cut down already on this land which will cause untold damage to the community.
- The area is currently one of the few places undeveloped and a nature area. Cramping every possible area with housing is causing real environmental problems in Mossley.
- We are losing whatever green spaces we have left.
- The plans are not viable due to the environment
- Owls are also often seen in the trees
- Trees have clearly been felled on the proposed site and we would be interested to know whether permission to fell those trees was required and granted.
- This land is used as a forage ground for protected species.

## **Visual Amenity/Design**

- Be a blight on the landscape.
- Mossley is currently overburdened with houses and under provided for in terms of social spaces in comparison with other Tameside towns.
- Development too Big

- Out of character with surrounding area and not in keeping with the terraced houses in the area.
- The site of this development has one of the best views of the valley and beyond and if it were to go ahead it would mean this view would be lost forever for the towns people to enjoy.
- It's another eyesore to look at if you live across the valley.
- The land boasts beautiful views and these views will be blocked and lost.
- Properties will not match the style of homes in the area.
- Impact negatively on the surrounding area and would be detrimental to the area.
- Mossley is fast becoming a concrete jungle, we do not need more houses in what was a lovely little Town.
- The proposal will result in overdevelopment of a very limited site which will be detrimental to the residential and visual amenity of the proposed occupiers of the accommodation
- Loss of visual amenity
- Houses to be crammed into any undeveloped area of land in Mossley.
- Would dominate the street and excessively large
- This development will put more over crowding on the town.
- Very prominent on the hillside
- There is a trend of aggressive overdevelopment in Mossley

### **Flooding/Drainage**

- The drain on this land is constantly having to be looked at by United Utilities prior to further stress of 6 detached houses.
- The sewer drains have already been blocked on more than one occasion and this will also be a bigger risk with further housing.
- The two houses on Jacobs mount use a drain which runs across the proposed development site which frequently blocks requiring United utilities to attend. This occurs with only two houses using it and can only become unbearably worse with 6 more family sized houses using it.
- Efficient drainage for the site; especially dealing safely with sewage disposal.
- The site is steep and unsuitable risking flooding and drainage issues.
- The site is an important flood defence and building there seems dangerous and short sighted.
- Ongoing foul water issues for the rock bank buildings before this new development is added.

### **Loss of Sun/Day Lighting/Overshadowing/Overlooking**

- The houses would overlook us in an incredibly intrusive way as well as risk our safety
- Development overlooking the rear of properties along Stamford Road will undoubtedly create an environmentally oppressive vista and cause loss of light/earlier sunsets.
- Hillside with minimal garden/outdoor space.
- Directly impacts on the quality of life of residents.

### **Environmental Health**

- Emptying bins when they should be emptied according to the schedule is not being performed a further 6 houses will not improve that
- Bin waggons have been unable to access the street.
- Noise/Hours of operation.
- The noise from the development will be very disruptive to myself as a shift worker and I know that the same would be felt for the other shift workers in the street.
- The noise created by the building site would impact on us for a long period of time whilst this is being built.



- The noise from proposed developments will disturb local residents, especially during summer months and make enjoying outdoor space difficult.

### **Conflict With Land Use Policy/UDP**

- The application is considered to be in direct contradiction to the stated objective i.e. the loss of a space which has been attractive and has the potential to be.
- No reference to Mossley in certain sections of the UDP.
- The current application would appear to contradict/contravene the requirements of the paragraph detailed design of housing developments.
- The development is too large and is not affordable housing.

### **Other Matters**

- We've had enough new builds and no new infrastructure to support them
- Sets a precedent
- The present planning application is merely a revival of the old application which was completely rejected by the Speakers' Panel of Tameside Council in February 2014.
- Previous applications were rejected even after an appeal so why is this process starting again.
- Considering the many safety issues concerning this land I am of the opinion that Tameside MBC may have contravened correct procedure in overturning the 2014 decision.
- To build here would be for one reason, financial gain, not for any benefit to the community, not for any benefit to the infrastructure, just bottom line pounds shillings and pence.
- Previous refusals should be looked at, as part of this application.
- Not been consulted.
- The infrastructure of Mossley is not there for the ever growing population of the town.
- The doctors, dentists, local schools, nurseries are at breaking point and oversubscribed
- This is another example of house builder greed in Mossley where every bit of spare land is being turned into housing - it is time to stop this constant building on every spare bit of land.
- According to the deeds of Nos. 25 and 27 Stamford Road, five yards of land at the top of the cliff face is owned by the occupiers, not the building applicants. This crucial fact is not made clear on the drawings supplied by the applicants: Nor has permission for access either been sought or gained by the applicants at any time.
- Furthermore, no consultation with local residents who will be impacted and no provision has been provided for narrow streets that are incapable of accommodating large construction and heavy goods vehicles.
- The existing landowners have made no professional attempt to discharge the previous conditions.
- The landowner has created temporary accesses, remove trees and spread contamination on and off-site.
- Mossley is overcrowded as is and we do not need anything new to build.
- Health and Safety of residents – additional parking pressures means that fire trucks would be able to access the street.
- There is no benefit to the local area from this application.
- The houses are too big and not affordable living for Mossley people.
- Schools are already full and unable to take more children so the properties are not needed.
- Access for maintenance to the side of my property.
- House prices will decline
- This development will create a pressure on already over-stretched amenities.
- There are alternative brownfield sites within Mossley such as the former Mossley Hollins School building.

- Allowing this development serves only to line the pockets of greedy developers and will ultimately be detrimental to the area.
- 5 bedroom developments is neither wanted or needed by the community.
- The notion that allowing this development due to the previous approval being agreed needs to be thoroughly well thought through as it was never properly considered and properly agreed on and should therefore be ignored and treated as an initial planning request.
- There are too many risks associated with building here and it would be irresponsible for it to even be a consideration.

It is noted that there were six comments which were duplicated from the same member of public or address and have therefore not be counted within the 152 objections.

6.2 One letter of representation was received from a ward Councillor citing the following objections to the application :

- The proposed access to the number of dwellings is inappropriate and will be detrimental to highway safety.
- The proposal will result in overdevelopment of a very limited site which will be detrimental to the residential and visual amenity of the proposed occupiers of the accommodation and existing nearby dwellings by reason of overlooking.
- The layout and condition of this unstable site will result in unsafe conditions for the proposed occupiers and lead to the possibility of subsidence and flooding.
- The report which accompanies the application in relation to ground conditions, examines the issues and likely solutions, but it is felt that this does not provide any confidence in this development, especially in the light of historic and credible local knowledge
- Knotweed presence- despite attempts to clear the developer has not been able to.
- In 1973 there was a geological survey on the suitability of the land which deemed it unsafe and unsuitable for development. This was accepted by Mossley Borough Council and building was prohibited.
- An application was refused as recently as 5 March 2014, a decision confirmed as being correct by an inspector on February 26 2015.
- The original application was however somehow passed by an individual contrary to all the evidence and protocols which Tameside had previously endorsed. This person left the authority the next day.
- A speakers Panel was convened and objections raised in 2014 when plans were again submitted.
- The land was reinforced by Tameside Council at great expense, after the original landslide in 2002.
- Where the construction will take place this will cause major disruption to local residents including noise nuisance, dust, parking and safety issues when leaving and returning to their homes either on foot or vehicle.
- The street is a cut through for three local schools. St Joseph's, Livingstone School and St Georges. Children and parents walk across the T-junction to access the park at the bottom of Hanover Street on their way to school.
- The planning document refers to 'low rise' development, 6 five bedroom houses could not be classed as such, the area is predominantly terraced. This is out of character for the area.

6.3 Three letters of representation have been received to the application:

- Loss Of sun/day lighting/overshadowing.
- Loss of sunlight into my property and the possible lack of privacy as the land is high above and the possible view into are bedroom window and garden.
- Will all the Japanese knotweed within the blue line on the location plan will be dealt with permanently?

- Houses too big.
- Traffic and resources under unsustainable pressure.
- Appearance is cramped and the design ugly.
- Building material will stick out like a sore thumb alongside natural stone, as the existing large new estates do. Brick would look far better.
- There have been land stability issues in the past, and care needs to be taken in building on this site, as there are houses directly below, on Stamford road.
- The houses should be redesigned without large glass walls at the rear. They may be currently fashionable, possibly due to media influence, but are not a sustainable design as they will generate unwanted solar gain.

## **7. RESPONSES FROM CONSULTEES**

7.1 Structural Engineer – application should not be supported for the following reasons:

- The provided information to support the stability of the slope within the site is 15 years old we should not rely in this information as the site and the weather condition has changed since 2007.
- The historic information supplied suggests that the drift deposited on top of rock maybe subject to deep seated slope failure which will affect the slope stability within and outside the site.
- The consequences of clearing the vegetation from the site which will contribute to stability of the drift material may cause it to slide over the rock face on to the gardens of Stamford street properties.
- Terra Consult report recommend that the rock face global stability is to be considered.
- The condition of close by rock face which the Council is dealing with indicate the determination of the rock face within two years period.

7.2 Arboricultural Officer - All trees and vegetation have already been cleared from the footprint of the site. There are however existing trees immediately adjacent to the site boundary on Hanover Street. As the site has already been cleared there would be no Arboricultural objections to the proposal. The adjacent trees should be protected to BS5837 during all works and a Tree Protection Plan and Specification should be submitted and agreed to ensure this.

7.3 Local Highways Authority - Recommend approval for the application as the information and proposed plans supplied for the development would in the LHA opinion would not have on highways grounds an unacceptable impact on highway safety, or that the residual cumulative impact on the road network would be severe.

7.4 Greater Manchester Ecology Unit (GMEU) – The site has been cleared of trees and vegetation. We recommend that ecological issues previously identified as part of permission 15/00878/FUL are reapplied to any new permission.

7.5 Contaminated Land – No objections subject to recommended conditions.

7.6 Mossley Town Council – No comments received however, a number of objections referenced a Town Council meeting that took place to discuss the application and the comments have been included within the third party responses section above (section 6).

7.7 Environmental Health - No objections subject to recommended condition for construction hours.

7.8 United Utilities - No objections but recommend a condition is applied requiring that the site is drained in accordance with the drainage hierarchy.

7.9 Minerals and waste planning unit – No comments received.

## 8. ANALYSIS

### PRINCIPLE OF DEVELOPMENT

- 8.1 Policy H2 of the UDP states *“Unless other considerations take precedence in a particular case, the Council will permit the redevelopment of previously developed land for residential use and the conversion of existing buildings to such use, where these are not specifically allocated for this purpose in the plan. Residential development on greenfield land which is not specifically allocated for this purpose in the plan will not be permitted unless an adequate five year supply is no longer available through outstanding commitments and remaining allocated sites, inclusive of an appropriate allowance for brownfield windfalls.”*
- 8.2 The site is located within an established residential area and is unallocated on the UDP Proposals Map.
- 8.3 This site has a history of applications for residential development dating back to 1991. At the time, the site was proposed as urban greenspace in the draft UDP. Permission was refused at that time on the grounds of loss of urban greenspace and because of doubts over ground stability. A subsequent appeal was dismissed on urban greenspace grounds. The Inspector considered the stability issue, but found that the reports reached conflicting conclusions and declined to make a decision on this issue.
- 8.4 A further application was submitted in 2003, there were concerns raised from local residents and members about slope stability and the possible effects of building operations on the properties below on Stamford Road. The application was deferred to enable the applicant to undertake further site investigation work, additional measures were proposed and the council eventually granted outline planning permission on the 8th April 2008.
- 8.5 Further applications were submitted in 2011, an outline application was to renew the 2008 approval and was approved and conditioned to include measures to address slope stability, rock fall protection system, foundations. Submitted reports refer to measures necessary to cover these matters which were considered to be acceptable in principle.
- 8.6 Following from the outline permission, a reserved matters submission was also made in 2011. This was refused requiring further detailed geotechnical information to be provided and a subsequent appeal dismissed for the same reasons.
- 8.7 An application was submitted in 2015 for the development of 6.no detached houses which was approved in 2017 and conditioned to include measures to address slope stability, rock fall protection system, foundations. No conditions were discharged.
- 8.8 The principle of the development in this location has already been accepted with the granting of conditional outline permission under reference 11/00072/OUT (03/00817/OUT) and the previous application - 15/00878/FUL, although there are fundamental issues to overcome within this context.
- 8.9 Whilst it is accepted only part of the proposed development site had a previous use, the value of the site remaining vacant in its current form would be of little benefit and the development proposed would bring the site into beneficial use, provided that the constraints are appropriately addressed.
- 8.10 It is worth noting that the site is also located in a sustainable location within easy walking distance of Stamford Road, Mossley Town centre, train station and associated public facilities and amenities.

## 9. DESIGN

9.1 *Paragraph 130 states that planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and,*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.”*

9.2 *Paragraph 134 of the National Planning Policy Framework states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.*

9.3 *UDP Policy C1 states “In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development”.*

9.4 *UDP Policy H10 states “The layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:*

- (a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and*
- (b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and*
- (c) suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas.*

*The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.*

9.5 *Policy RD2 in the Residential Design SPD covers general character considerations and is clear in their expectations of achieving high quality development that enhances a locality and contributes to place making taking into account the historic environment, proportions existing building styles.*

9.6 *The proposed design of the properties are the same as the previous approvals. The layout would result in the main front elevations facing the highway. At the front, the houses would have a garage door, front door and small window at street level. A window at lower ground*

floor level, set into the slope, would be visible as the land drops downwards. A high roof would contain 4 rooflights to the front and 3 rooflights to the rear serving a third floor of accommodation.

- 9.7 Spaciousness and openness will be provided due to the generously sized garden and open space to the sides, rear and front of the properties which will contribute significantly to the visual quality of the area, and the pleasant sub-urban nature of the site.
- 9.8 Materials to match the surrounding dwellings are proposed in the form of stone, a slate roof and Upvc windows. The proposal would respect the design, scale, materials, character, appearance and proportions of the existing dwellings in the streetscene and would preserve character and appearance of the surrounding area noting the ridge height when viewed from Hanover Street is no higher than the neighbouring properties.
- 9.9 The proposal is therefore considered to be acceptable in terms of design and is considered to be in accordance with the NPPF and policies C1 and H10 of the UDP, the SPD; and, Sections 2 and 12 of the NPPF.

## **10. RESIDENTIAL AMENITY**

- 10.1 Paragraph 130(f) of the National Planning Policy Framework states that *“Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 10.2 *UDP Policy H10 states “any proposed housing development will be required to be of high quality and to meet the following criteria: - (d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour.”*
- 10.3 *Policy RD5 of the Residential Design SPD states “Minimum Privacy Distances must be achieved”.*
- 10.4 *Policy RD11 of the Residential Design SPD states “Houses - all houses should have private amenity space of a size and function suitable for its intended occupants. Houses of 3 or more bedrooms will be considered family homes and should have an outdoor space that reflects this..”*
- 10.5 *Policy RD12 of the Residential Design SPD states “Communal areas should be a private space for residents. Spaces should be considered an element of the overall design. Areas should not comprise of a bland space adjacent to a car park. Where appropriate, areas should be secure. Spaces should enable multi-resident use.”*
- 10.6 *Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards - nationally described space standard document (THS).*
- 10.7 *The adopted Residential Design Guide SPD (RDG) contains the separation distances that should be retained between buildings to prevent unreasonable overlooking into and overshadowing of neighbouring properties. A distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains a habitable room window, increasing by an extra 1m in distance for every extra 1m in height difference.*

- 10.8 Each of the new houses would be provided with private amenity space, in the form of front and rear gardens and off road parking, commensurate with the family homes.
- 10.9 The proposed houses are some 32m from the rear of houses on Stamford Road. Due to the land levels a separation distance of 37m is required. The distance is between 38 and 32m so in some parts is short of that requirement by 5m but given the distances being considered and the site constraint, it is considered to be acceptable in this circumstances, as there would be no unacceptable over-looking or overshadowing of neighbouring houses.
- 10.10 Being at a higher level there would be the opportunity for over-looking from the rear gardens of the new houses along the eastern side of the site into the gardens of the existing neighbouring houses on Stamford Road. The existing quarry wall, which would remain along this boundary, protrudes and provides a natural break for the site. The details of boundary treatments are 1.8m and is to be erected immediately behind the wall, in the gardens of the new houses. Only 80cm would be visible from the gardens of the existing houses, and thus any undue direct over-looking would be avoided.
- 10.11 Due to the topography of the site, and despite the proposed dwellings having an elevated position in relation to the properties to the east on Stamford Road, it is not considered the inclusion of balconies to the rear elevation of the proposed properties would cause undue damage to neighbouring occupiers' privacy. It is noted the proposed dwellings will be set back from the rear boundary of the site and this will ensure the future occupiers would have a limited view, including of the rear gardens, of the properties on Stamford Road with the view being provided of the roof slopes of the neighbouring properties and hills in the distance.
- 10.12 The siting of the proposed development would need to satisfy other criteria within policy H10 relating to privacy together with Policy RD5 of the SPD in ensuring there is no unacceptable impact on neighbours. The development has been sited to ensure the requirements of policy RD5 have been achieved noting there is a requirement for a separation distance of 14 metres on street frontages. There will be no impact on properties along Hanover Street to the west of the site noting the separation distance will be approximately 18metres. There is a separation distance of 13.8 metres to no.38 Mountain Street, which is marginally below the recommended privacy distance of 14 metres. However, it is found to be acceptable in this instance noting the windows to the side elevation of Mountain Street are secondary windows to habitable rooms and there is one small sized window to the front elevation of the proposed development serving a cloak room/toilet.
- 10.13 To the north of the site is a pair of two storey semi-detached dwellings with one of these properties having a secondary habitable room window within the gable facing the site. The facing gable of the proposed dwelling will be blank. The distance between these properties will be approximately 5 metres however policy RD5 allows a reduction in the minimum privacy distances if the affected window is not the main source of natural light. With the design of the proposed dwellings having a single storey aspect to Hanover Street and a pitched roof with a ridge at right angles to the existing dwelling, it is considered any impact the new dwellings may have in terms of loss of light and amenity would be reduced to an acceptable level.
- 10.14 The layout of the proposed development is such therefore that adequate spacing is achieved so that there would be no undue over-looking or over-shadowing both within the development and between the proposed dwellings and those existing. As such the development conforms to the requirements of the Residential Design SPD, UDP Policy H10 and Sections 1, 6 and 7 of the NPPF and is therefore acceptable.
- 10.15 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments

should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards - nationally described space standard document (THS).

- 10.16 A total of 204 square metres of internal floor area per house will be provided, thus the proposed dwellings meet the requirements of the THS for a 3-storey, 5-bedroom dwelling (approx. 134sqm). In terms of the residential environment that would be created the proposal is therefore considered compliant with policies 1.5 and H10(a) of the UDP; policy RD11 of the SPD; and, Section 12 of the NPPF.

## **11. HIGHWAY SAFETY**

- 11.1 Paragraph 111 states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.2 The LHA are satisfied that the access/egress from the dwelling onto Hanover Street is satisfactory. The LHA requires 1:14 max gradients on the driveways and the visibility splay onto Hanover Street complies with TMBC's SPD requirements.
- 11.3 A Section 278 agreement is required for this development to include a Street Lighting design and the widening of the existing footway at the front of the dwellings to 2metres to ensure safe access to the dwellings.
- 11.4 Policy RD8 states that there should be a maximum of 3 car parking spaces for 4+ bedroom dwellings, this is also reiterated within policy T10 of the councils UDP. The submitted plan shows parking provision for 2 no. off street parking space within the redline boundary along with an internal garage for each of the dwellings, which is in line with TMBC SPD requirements.
- 11.5 To promote sustainable modes of transport electric Vehicle Charging points are required for the development and cycle storage to be secured by condition, however it is noted the garage could be utilised to store bicycles.
- 11.6 The LHA are satisfied that the vehicle trips generated by the dwelling will not have not have in the LHA's opinion a residual cumulative impact on the road network that would be severe. Subject to the recommended conditions, the proposed impact on highway safety is considered acceptable and there are no objections from the highways engineers.
- 11.7 Reference was made within the Highways consultation response regarding Structural Implications that will be explained in detail in the next section of the report – Section 12.

## **12. SLOPE STABILITY**

- 12.1 *Paragraph 174 of the NPPF states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."*
- 12.2 *Paragraph 183 of the NPPF states that "Planning policies and decisions should ensure that:*



- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

12.3 The National Planning Practice Guidance (NPPG) states that the effects of land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. They occur in different circumstances for different reasons and vary in their predictability and in their effect on development.

12.4 It goes on to say that the planning system has an important role in considering land stability by:

- minimising the risk and effects of land stability on property, infrastructure and the public;
- helping ensure that development does not occur in unstable locations or without appropriate precautions; and
- to bring unstable land, wherever possible, back into productive use.

12.5 Advice within the NPPG states that a preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed planning application is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are and will remain stable or can be made so as part of the development of the site. A site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development within its anticipated life or damage neighbouring land or property. Such information could be provided to the planning authority in the form of a land stability or slope stability risk assessment report. Developers may choose to adopt phased reporting, eg desk study results followed by ground investigation results.

12.6 The site forms part of a geographical fault line which runs from Jacob's Ladder to Mossley Park, parallel to Hanover Street and Stamford Road. Geological information held by the British Geological Survey, confirms that the back end of the site is bedrock geology known as Fletcher Bank Grit made up of Sandstone that was sedimentary bedrock formed between 321.5 and 320 million years ago during the Carboniferous period.

12.7 Local residents have confirmed that in 1973, such was the concern of Mossley Borough Council with regard to fault line, especially concerning the safety of the local residents, a geological and scientific study was commissioned from Mossley Park to the top of Jacob's Ladder. This confirmed that the land is unstable.

12.8 Comments have been raised from local residents that many houses on Hanover Street have had to be underpinned over the years as a result of subsidence on this very same fault line. Similarly, the cliff face to the rear of the properties at Rock Bank Terrace on Stamford Road has also suffered from rock falls.

12.9 The previous approval on site in 2011 (11/00072/OUT) included measures to address slope stability, rock fall protection system, foundations. Submitted reports at this time referred to measures necessary to cover these matters which were considered to be acceptable in principle subject to a number of pre-commencement conditions.

- 12.10 Following the refusal of the reserved matters application (11/00730/REM) additional detailed geotechnical survey information was submitted with to overcome the earlier reason for refusal. The report stated that the slope stability and rock fall system will be achieved by protection of the rock face bordering the eastern edge of the site. This would involve encapsulating the face with a mesh grid fastened in accordance with BS approved installation. These works will provide slope stability and rock fall protection providing an improvement on the current situation of a bare slope.
- 12.11 In tandem to the above works, the foundations would comprise driven piles and supporting reinforced concrete beams. The proposed method of design is intended to prevent impact on slope stability.
- 12.12 Moving on from this, the previous approval on site in 2017 (15/00878/FUL) incorporated detailed conditions to overcome objections to earlier permissions, requiring details of the highways retaining structures on Hanover Street, and for a phased approach to the development to ensure that a suitably qualified person deals with the Japanese Knotweed on site and that the initial site clearance and overall treatment going forward is not affecting the overall stability of the rock face.
- 12.13 However, following an assessment from structural engineers in 2017, it was considered at that time whilst the information is acceptable and would confirm the proposal is viable, the submitted information did not make substantive progress to address fully the points raised at the outline stage, and further work was necessary to show the development is properly and fully engineered and designed. The previous conditions attached to the outline permission were attached to the decision. The documents relating to the application stated that the slope stability and rock fall system would be achieved by protection of the rock face bordering the eastern edge of the site. This would involve encapsulating the face with a mesh grid fastened in accordance with British Standard approved installation. These works will provide slope stability and rock fall protection providing an improvement on the current situation of a bare slope. In tandem to the above works, the foundations will comprise driven piles and supporting reinforced concrete beams. The proposed method of design is intended to prevent impact on slope stability. Surface water runoff from the proposed dwellings will be discharged into the existing surface water drain on Hanover Street with foul water discharged to the existing sewer on Hanover Street. It was considered the proposed dwellings would reduce existing water runoff thereby assisting with slope stability. The detailed build matters would otherwise be subject to compliance with the building regulations.
- 12.14 It was considered at the time that enough information had been submitted to allow the granting of planning permission. However, it was accepted by both the applicant and structural engineers, that prior to carrying out any development further assessments of the slope were required to ensure that the development can be properly carried out, fully engineered and designed. Within the delegated report, it stated that due to the costs involved it would be unreasonable to expect this to be carried out before the granting of planning permission so it was therefore considered appropriate that further detailed conditions to ensure further assessments of the slope was required to any approval given.
- 12.15 In the intervening years from 2017 to present, no further information has been submitted and no discharge of condition applications were received or determined.
- 12.16 Following submission of this application, the site has been visited, where the circumstances have changed since the previous permission in 2017. The site has been cleared. It is apparent that part of the slope towards the rear backing onto the properties on Stamford Road is very steep and there are some cracks/gaps are forming on the site.
- 12.17 The structural engineer has viewed the application and stated that the proposal cannot be supported for the following reasons:

- The provided information to support the stability of the slope within the site is 15 years old, and cannot be relied on as the site and the weather condition has changed since 2007.
- The historic information supplied suggests that the drift deposited on top of rock maybe subject to deep seated slope failure which will affect the slope stability within and outside the site.
- The consequences of clearing the vegetation from the site, which will contribute to stability of the drift material may cause it to slide over the rock face on to the gardens of Stamford street properties.
- The information recommends that the rock face global stability needs to be considered.
- The condition of close by rock faces that the Council is dealing with, indicates the deterioration of the rock face.

12.18 On some sites, there is a case for conditions to be imposed requiring further details to be submitted and approved before development starts, as per the previous approvals mentioned in detail above. However in the case of this application, given the exposure of the site and the close proximity of the properties on Stamford Road, it is considered that this is a particularly sensitive location in which full details and up to date slope stability assessment reports are required and need to be appraised before an application can be approved. The structural engineer confirms that there has not been a sufficient level of detail provided in this case.

12.19 Whilst it is accepted that the submitted information was considered appropriate for an approval in 2017 (15/00878/FUL) and in 2011 (11/00072/OUT). It is not considered acceptable in this instance noting the investigations, evaluations, slope details are at least 14 years out of date, and as referenced by the structural engineer above, in the intervening years there might have been further erosion of the slope, taking into account climate change and the clearance of vegetation and trees on site in 2019. With the passage of time, the site circumstances may have changed, as approximately 150 metres along Hanover Street to the south, Tameside Council has closed the bowling green and club in Mossley Park following an inspection of the rock face which occurred in early April 2022. This rock face is the same as located on the application site and therefore potentially poses an unacceptable risk.

12.20 A walkover inspection has been undertaken in April 2022 and an updated supply and Installation of Rockfall Protection Measures dated 20/5/22 has been submitted. However no up to date detailed assessment of the risk from land instability has been submitted to support the application. Whilst an up to date slope stability report was requested, the applicant was unwilling to submit. In the absence of such information, it is not possible to ensure that the proposed development will not contribute to, or be at an unacceptable risk from, or be adversely affected by, unacceptable levels of land instability and therefore the application is contrary to policies 174 and 183 of the NPPF.

### **13. ECOLOGY, TREES AND LANDSCAPING**

13.1 Paragraph 174 of NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”*

- 13.2 No ecological report has been provided, GEMU previously accepted that it was very unlikely that any such species were present. The only species that could theoretically be present would be badger which is known to be present in the locality. Given the site has since been cleared of vegetation, the risks will have been reduced and any setts revealed. It is therefore recommended an informative in relation to badgers be attached to any permission.
- 13.3 Whilst the site has recently been cleared of vegetation, given the planning history, it is possible that development may not occur for some time and scrub re-establish were if planning permission is granted, a condition would be recommended in relation to a bird nest survey.
- 13.4 It is acknowledged that Japanese knotweed, included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended, is present on the site. It is an offence to introduce or cause to grow wild any plant listed under this schedule. A method statement has been provided, which includes spraying with herbicide over 3 and half years and or excavation if works need to occur prior to eradication. From an ecological perspective there are no issues with this approach, but it is noted that there appears to have been concerns over slope stability from an engineering perspective. As such it is recommended that prior to agreement of the method statement consultation, A slope stability assessment be is carried out regarding the risks of excavation of Japanese knotweed. If excavation is advised against, then the knotweed method statement would need to be amended.
- 13.5 As referenced above Section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. It was previously agreed that mitigation for the loss of trees and associated bird nesting habitat could occur on-site, with condition 19 of the previous permission 15/00878/FUL dealing with mitigation for loss of trees and bird nesting habitat. However since 2015, planning policy guidance has strengthened the requirement to mitigate for loss of biodiversity, with 10% net gain forecast to become mandatory around November 2023. Therefore despite the site now having been cleared, condition 19 of the previous permission should be reapplied, with mitigation requirements in-line with what was present in 2015, with the only amendment being the need to update the planning policy reference.
- 13.6 All trees and vegetation have already been cleared from the footprint of the site. There are however existing trees immediately adjacent to the site boundary on Hanover Street. There are no arboricultural objections to the proposal subject to the adjacent trees being be protected to British Standards during all works including a tree protection plan and specification which should be submitted and agreed to ensure this. It is noted that the trees on site are not protected and therefore permission was not and is not required for the removal of the trees on site.
- 13.7 The proposed site plan indicates that 6 trees are proposed to each rear garden of the properties including shrub planting and a grassed area. 2. no trees and shrub planting is proposed to the front garden. As a result the impact on ecology and trees is acceptable.

#### **14. DRAINAGE AND FLOOD RISK**

- 14.1 The site is located within flood zone 1 and is at the lowest risk of flooding. The applicant has not submitted a drainage strategy however has referenced within their planning statement that surface water runoff from the roof planes of the dwellings will be collected and discharged into the existing surface water drain in Hanover Street. Foul drainage will be discharged into the existing combined sewer in Hanover Street. This will be achieved by gravity flow or, if necessary, a macerator pump system.

- 14.2 The impact on drainage and flood risk is considered acceptable in principle subject to the recommended condition from United Utilities and the LLFA for the submission of 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.
- 14.3 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.
- 14.4 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

## **15. GROUND CONDITIONS**

- 15.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 15.2 Historical mapping from the early to mid-nineteenth century displayed that the site was undeveloped. However, a large rectangular tank of unknown constituents is shown directly adjacent to the south eastern corner of the proposed development area. An old quarry is also displayed adjacent to the eastern boundary although dwellings appear to occupy the area of the former quarry. In the early twentieth century, the site appears to have been repurposed for smallholdings and a number of small buildings are shown. In the 1950s, the site was turned into a memorial gardens for pets and this use does not appear to have altered to the present day.
- 15.3 Terra Consult Site Investigation and Re-Evaluation of Slope Stability report dated 28 August 2007 (reference: 0785/001 LRv0) was included with the planning application. This report provides some details of the ground conditions at the site although, no contaminated land risk assessment is included because this report appears to have been produced to address slope stability concerns and not contamination issues.
- 15.4 This report identified that made ground was encountered at the site from a depth of 0.25m below ground level (bgl) to a maximum of 5m bgl. No contamination soil analysis was undertaken of this material. Made ground can be a source of elevated concentrations of contaminants, which may exceed residential screening criteria.
- 15.5 It is noted that some ground gas monitoring has been undertaken and this did not appear to identify a ground gas risk. However, no methodology as to why gas wells were installed in certain locations or the frequency of monitoring was included. Therefore, the ground gas risk will need to be re-assessed.
- 15.6 In addition, a tank of unknown constituents is shown on historical mapping. If this was used to store oils/fuels, any soils or groundwater located near this feature may have been impacted by mobile contaminants that could pose a contamination risk.
- 15.7 In addition, an initial appraisal of the potential contamination risks will need to be undertaken in a preliminary risk assessment report, this will identify any potential contamination sources (i.e. such as the former tank) and the contamination risk this could pose to receptors. Based on this assessment, further intrusive investigations and a remedial strategy may be needed. If contamination issues require mitigation, a validation report may also be required.

15.8 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable with regard to impacts on contaminated land.

## **16. OTHER MATTERS**

16.1 The Council's Environmental Health team have reviewed the proposal and raised no objection subject to the recommended condition of construction/conversion works within appropriate hours (to protect the amenity of the area/nearby residential units). As such, the proposal is considered appropriate in relation to environmental amenity concerns.

16.2 Not constituting a major application the proposed number of houses is below the threshold by which a financial contribution, by way of a Section 106 agreement, to compensate for the impact of the development, is required. It is therefore considered that there are no local finance considerations that are material to the application.

16.3 Two responses received from members of the public mentioned that they were not consulted on the application. The Council is required to notify those with an interest in "neighbouring land" of a planning application. Neighbouring land is defined as *"an area or plot of land which, or part of which, is conterminous with or within 20m of the boundary of the land for which the development is proposed"*. A notice was served on the owner(s), occupier and lessee of properties at neighbouring land. The notice included the following information:

- The date of the application.
- The name of the applicant and name and address of any agent.
- The Council reference number for the application.
- A description of the development.
- The address of the site or location of land.
- A plan showing the site of the development in relation to neighbouring land which can be viewed on the link supplied on the letter.

16.4 The Council notified neighbours and neighbours had 21 days to make representations. As part of the neighbour notification period a site notice was erected on a lamppost in front of the application site.

16.5 The loss of a private view and the devaluation of a property are not material planning considerations.

## **17. PLANNING BALANCE AND CONCLUSION**

17.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the fourth bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Nevertheless, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability is also a key aspect of sustainable development.

17.2 It is noted that there would be social and economic benefits in providing six new dwellings. However, the unacceptable risk from land instability of the application site and the surrounding area identified would be significant, and as a result the environmental role of sustainable development would not be achieved. The limited social and economic benefits that would accrue from the development would be significantly and demonstrably outweighed

by the harm to the land stability and the local environment. The proposals are therefore considered to be contrary to the provisions of the UDP and the NPPF.

- 17.3 The application is accompanied by insufficient information to demonstrate that the development would have an acceptable impact on land stability.
- 17.4 In reaching a conclusion a balanced assessment has been undertaken of the proposals including the associated economic and social benefits resulting from the proposals. The objections raised by third parties and technical consultees are persuasive, and confirm that there is no reasonable justification to permit the development which would be prejudicial to the local environmental quality and it is therefore not considered that the proposals pass the sustainability test laid out within the NPPF. Consequently, when assessed against the policies in the NPPF taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.
- 17.5 Overall, the proposal is not considered to comply with the development plan and NPPF, for the reasons set out in the report. As such, it is recommended that planning permission is refused as the development is at risk from contributing to or being put at unacceptable risk from land instability issues. No up to date Slope analysis and site investigation has been carried out at the site to provide further information to allow an accurate assessment of the risks to the stability of the land within the site, and the risks posed by the existing slope just beyond the site boundary. As such it is not possible to ensure that the proposed development will not contribute to, or be at an unacceptable risk from, or be adversely affected by, unacceptable levels of land instability contrary to paragraphs 174 and 183 within section 15 of the National Planning Policy Framework.

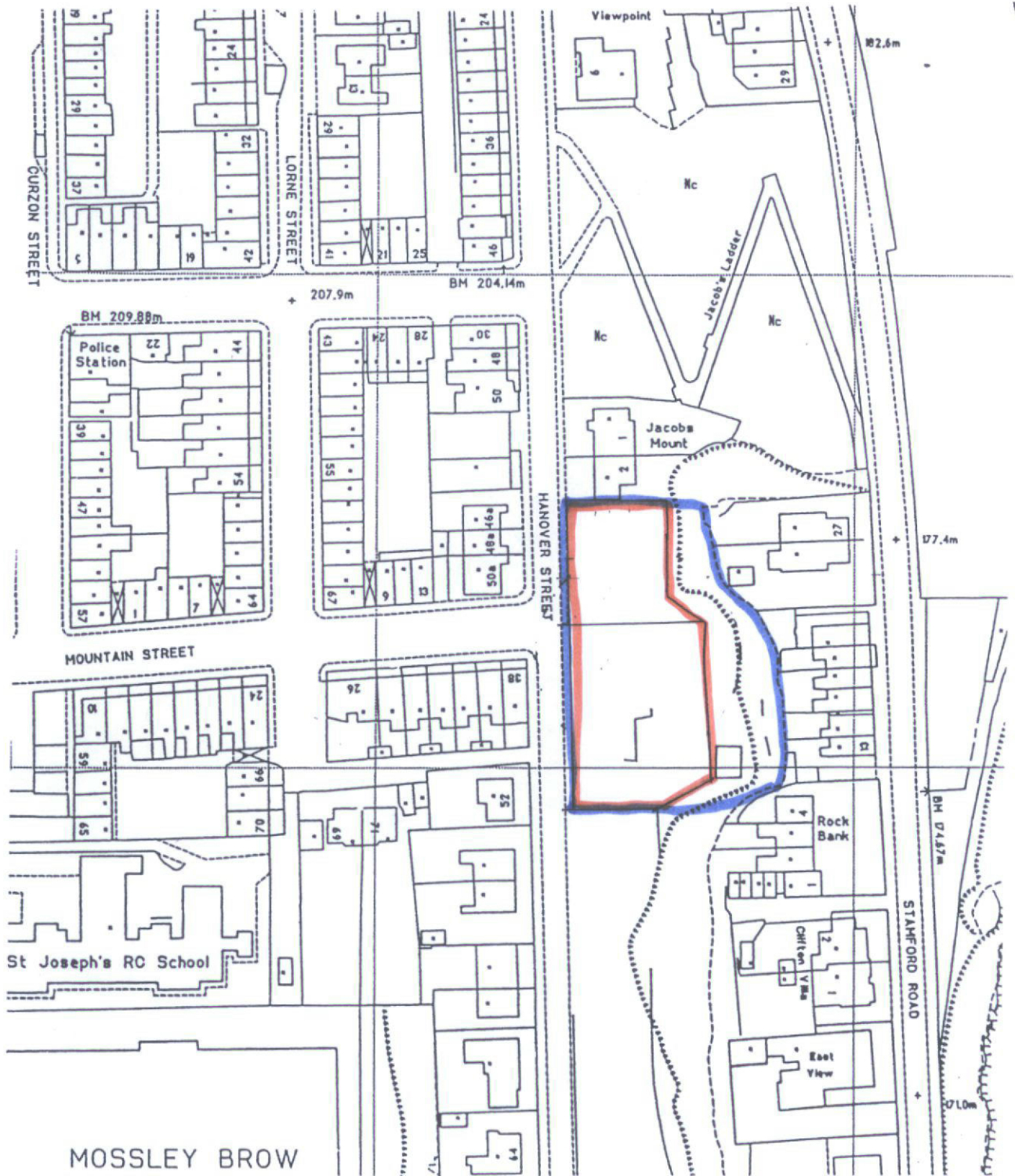
## **RECOMMENDATION**

That planning permission should be refused for the following reason:

The development is at risk from contributing to or being put at unacceptable risk from land instability issues. No up to date slope analysis and site investigation has been carried out at the site to provide further information to allow an accurate assessment of the risks to the stability of the land within the site, and the risks posed by the existing slope just beyond the site boundary. As such it is not possible to ensure that the proposed development will not contribute to, or be at an unacceptable risk from, or be adversely affected by, unacceptable levels of land instability contrary to paragraphs 174 and 183 within section 15 of the National Planning Policy Framework.

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LOCATION PLAN.

A.C. MARLAND  
 HANOVER MEMORIAL GARDENS  
 HANOVER STREET, MOSSLEY.

PROPOSED RESIDENTIAL  
 DEVELOPMENT.

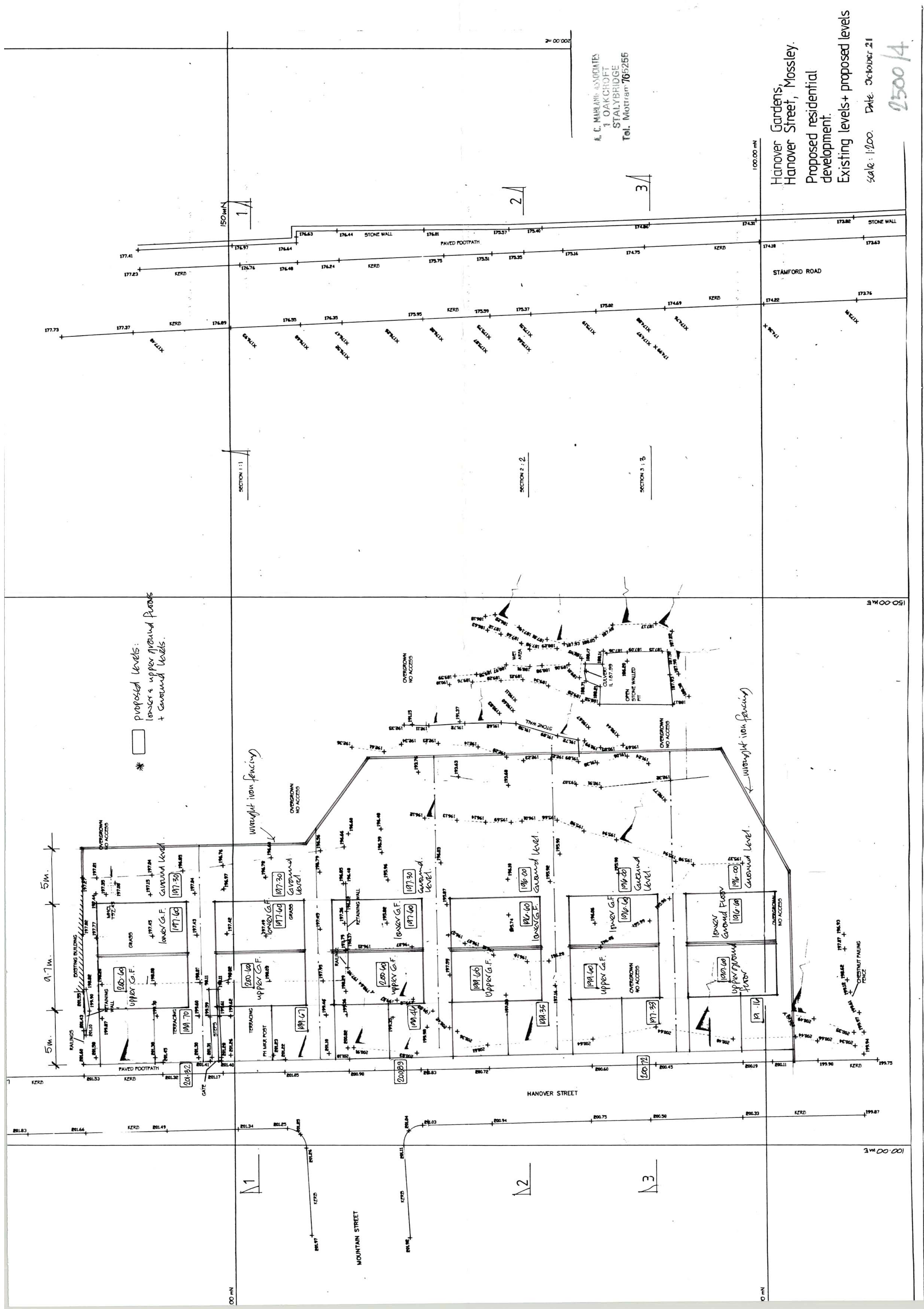
Scale: 1:1250. Date: October 2021

AC. MARLAND ASSOCIATES,  
 1, OAKCROFT, STALYBRIDGE,  
 CHESHIRE, SK15 2UQ.

TEL/FAX: 01457 765255.

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A. C. MARBLE CONSULTANTS  
 1 OAKCROFT  
 STALYBRIDGE  
 Tel. Mottisham 765255

Hanover Gardens,  
 Hanover Street, Mossley.  
 Proposed residential  
 development.  
 Existing levels + proposed levels  
 scale: 1:200 Date: October 21  
 2500/14

\* Proposed levels:  
 lower + upper ground floors  
 + ground levels.

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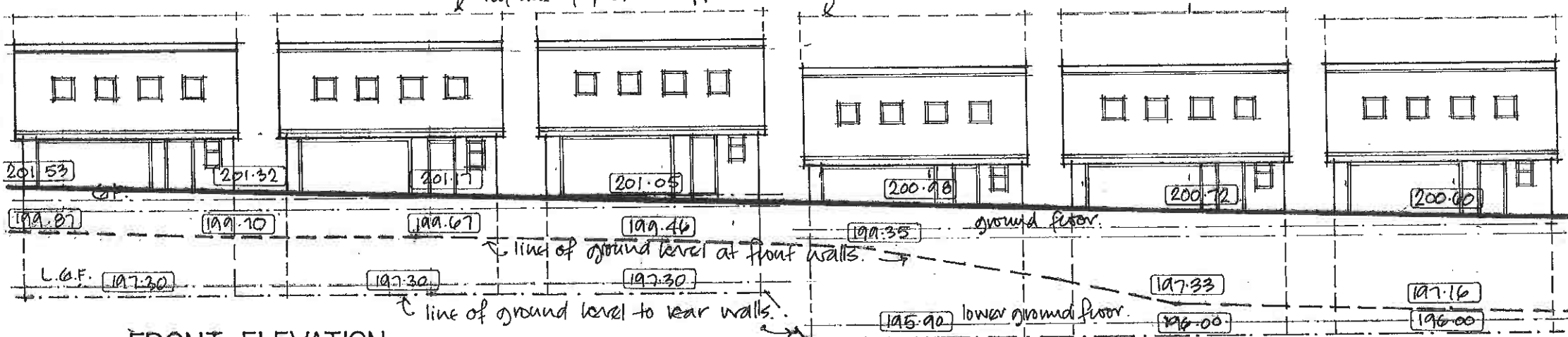






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roof line of previous application



FRONT ELEVATION

roof lines of previous application



REAR ELEVATION

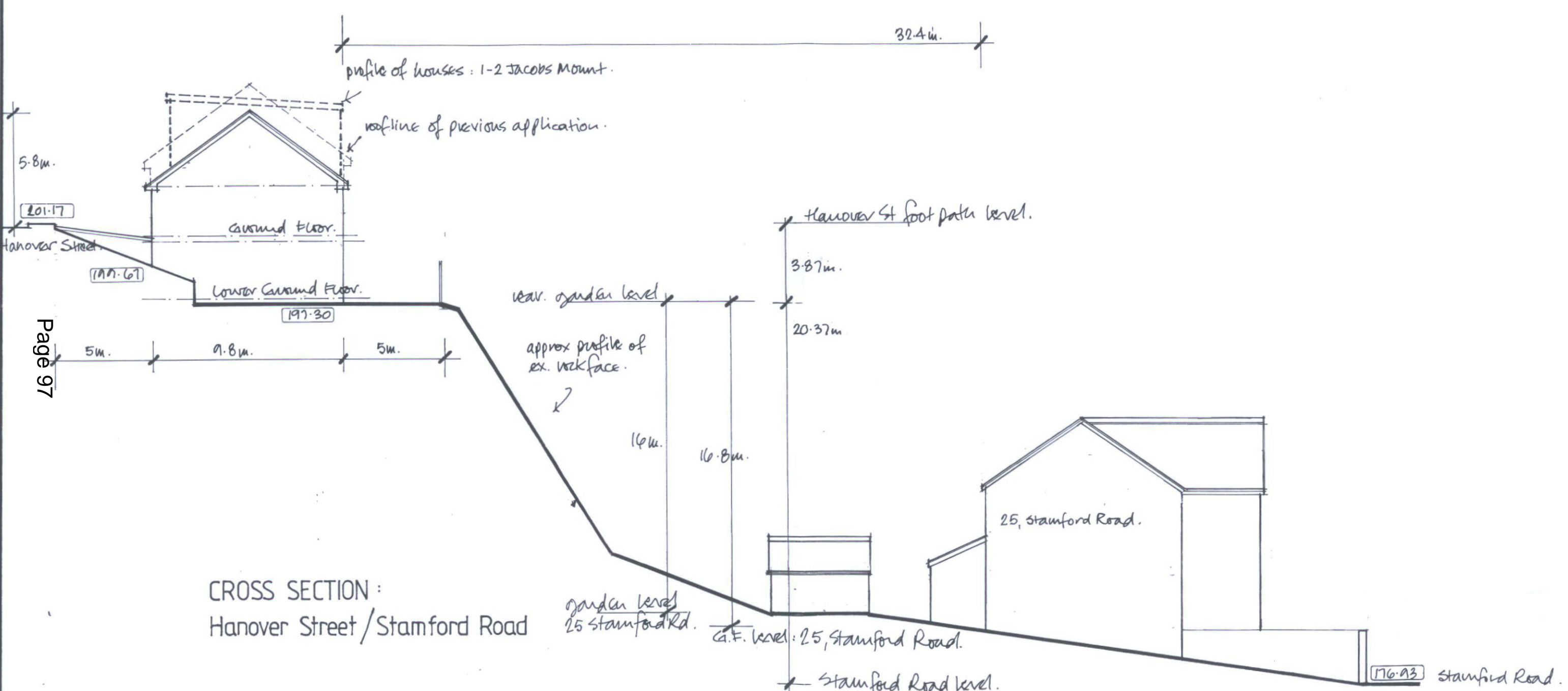
2500-02

HANOVER GARDENS  
Hanover Street, Mossley.  
Front and rear elevations.

scale: 1:200. Date: **October 21**  
A.C. MARLAND ASSOCIATES,  
1, OAKCROFT, STALYBRIDGE,  
CHESHIRE, SK15 2DQ.  
TEL: 01457 765255.

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CROSS SECTION:  
Hanover Street / Stamford Road

HANOVER GARDENS  
Hanover Street, Mossley.  
Cross section through site

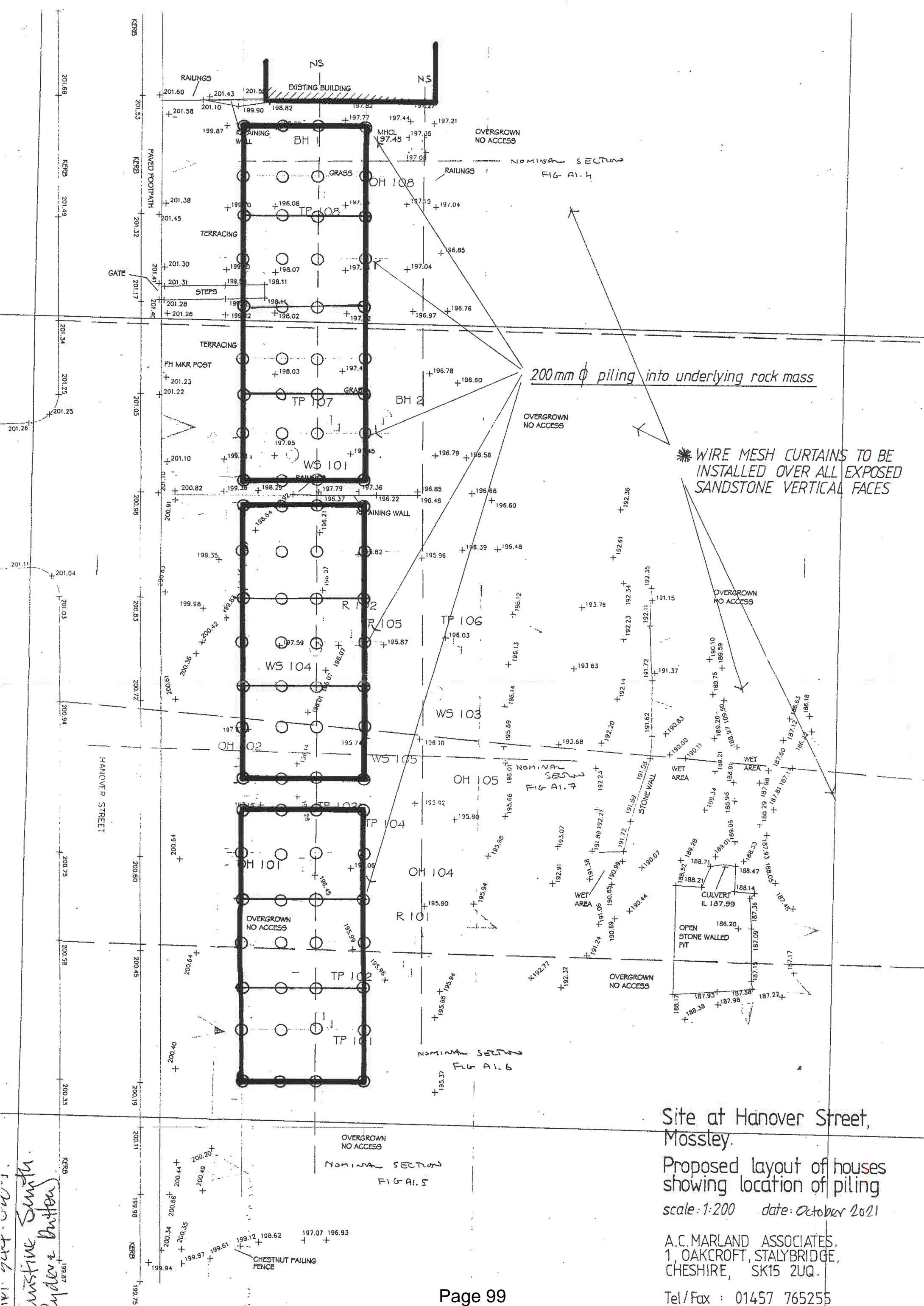
Scale: 1:200. Date: October 21

A.C. MARLAND ASSOCIATES,  
1, OAKCROFT, STALYBRIDGE,  
CHESHIRE, SK15 2QR.  
TEL: 01457 765255.

2500/5

Page 97

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200 mm Ø piling into underlying rock mass

WIRE MESH CURTAINS TO BE INSTALLED OVER ALL EXPOSED SANDSTONE VERTICAL FACES

Site at Hanover Street, Mossley.

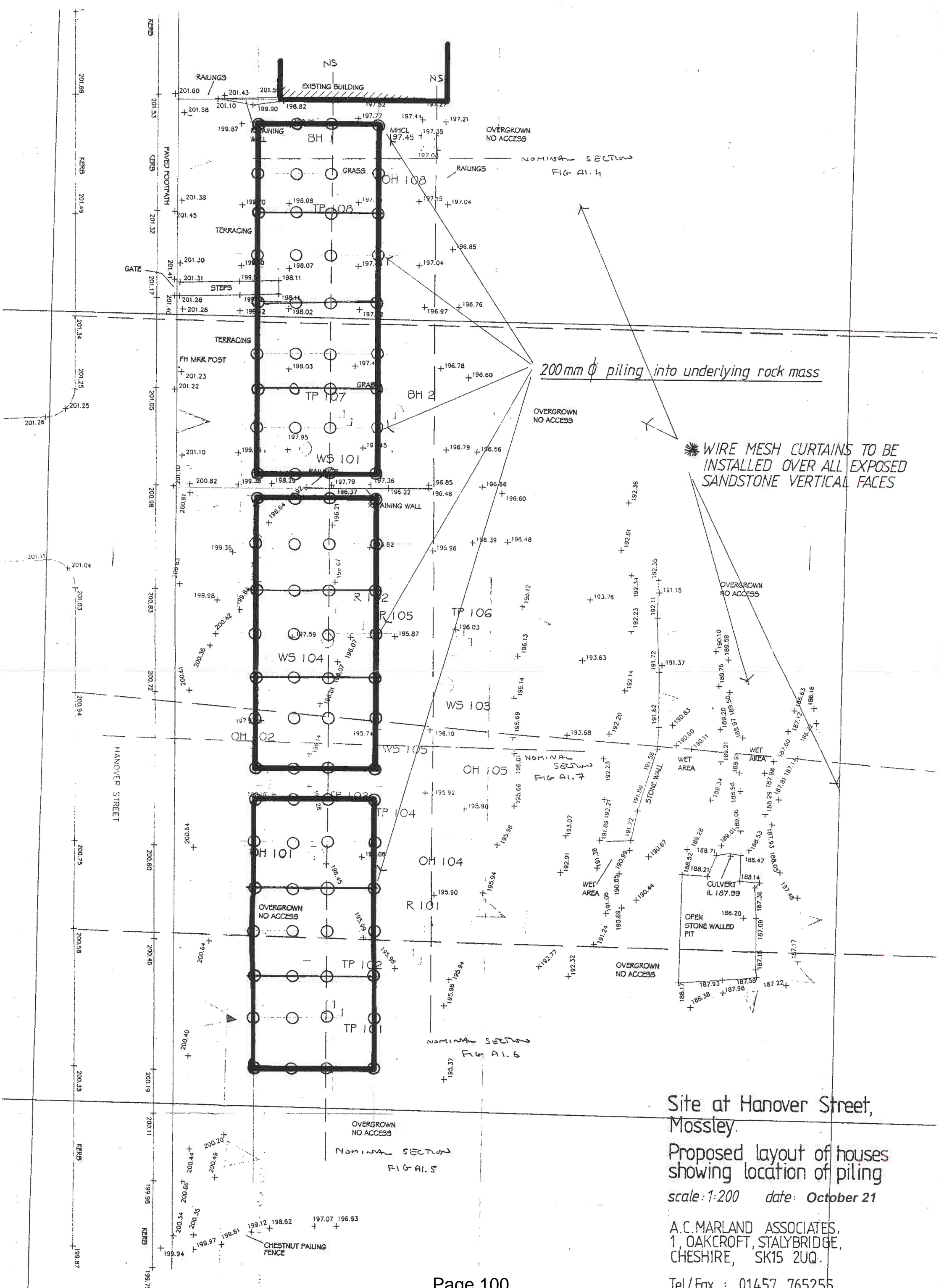
Proposed layout of houses showing location of piling  
scale: 1:200 date: October 2021

A.C. MARLAND ASSOCIATES,  
1, OAKCROFT, STALYBRIDGE,  
CHESHIRE, SK15 2UQ.

Tel/Fax : 01457 765255

Christine Smith  
(Ryder & Butler)

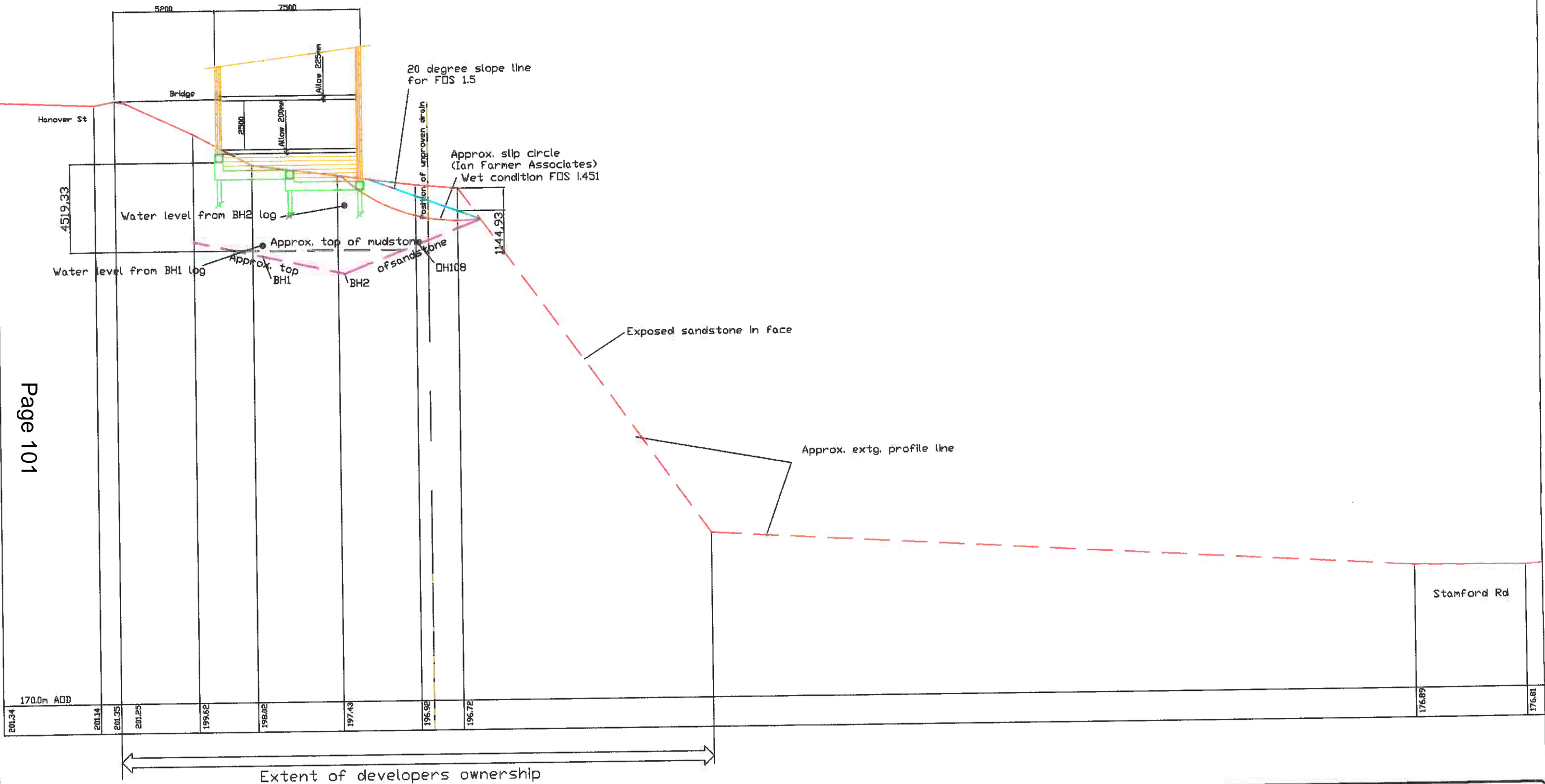




Site at Hanover Street,  
Mossley.  
Proposed layout of houses  
showing location of piling  
scale: 1:200 date: October 21

A.C. MARLAND ASSOCIATES,  
1, OAKCROFT, STALYBRIDGE,  
CHESHIRE, SK15 2UQ.

Tel/Fax : 01457 765255



Cross section 1 showing proposed works

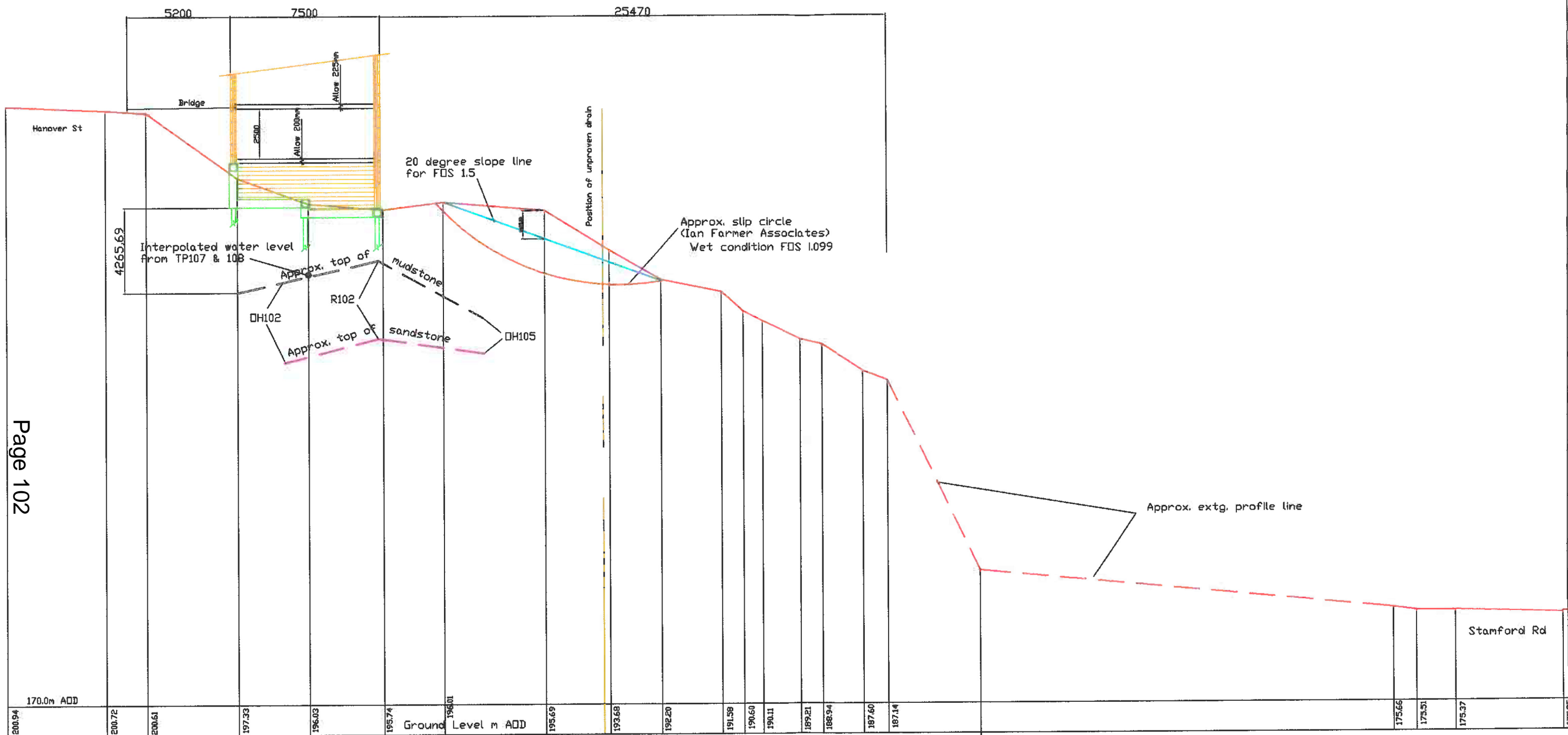
Ref.	Date	Details	Initials
A	Feb07	Additional info added	JEH

H&H Building Solutions  
 52 Tavern Rd  
 Hadfield  
 Derbyshire SK 13 2RB  
 Tel/Fax 01457 860 549

Title  
 Development @ Hanover St Mossley  
 Survey section 1 showing proposed works

Scale	Drawn	Checked	Cad ID
1:200	JEH		
	Date	Date	File Path
	Oct 21		

DRAWING No.	Revision
HH/Marland/004	A



Back of Footpath ← Extent of developers ownership →

Cross section 2 showing proposed works

Ref.	Date	Details	Initials
A	Feb07	Additional info added	JEH

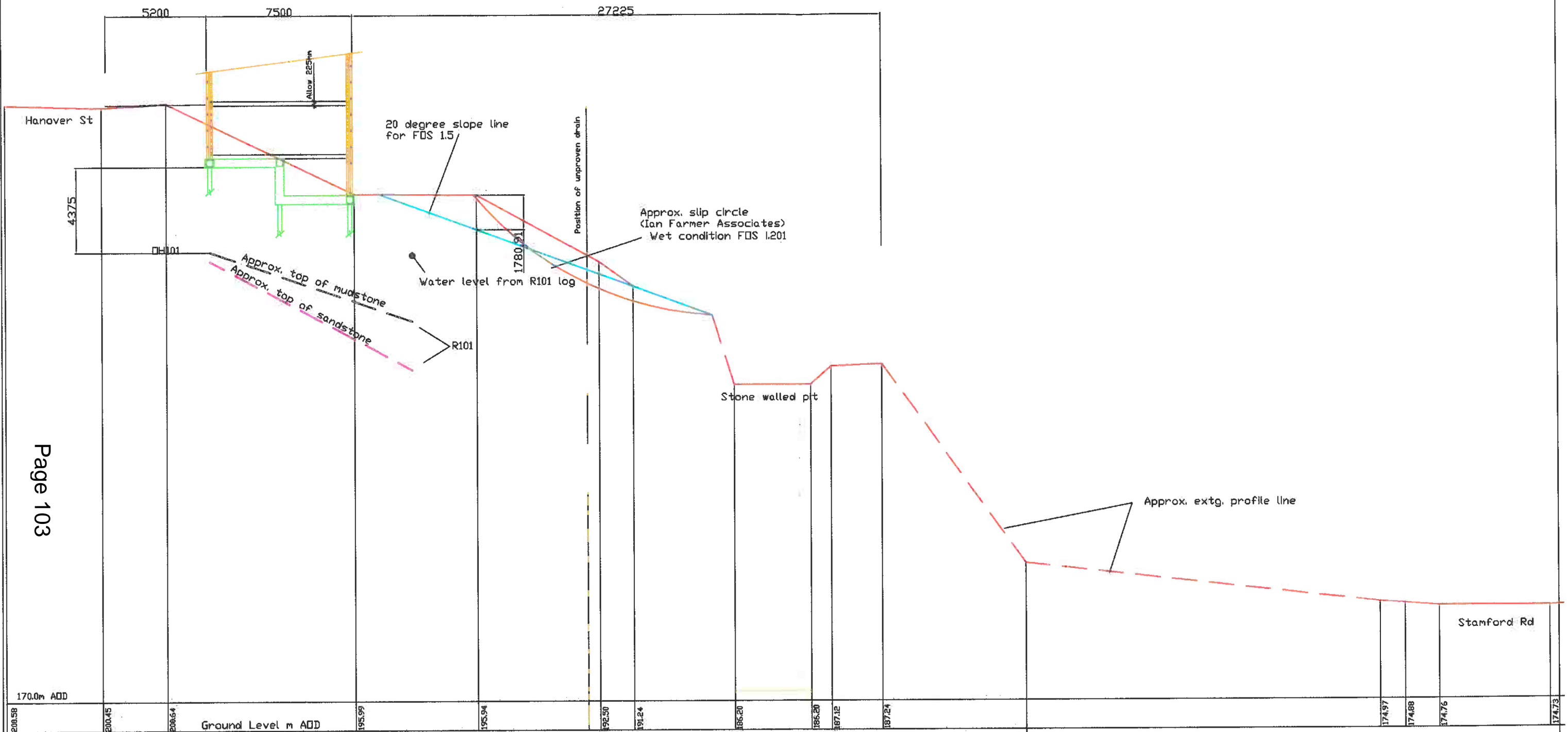
H&H Building Solutions  
 52 Tavern Rd  
 Hadfield  
 Derbyshire SK 13 2RB  
 Tel/Fax 01457 860 549

Title  
 Development @ Hanover St Mossley  
 Survey section 2 showing proposed works

Scale	Drawn	Checked	Cad ID
1:200	JEH	-	-
	Date	Date	File Path
	Oct 21	-	-

DRAWING No.	Revision
HH/Marland/005	A





Back of Footpath ← Extent of developers ownership →

Cross section 3 showing proposed works

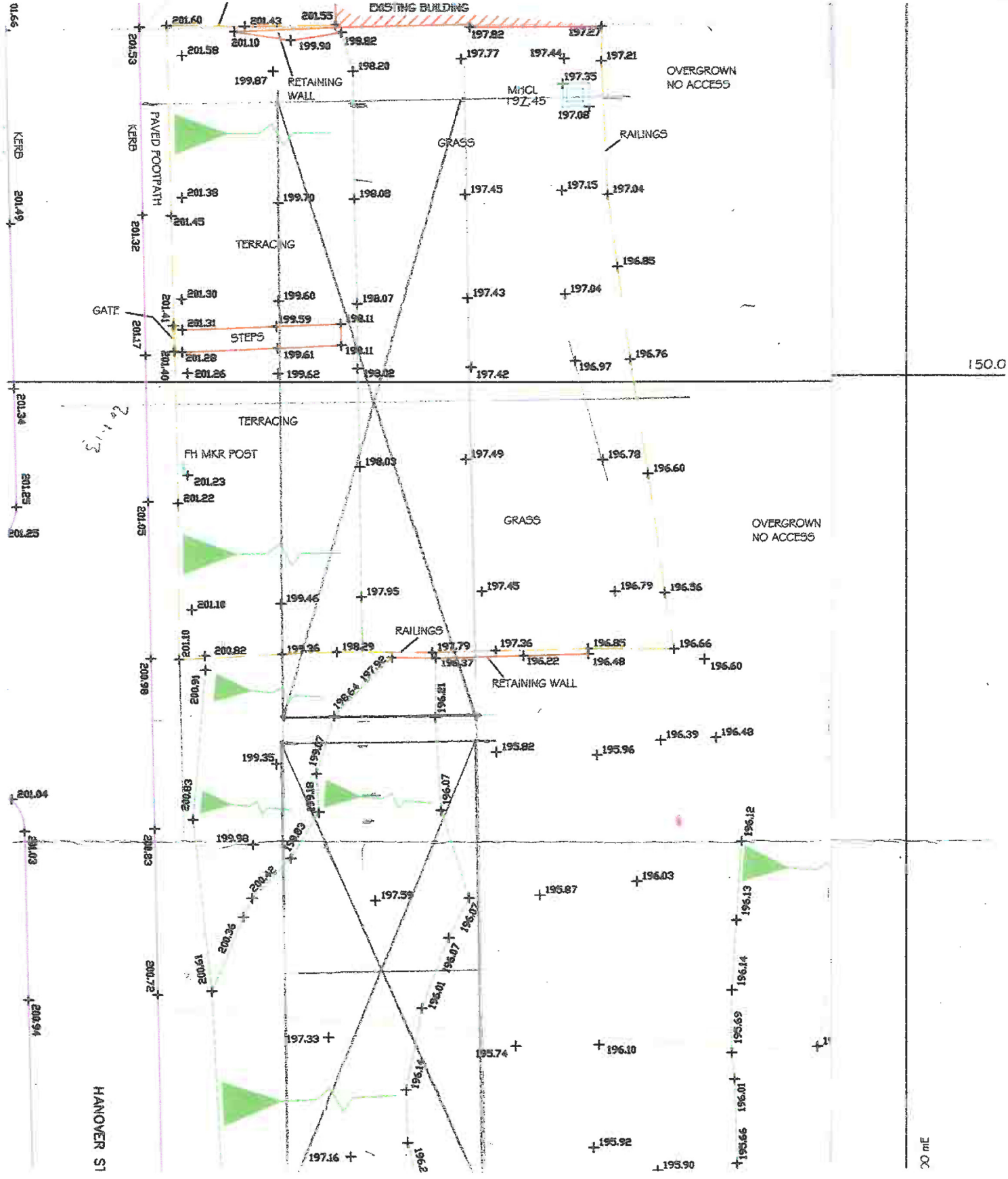
Ref.	Date	Details	Initials
A	Feb07	Additional info added	JEH

H&H Building Solutions  
 52 Tavern Rd  
 Hadfield  
 Derbyshire SK 13 2RB  
 Tel/Fax 01457 860 549

Title  
 Development @ Hanover St Mossley  
 Survey section 3 showing proposed works

Scale	Drawn	Checked	Cad ID
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	Date	Date	File Path
	Oct 21	-	-

DRAWING No.	Revision
- HH/Marland/006	- A



201.13

HANOVER S1

00 mE

Oct 21



Application Number 21/01379/FUL

**Proposed Development of 6No. detached dwellings**

**Photo 1: Aerial view of site**



**Photo 2: View From Hanover Street (looking East)**





**Photo 3: view showing the land levels from the footway on Hanover Street.**



**Photo 4: View across the site towards the East**





**Photo 5: View from the site towards Hanover Street**



**Photo 6: View form the site towards no.34 Mountain Street**





**Photo 7: View of the embankment to the properties at the rear along Stamford Road**



**Photo 8: View of the embankment to the properties at the rear along Stamford Road**





**Photo 9: View to properties on Stamford Road towards south-east**



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**Application Number** 22/00262/FUL

**Proposal** Construction of 9no. 3 bed dwellings including ancillary works/excavation.

**Site** Land on Stamford Road, Mossley

**Applicant** Mr Wilcox

**Recommendation** Refuse planning permission.

**Reason for Report** A Speakers Panel decision is required because the application has been called in for a decision by Councillor Sharif.

## 1. SITE & SURROUNDINGS

- 1.1 The site is approximately 0.79 hectares in area and is situated along the south side of Stamford Road on land to the west of 77 Stamford Road. There is evidence from historical maps showing that part of the site was previously occupied by numbers 85 to 97 Stamford Road and houses accessed from Back George Street. The site includes land within the designated line of the Town Centre shown on the adopted Tameside Unitary Development Plan (UPD) map.
- 1.2 The site slopes steeply from Stamford Road up to the back of properties on George Street, to the south of the site. A public footpath runs between no. 9 George Street and The Blazing Rag public house, leading through the site, although the majority of the route is an informal footway with minimal surfacing, with some areas overgrown.
- 1.3 There are mature trees in the eastern portion of the site, adjacent to the western gable end of no. 77 Stamford Road. That property and the terrace of units of which is part are 2 storey dwellings, as are the properties on the northern side of Stamford Road, which face the northern boundary of the site.

## 2. PROPOSAL

- 2.1 The applicant seeks full planning permission for the construction of 9no. 3 bed dwellings including ancillary works/excavation to a plot of land on Stamford Road in Mossley.
- 2.2 The proposed dwellings would form a terraced row, staggered in three blocks and be set back from the footpath at varying distances. The dwellings would be 2 storeys in height and would each be constructed of equal widths and proportions. The ridge heights of the properties would increase (stagger upwards) moving in a westerly direction reflecting the changes in ground levels along Stamford Road. Private amenity space would be provided for each dwelling at the rear, facing the properties on George Street to the south.
- 2.3 The dwellings are proposed to be constructed with artificial stone external elevations, dark grey pitched slate roofs (with central roof light) and dark grey window frames with stone heads/window cill detailing.

## 3. PLANNING HISTORY

- 3.1 07/01602/FUL – Erection of 1 pair of semi-detached dwellinghouses (site area limited to the north eastern corner of the land that is the subject of this current application) – approved

- 3.2 20/00463/FUL - Construction of 2 number 4 Bedroom Town Houses 2 number 2 bedroom town houses and 12 apartments – refused. The reasons for refusal are as follows:
1. In the opinion of the Local Planning Authority, the proposed development would be of a scale and design that would be detrimental to the character of the surrounding area. The variation in the widths of each bay of the building results in an inconsistency to the principal elevation of the development. This element of the design, along with the height of the scheme and the inclusion of dormer windows on the principal elevation are factors which are considered to contrast negatively with the simple, regular character and two storey scale of the properties that face the site on the opposite side of Stamford Road. The proposal are therefore considered to be contrary to policies H10 and C1 of the Tameside UDP and the NPPF.
  2. In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the residential amenity of the properties on the northern side of Stamford Road, given the fact that the building would be 3 storeys in height and would include dormer windows serving habitable rooms in the roofspace. The separation distance between the front elevation of the proposed development and the corresponding elevation of 90-94 Stamford Road is just below 9 metres. Given the limited nature of the separation distance to be retained and the fact that the properties on the opposite side of Stamford Road are only 2 storeys in height, it is considered that the proposal would result in harmful overlooking and an overbearing impact on the amenity of those neighbouring properties. The proposal are therefore considered to be contrary to policies H10 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and the NPPF.
  3. In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on highway safety, due to the necessary movements within Stamford Road associated with the garages within the houses that form part of the development. Access to the proposed garages would require either performing a manoeuvre in the narrow highway on Stamford Road (adjacent to the traffic light controlled junction of Stamford Road and Stamford Street) to reverse into the spaces, or reversing out of the garages into the highway. The conflict with traffic within the highway associated with either scenario is considered to result in a highway safety hazard. In accordance with the contents of paragraph 109 of the NPPF, planning permission should therefore be refused.
- 3.3 21/00344/FUL – Construction of 2 number 4 bedroom town houses 2 number 2 bedroom town houses and 12 apartment (Resubmission of application 20/00463/FUL) – Appealed on non-determination. Recommendation: refusal.
- 3.4 Appeal Reference APP/G4240/W/21/3277156 (Appeal of 21/00344/FUL) – appeal dismissed and planning permission refused.

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

##### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for



refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.4 The following are also relevant:  
Section 2: Achieving Sustainable Development;  
Section 5: Delivering a sufficient supply of homes;  
Section 7: Ensuring the vitality of town centres;  
Section 8: Promoting healthy and safe communities;  
Section 11: Making Effective use of Land;  
Section 12: Achieving well-designed places;  
Section 15: Conserving and enhancing the natural environment; and  
Section 16: Conserving and enhancing the historic environment

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

4.5 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.

#### **Development Plan**

4.6 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

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

4.7 The northern portion of the site is located in Mossley Town Centre.

#### **4.8 Part 1 Policies**

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

#### **4.9 Part 2 Policies**

- C1: Townscape and Urban Form
- H1: Housing Land Provision.
- H2: Unallocated Sites (for housing)
- H4: Type, size and affordability of dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW14 Air Quality
- N3: Nature Conservation Factors

- N4: Trees and Woodland
- N5: Trees Within Development Sites
- N7: Protected Species
- OL4: Protected Green Space
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- T11: Travel Plans
- T13: Transport Investment
- U3: Water Services for Developments
- U4: Flood Prevention.
- U5: Energy Efficiency

#### **Supplementary Planning Documents**

4.10 The following are relevant:

- Residential Design Supplementary Planning Document;
- Trees and Landscaping on Development Sites SPD adopted in March 2007; and
- Tameside Open Space, Sport and Recreation Study (2010)

#### **Places for Everyone**

4.11 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.12 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

4.13 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.14 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

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

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

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

6.1 30 letters of objection have been received from neighbouring residents, raising the following concerns (summarised):

- The scheme proposes to high a density of development on the site, which result in a detrimental impact on the character of the area, highway safety and the residential amenity of neighbouring properties;
- Development too big;
- Concerns regarding the impact of overlooking into and overshadowing of neighbouring properties, which would be harmful to the amenity of the existing residents;
- Concerns regarding highway safety. Three bedroom houses are family houses – each is likely to have at least one car. The development of this site will cause traffic chaos and disruption for a significant period of time. This situation would be detrimental to highway safety;
- Problems for any emergency vehicles to get through the traffic lights during construction.
- The proposals do not make adequate provision for car parking. Reliance on on-street parking is not a feasible option and the size of the units will result in increased pressure for parking in the locality;
- The scale of the development would result in a population increase that would have a detrimental impact on the capacity of services and facilities e.g. schools, doctor surgeries;
- The proposed development would result in the loss of open space that has both amenity and biodiversity value.
- The scale of the proposed development would have a detrimental impact on the character of the area;
- Sets a precedent;
- Concerns regarding the impact of traffic and noise generated during the construction phase of the development on the residential amenity of neighbouring properties.
- The proposal to have lawned areas to the front of these properties is ludicrous - there is queuing traffic for the traffic lights at all hours of the day and night. Air pollution would make the utilising of these lawns very unpleasant (at best).
- Re-routing of the Public Right of Way – concerns as to the location of the public right of way and associated noise and nuisance - as it will become a gathering point.
- Drainage strategy is deficient.
- No fundamental objection to the land being used for housing but parking is an issue. A more appropriate alternative would be smaller houses for demographics less likely to have a car e.g. older people and social housing tenants.
- The site would be better suited to a single or pair of dwellings with parking for two cars to reflect the needs of modern society.

6.2 Councillor Sharif has objected to the application, raising the following concerns (summarised):

- Inappropriate siting and layout
- Inadequate parking provision
- Impact on local commercial and residential amenity
- Highway safety- Potential for unsafe parking and turning on a main road
- Loss of green space
- The proposal does not follow a historic street frontage townscape, which would historically be “back of pavement” in character
- The development does not provide parking spaces – none for the occupants of the proposed three bedroom family houses, nor for visitor use.
- Parking impact on the town centre - resident parking will result in surroundings streets, already overburdened, and causing conflict and loss of amenity to other residents.
- Parking safety hazards when unloading, albeit briefly, on the road side near to the traffic junction/ also temporary parking on pavements.
- Concerns for future use of front garden areas as areas for off-street parking.
- Disruption to amenity and highway safety during the construction phase of the development.

- 6.3 Councillor Homer has objected to the application, raising the following concerns (summarised):
- Chaos during construction period in relation to highway safety.
  - Further chaos once construction as the homeowners try to access their parking spaces.
  - Land should remain as green space and left to nature as any development is not practical due to the proximity of the site to the traffic lights at the busiest junction in town.
- 6.4 Clerk to Mossley Town Council – objects to the proposal, noting the following concerns (summarised):
- The application was considered at the meeting of the Town Council on Wednesday 22 May 2022:
  - The Town Council strongly objects to this proposal on the grounds of: 1. inappropriate siting and layout 2. Inadequate parking provision 3. Impact on local commercial and residential amenity 4. Potential for unsafe parking and turning on a main road.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority (LHA) – Concerns regarding the lack of parking serving the proposed units and the potential for severe highway circulation issues on Stamford Road during construction, especially given the existing traffic signals which are adjacent to the proposed development.
- 7.2 Lead Local Flood Authority (LLFA) – the submission of further details regarding surface water drainage is considered to be necessary, prior to the determination of the application.
- 7.3 United Utilities (UU) – no objections to the proposals subject to the imposition of conditions requiring the submission and approval of a sustainable surface water drainage strategy and that foul and surface water are drained from the site via separate mechanisms.
- 7.4 Borough Environmental Health Officer (EHO) – no objections to the proposals subject to details of soundproofing scheme to be installed to mitigate the impact of external noise sources on the residential amenity of future occupants and a limitation on the hours of work during the construction phase of the development being secured by conditions.
- 7.5 Borough contaminated land officer - no objections to the proposals subject to the imposition of a condition requiring an intrusive investigation into potential sources of ground contamination of the site and the approval of a remediation strategy prior to the commencement/ first occupation of development.
- 7.6 Borough Tree Officer – No objection to the proposal. There are a number of trees on site but these are low value and in relatively poor condition, growing out of stonework / walls etc. These would not be considered a constraint to development.
- 7.7 Transport for Greater Manchester (TfGM) – no objection to the proposal. It is noted that car parking provision and vehicle access have been removed following application references 20/00463/FUL and 21/00344/FUL, and as such TfGMs previous concerns relating to vehicle access arrangements are no longer relevant. TfGM offer the following other comments:
- The footway fronting the site on Stamford Road would benefit from renewing / resurfacing and any redundant vehicle crossings bordering the site should be reinstated as continuous footway.
  - Given the development's close proximity to the traffic signals on Stamford Road, the applicant will need to liaise with TfGM UTC to discuss any potential impacts during construction and once the development is complete.

- 7.8 Greater Manchester Police (Designing out Crime Officer) – no objection to the proposal. comments advising that the proposed development should be design and constructed to Secured By Design standards; all garden boundary treatments adjacent to publically accessible land in particular to the side and rear should be 2100mm; dusk till dawn lighting should be installed on all external doors; and, any external bin store should be a secure, lockable and fire resistant enclosure.
- 7.9 Greater Manchester Archaeological Advisory Service (GMAAS) – no objections to the proposals on the grounds of archaeological significance and no conditions considered necessary in this regard.
- 7.10 Environment Agency (EA) – unable to provide a site specific review due to high workload.
- 7.11 Greater Manchester Ecology Unit (GMEU) – no objection to the proposal subject to conditions relating to protected species, nesting birds and invasive species (Japanese knotweed).

## **8. ANALYSIS**

- 8.1 Before considering the key issues at hand in relation to this application, it is important to reflect upon the differences between the previously refused applications (20/00463/FUL; 21/00344/FUL) and the current scheme. The main differences are summarised as follows:
- An increase in the number of dwellings from 4 town houses to 9 dwellinghouses. The scheme however does not now propose any apartments (previously 12);
  - Removal of all proposed dedicated off street parking;
  - A reduction in the height of the units from 3 storeys to 2 storeys;
  - External alterations to the dwellings including design, form and layout across the site.
- 8.2 The key issues to be assessed in the determination of this planning application are:
- 1) The principle of development
  - 2) The impact of the proposed design and scale of the development on the character of the site and surrounding area;
  - 3) The impact on the residential amenity of neighbouring properties;
  - 4) The impact on highway safety;
  - 5) The impact on the ecology and trees;
  - 6) The impact on flood risk/drainage; and
  - 6) Other matters

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Loss of open space:
- 9.2 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.3 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local

Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.

- 9.4 Policy OL4 of the UDP seeks to retain areas of protected green space, including not only designated spaces (this site is not designated in this regard) but also 'areas of land in similar use but which are too small to be shown as Protected Green Spaces on the 'Proposals Map'.
- 9.5 Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation. Tameside has a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+).
- 9.6 There are a number of protected areas of open space within 10 minutes walking distance of the proposed development sites, which is the recommended walking distance threshold for Tameside, including Mossley Park to the south of the site.
- 9.7 Paragraph 97 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
  - Where the green space demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,
  - Where the green area is local in character and does not apply to an extensive tract of land.
- 9.8 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2. The lands itself is not designated as a site of ecological or historic significance (either nationally or locally and the gradient of the land limits its value for recreational use).
- 9.9 The site does currently provide a visual break in development along Stamford Road. However, given the relatively dense nature of development surrounding the site and the fact that the site is within the built up centre of Mossley, it is considered that the undeveloped space is appreciated only from public views immediately adjacent to the site. It is therefore considered that the undeveloped nature of the land does not perform the role of a landscaped buffer on the edge of a settlement or provide a transition between areas of varying density or character.
- 9.10 Following the above assessment, it is considered that the loss of the open space would not result in harm that would significantly and demonstrably outweigh the benefits of the scheme, including the provision of new housing in a sustainable location, as discussed below.
- 9.11 Principle of redevelopment for housing:
- 9.12 The applicant has made reference to the fact that the site has been included in Strategic Housing Land Availability Assessments (SHLAA) produced by the Council. It is correct that the site was previously identified within the Council's SHLAA, but it was subsequently discounted from the Council's 2021 residential land supply due to the minimum yield threshold - as outlined within the Strategic Housing and Employment Land Availability Assessment (SHELAA) methodology. Paragraph 1.8 of the 2021 SHELAA states that: *'It is important to clarify that identification of land in this assessment does not imply that either planning permission will be granted or that a site will be allocated in the local plan. All land and future development proposals remain subject to the plan making and development*

*management processes. The assessment does not preclude land from being developed for uses other than that identified in this assessment, nor does it preclude the possibility of development being granted on sites that have not been included in this assessment.'*

- 9.13 It is acknowledged that there is historic evidence of housing development on the site. However, it is also the case that the definition of previously developed land, as set out in the NPF, excludes land that '...was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape' from being considered brownfield land. This exclusion is considered to apply to this site, in which the predominant characteristic of the site is of open space between development on the Stamford Road streetscene.
- 9.14 Notwithstanding the above however, the site includes land within the allocated Mossley Town Centre Boundary and is situated within close proximity of regular bus services and within a 15 minute walk of Mossley train station. Section 7 of the NPPF refers to residential development enhancing the viability of town centres and that consideration is relevant to this location.
- 9.15 The Council accepts that it cannot currently demonstrate a five year supply of housing land and as such, the redevelopment of the site for residential purposes in a sustainable location is worthy of significant weight in the determination of this application.
- 9.16 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

## **10. CHARACTER**

- 10.1 The previous applications related to three storey townhouses which were refused partly on design grounds. As outlined in the refusal reasons noted above, the scale of the development was considered to be unacceptable, with the height and varying widths of the properties to the principal elevation considered to be irregular and uncomplimentary to the existing streetscape. The photographic evidence of the development which once occupied the site (four storey development with commercial units on ground floor) is noted, however this development was demolished a number of years ago and the character of the site has evolved into one that appears largely undeveloped.
- 10.2 The current scheme proposes 9no. two storey terraced dwellings put together in a staggered block form with varying distances from the footpath along Stamford Road. It is acknowledged that the applicant has sought to address previous design concerns by reducing the height of the proposed dwellings and ensuring that all properties maintain the same width; however the alterations to the design have created new design issues in relation to bulk and mass which are outlined below.
- 10.3 Viewed in complete isolation, the proposed dwellings would reflect the two storey scale of the properties that face the site on the opposite side of Stamford Road. However, given the limited size of the plot and the number of units proposed, the development would be high density and would unacceptably dominate this section of the streetscape. The dense block form of 9 dwellings in this location would be of a scale that would be detrimental to the character of the surrounding area. Although the properties would be staggered back from the footpath to address residential amenity concerns, this does not off-set the dominance and bulk of the proposed development when viewed within the confines of the narrow slim-line plot of land. Moreover, the staggered principal elevations of the proposed terraced row and creation of inconsistent front gardens of different depths, would also be at odds with the general linear character of the terraced properties within the immediate vicinity which front the footpath. Any boundary treatment used to demark the edges of the front gardens would

also be at odds with the character of the street and would not be conducive to the surrounding make-up of the area.

- 10.4 For these reasons, it is considered that the scale and massing of the proposals would result in a detrimental impact on the character of the surrounding area. As such, the proposal consequently conflicts with UDP Policies H10 and C1 which, amongst other things, seek high quality design and require proposals for built development to respect the townscape, topography and urban form of an area. Conflict would also arise with advice contained in Policy RD2 of the Council's Residential Design Guide Supplementary Planning Document 2010 (SPD) which requires a consideration be given to how a proposal would align with the height, width and scale of surrounding buildings when assessing an area's character. In addition, it would also fail to accord with the design objectives of the Framework, specifically Section 12.

## **11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED**

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with an opening serving a habitable room and a corresponding blank elevation.
- 11.2 The RDG also requires a separation distance of 14 metres where developments faces each other across a highway. Policy RD5 does include a caveat that variations from these standards may be applied to infill plots, where existing spacing between buildings should be taken into account.
- 11.3 The proposed development would be 2 storeys in height but would include habitable room windows in the roof space (with roof lights to the front roof plane). It is considered reasonable to assess this proposal as the development of an infill site and it is the case that development extending to the back of the footway forms the predominant character of development along Stamford Road.
- 11.4 In this case, because some of the front elevations of the proposed development have been staggered back from the footway, the separation distance between the proposal and the corresponding front elevations of the properties to the opposite side of Stamford Road ranges from 10m – 15.5m. Given that the existing and proposed properties are of a similar height, the minor shortfall of the distance required by the RDG is accepted and the caveat which allows variations to the standard requirements can be exercised in this case. It is not considered that the proposal would result in harmful overlooking nor have an overbearing impact on the amenity of those neighbouring properties.
- 11.5 The section plans submitted by the applicant indicate that the eastern portion of the proposed development would be at a level where only a small portion of the upper section of the roof of the scheme would be visible over the height of the treatment on the common boundary with that neighbouring property, due to the substantial change in levels between the sites. This would prevent direct opportunities for significant overlooking into the rear garden of no.9 George Street.
- 11.6 Whilst the height of the development would increase from east to west, the degree of land level change ensures that opportunities for clearer overlooking across the common boundary would be sufficiently oblique to prevent an adverse impact on the residential amenity of that neighbouring property.
- 11.7 The other buildings that back on to the southern boundary of the site are in use as a doctors surgery and a public house. Given the nature of those established uses, it is considered that



the proposed development would not result in an adverse impact on the amenity of those neighbouring properties.

- 11.8 The property to the west of the site (on the junction of Stamford Road and Stamford Street) is a three storey building which has an established use as a restaurant. The western gable elevation of the proposed development would not include any openings and would be separated from the main corresponding elevation of that neighbouring property by the stairwell and rear yard associated with that building. Given this situation and the established use of that building that is situated in a densely developed edge of centre location, it is considered that the proposed development would not result in an adverse impact on the amenity of that neighbouring property.
- 11.9 The gable end elevation of the neighbouring property to the east of the site is currently screened by mature trees on the eastern edge of the application site. Given this situation and the fact that the corresponding gable elevation of the proposed building would not contain any openings and would be set off the common boundary with a common space and bin storage area, it is considered that the proposals would not result in harm to the amenity of that neighbouring property.
- 11.10 Following the above assessment, it is considered that the proposal would not have an unduly harmful impact on the occupiers of any neighbouring properties with regards to overlooking and loss of privacy. The height of the development is such that it would also not appear unduly overbearing or oppressive – reflecting the two storey height of the majority of the existing properties along Stamford Road. The proposal is therefore found to be acceptable in respect of neighbour amenity.
- 11.11 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).
- 11.12 This requires that as a minimum, a 3-bedroom (4 person), 2-storey dwelling provides at least 84m<sup>2</sup> gross internal floor area and 2.5m<sup>2</sup> of built in storage. For a 3-bedroom, 4 person, 3 storey dwelling, a minimum gross internal floorspace of 90sqm is required. The proposal achieves the minimum requirements and all living spaces have access to natural light. The proposal is therefore found to be acceptable in this regard and would provide a good standard of amenity for future occupiers.

## **12. HIGHWAY SAFETY**

- 12.1 The scheme proposes no off-street car parking spaces.
- 12.2 Policy RD8 of the Residential Design Guide requires 2 car parking spaces per 2 and 3 bedroom unit and 3 spaces for units of 4 or more bedrooms and the scheme would therefore fall some way below those standards.
- 12.3 It is noted that the site is within a sustainable location, within a 15 minute walk of Mossley train station, with regular bus services to and from Ashton and Oldham operating along Stamford Road within a shorter walk of the site. A range of services and facilities, including a foodstore and the public open space at Mossley Park are also within reasonable walking distance of the site.

- 12.4 The proposed scheme however falls well below the parking provision standard for 3 bedroom properties. The Local Highway Authority (LHA) have objected to the proposal as the parking arrangements are inadequate. It is noted that on street parking within the immediate vicinity is limited due to existing Traffic Regulation Orders on Stamford Road (double yellow lines) and there is, as existing, high demand for on-street parking on surrounding streets. The proposal, which comprises 9 x 3 bedroom family homes, would result in additional demand and increased on street parking which would have a detrimental impact on road safety. The proposal would also result in a loss of amenity enjoyed by road users and local residents, by reason of this additional demand and substandard parking provision.
- 12.5 It is noted that no off-street parking was proposed as part of application 21/00344/FUL and the deficit in this case was deemed to be acceptable. However, in the case of this application, there is a key fundamental difference in the nature of the proposed units. Previously comprising majority apartments, the functionality of the proposed scheme differed and the potential occupants having a different relationship/linked trips within the nearby local centre. Occupants of apartments tend to rely less on car travel and rely more on the use of local sustainable transport facilities. However the current proposal relates to 9 x 3 bedroom houses which are more likely to be used as family homes, where there is a reasonable assumption that reliance on car use/travel is higher, pressing additional demand on the local road network for parking. This section of Stamford Road has been highlighted by the LHA as susceptible to significant highway safety issues.
- 12.6 The LHA have also noted that Stamford Road is a well-used highway, by vehicles, cyclists and is well traversed by pedestrians. In this particular location, there are parking restrictions immediately outside of the site with double yellow lines on Stamford Road. The LHA noted that any disruption to the free movement of Stamford Road from vehicles stopping, even temporarily, on the highway, can cause considerable issues on Stamford Road specifically and to a lesser extent on surrounding roads.
- 12.7 In a recent appeal decision relating to a nearby site on Brookfields, just off Stamford Road in Mossley, planning permission was refused for the erection of 21 dwellings owing to the unacceptable impact that the proposal would have on highway safety – particularly during the construction period. The construction access point would be taken via Stamford Road at an area with a widened pavement, used as a lay-by, and would be used for construction vehicles which would be “booked in” in advance in order to ensure that vehicles do not back up on Stamford Road. Despite this, it was concluded by the Inspector, that given the heavy use of Stamford Road, even timed deliveries would have the potential to have knock-on effects on the wider area and would be unacceptable in terms of highway safety – causing considerable severe road network disruption. Stamford Road is a main route through the locality to locations farther afield. Any problems could cause major traffic disruption and could have an unacceptable impact on highway safety and a severe cumulative impact on the road network. Although this refers to the construction stage, those issues noted above were still considered relevant and it was noted that highway safety must be addressed through all stages of development.
- 12.8 Taking into account the highway safety issues/concerns concluded in the above appeal decision, which relates to a site some 150m in distance away to the eastern part of Stamford Road, similarities are noted. Particularly, in respect of this current application, the site does not have the benefit of any additional widened footpaths for off-street storage of delivery vehicles (even temporarily) and is situated immediately adjacent to a signalised road junction where the A670 meets Stamford Road. Similarly, as found in the recent appeal decision cited above, the Local Highway Authority conclude that the development would have an unacceptable impact with regard to highway issues and would have a severe cumulative impact on the road network.
- 12.9 The LPA have no reason to disagree and as a result, find conflict with policies T1 and H10 of the Tameside Unitary Development Plan (2004) which state that, amongst other matters,

development should aim to improve road and community safety, be designed to address the safe management of congestion problems and make suitable arrangements for access. In addition to this the proposal is at odds with the guidance set out in Paragraph 111 of the National Planning Policy Framework.

- 12.10 Details of secured cycle storage provision could be secured by condition had the scheme been considered acceptable in all other regards, to further mitigate any harm arising from the deficit in car parking provision against the locally adopted standards.
- 12.11 Following the above assessment, it is considered that the proposals would result in a detrimental impact on highway safety due to inadequate parking provision to serve the proposed residential units. In accordance with the contents of paragraph 111 of the NPPF, planning permission should therefore be refused.

### **13. ECOLOGY AND TREES**

- 13.1 Comments by objectors to the application regarding the ecological value of the site are noted. The site is not designated either nationally or locally as a site of biodiversity value. The Tree Officer has raised no objections to the scheme, concluding that the trees to be removed to facilitate the development are not of any amenity value or condition to warrant retention.
- 13.2 A condition requiring the submission and approval of biodiversity enhancements to serve the development could have been attached to a planning permission, had the scheme been considered acceptable in all other regards. As such, it is considered that a refusal of planning permission on the grounds of impact on ecology and/or trees could not be substantiated at appeal.

### **14. FLOOD RISK/DRAINAGE**

- 14.1 The applicant has submitted a Flood Risk Assessment and Drainage Strategy. The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The applicant has provided further details of the surface water run off rates and details of an indicative drainage strategy for the site. United Utilities has not raised any objections to the proposals, subject to the imposition of conditions requiring surface and foul water to be drained from the site via different mechanisms and the submission and approval of a sustainable surface water drainage strategy prior to the commencement of development. It is considered that this further information could have been appropriately dealt with by condition, had the scheme been considered acceptable in all other regards.

### **15. OTHER MATTERS**

- 15.1 The condition recommended by the Environmental Health Officer in relation to a scheme for soundproofing of the accommodation to preserve the amenity of future occupiers and the restricting of the hours of work during the construction phase of the development could have been appropriately dealt with by condition, had the scheme been considered acceptable in all other regards.
- 15.2 A condition requiring further investigation into sources of potentially contaminated land on the site and any necessary remediation could have been dealt with by condition, had the scheme been considered acceptable in all other regards.
- 15.3 Whilst the comments of the Designing Out Crime Officer are noted, it is considered that a condition could have been imposed on a planning permission requiring details of the specific

crime reduction measures to be installed within the development, had the scheme been considered acceptable in all other regards.

- 15.4 The alignment of the Public Right of Way (MOS/189) which runs through the site has been considered by the Borough's Sustainable Travel Officer. The alignment of the PRoW is acceptable however as highlighted, no development should take place which affects this right of way in the absence of an appropriate closing or diversion order.

## **16. CONCLUSION**

- 16.1 The site is situated in a sustainable location for housing and as such the principle of development is considered to be acceptable. However, for the reasons detailed in the main body of this report, the scale and design of the development are considered to be detrimental to the prevailing character of the surrounding area and highway safety.
- 16.2 The proposals are therefore considered to be contrary to the aims and objectives of policies C1, H10 and T1 of the Tameside UDP, policy RD5 of the Residential Design Guide SPD and section 12 of the NPPF.

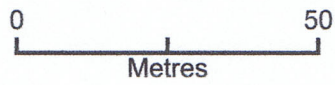
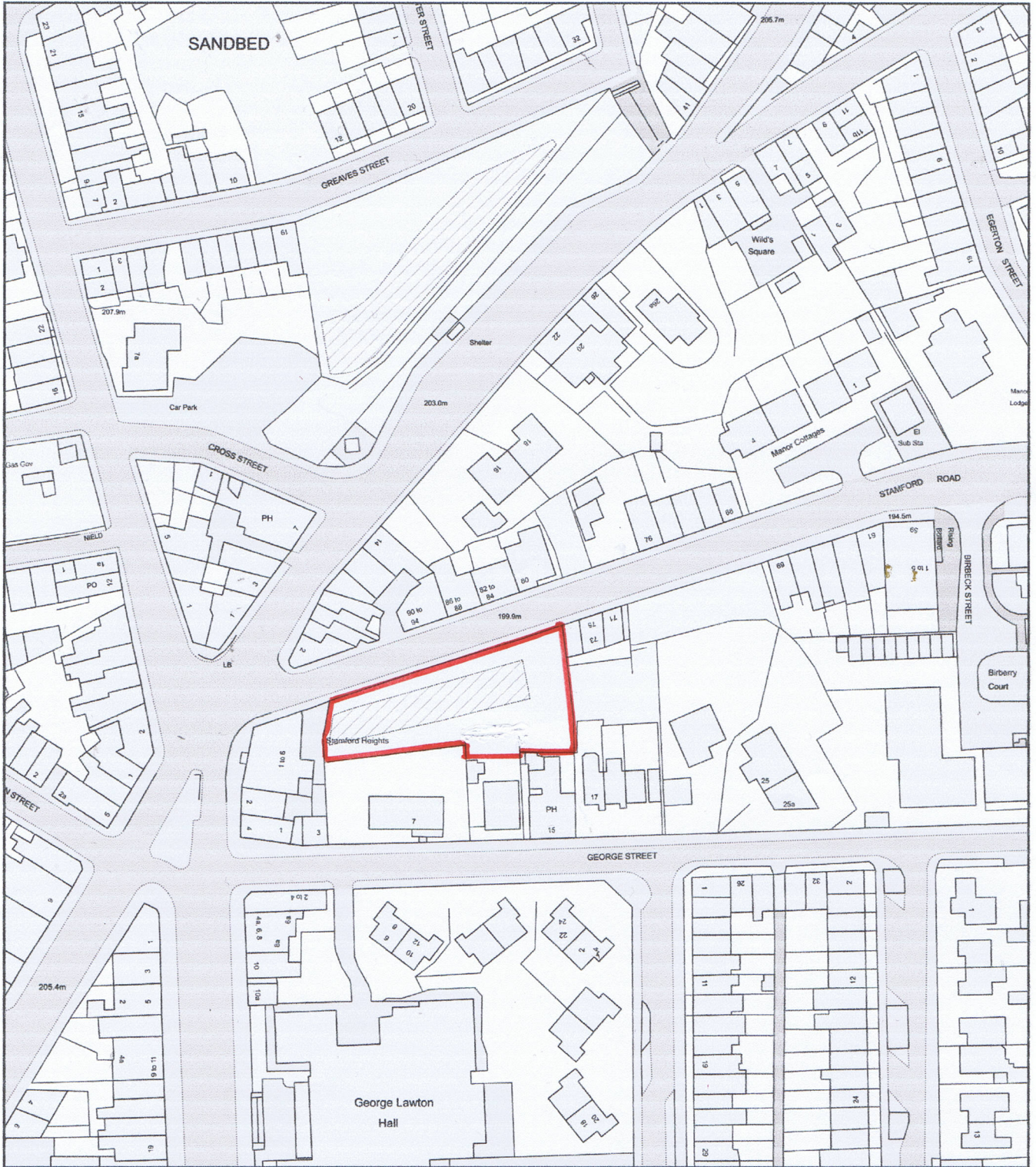
## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1. The proposed development would be of a scale and design that would be detrimental to the character of the surrounding area, arising from the proposed density and bulk of the proposed development. The staggered principal elevations would fail to reflect the consistent linear form of the neighbouring properties on Stamford Road and the staggered front gardens would be an inconsistent and uncharacteristic feature within the locality. The proposal is therefore considered to be contrary to policies H10 and C1 of the Tameside UDP and the NPPF.
2. The proposed highway and parking arrangements associated with the size and nature of the proposed development are inadequate. There is limited on street parking in the immediate vicinity due to existing traffic regulation orders on Stamford Road and existing high vehicle parking demand on the surrounding streets. The proposal would result in increased on street parking and have a detrimental impact on road safety, resulting in severe highway circulation issues so close to the signalised junction and on the amenity enjoyed by road users and local residents. The cumulative impact of the proposal on the road network would be severe, contrary to the contents of paragraph 111 of the NPPF.



# Stamford Road



Plan Produced for: [REDACTED]

Date Produced: 28 May 2020

Plan Reference Number: TQRQM20149161243434

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Page 125

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Plans prepared for  
Local Authority approval  
All dimensions to be  
checked on site

9 no 3 bedroom  
dwellings  
total floor area  
each dwelling 95.4m<sup>2</sup>



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Client  
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Job Title  
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**Proposed Development  
at Stamford Road  
Mossley**

Drawing Title  
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**Site Layout**

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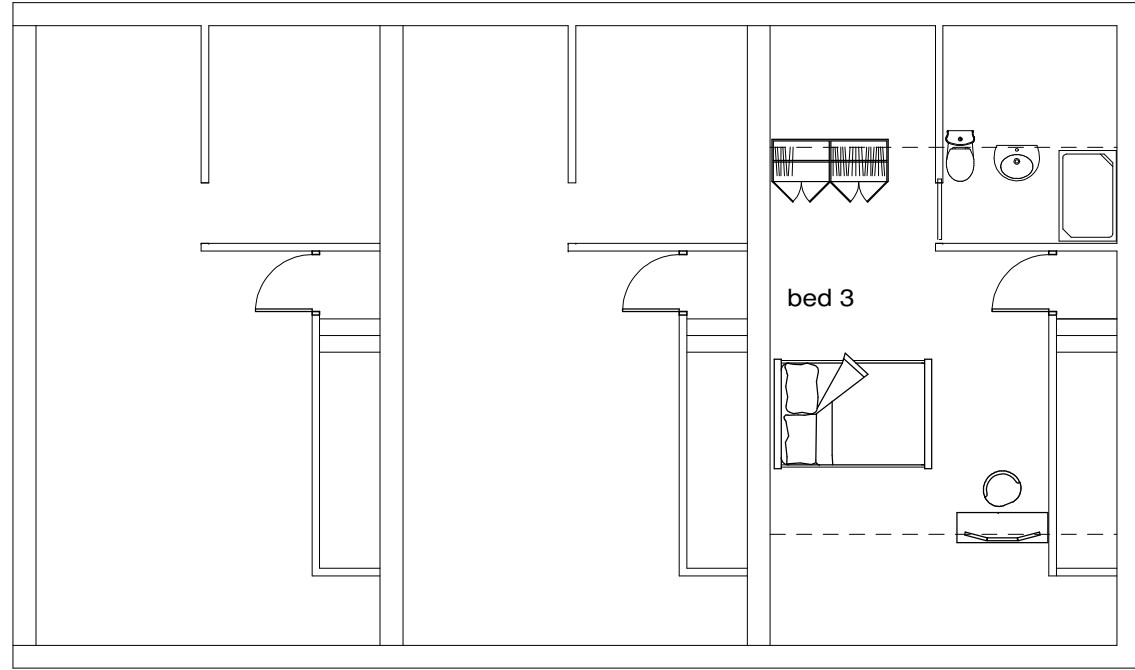
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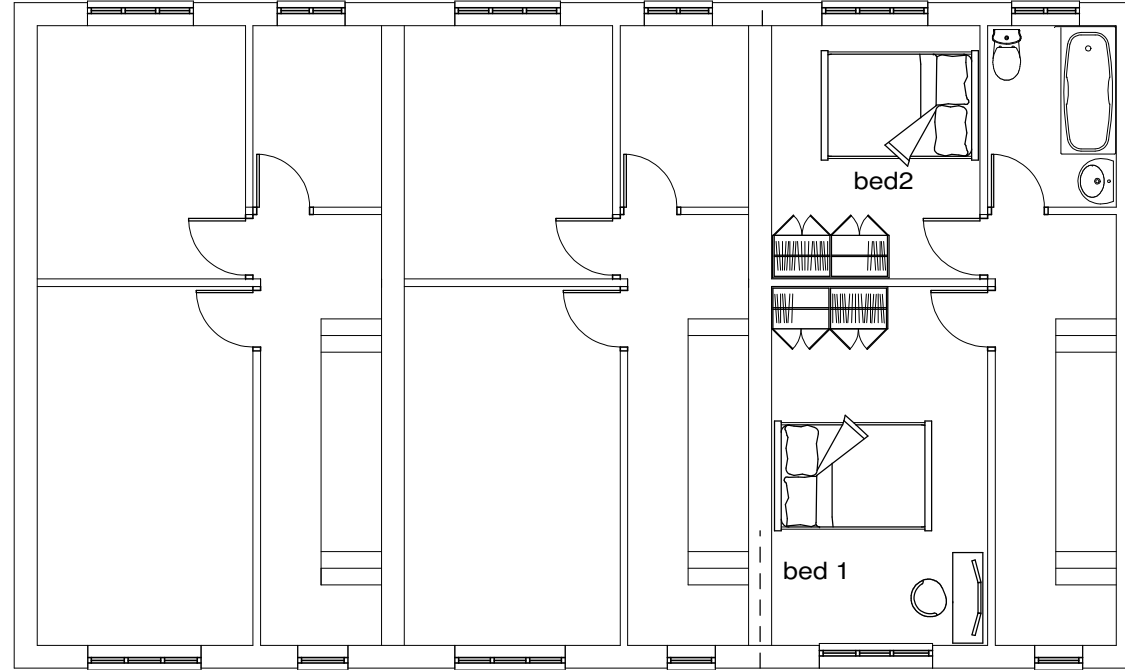
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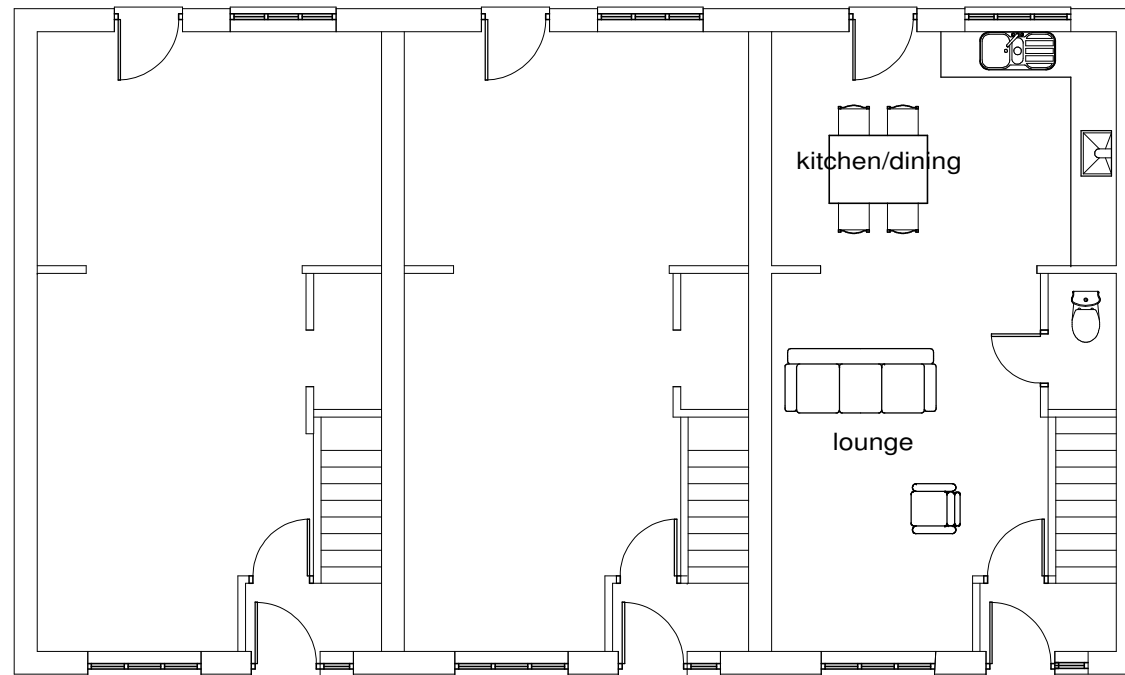
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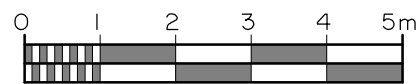
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first



Ground



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Job Title  
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**Proposed Evelopment at  
Stamford Road  
Mossley**

Drawing Title  
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**Typical Floor  
Plans**

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- **PA02/2022/04** - Rev.  
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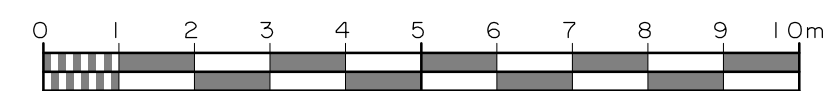
NOTES  
 Plans prepared for Local Authority approval  
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Rear Elevation



Stamford Road Elevation



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Job Title

Development at  
 Stamford Road  
 Mossley

Drawing Title	-
Elevations	-

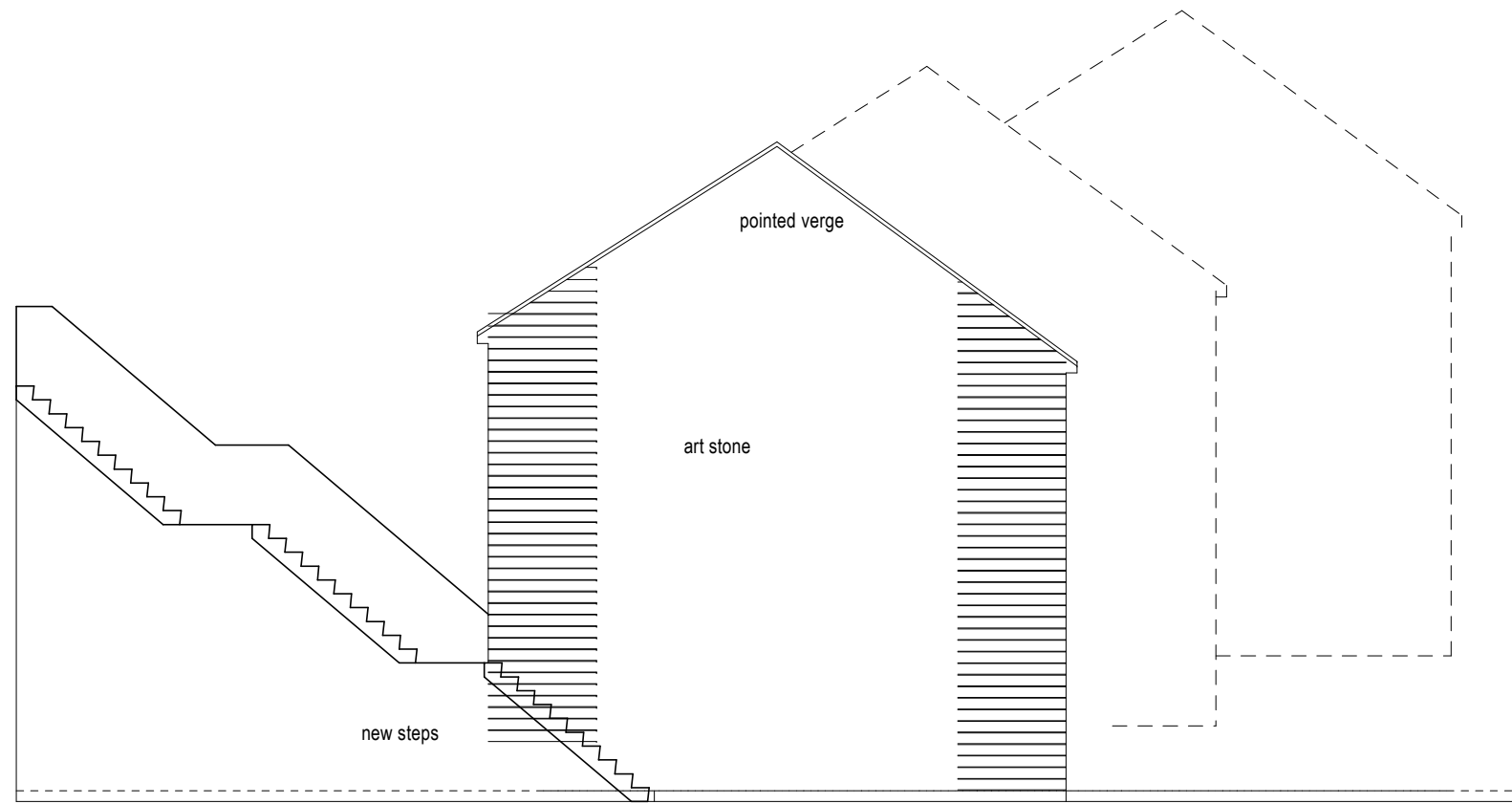
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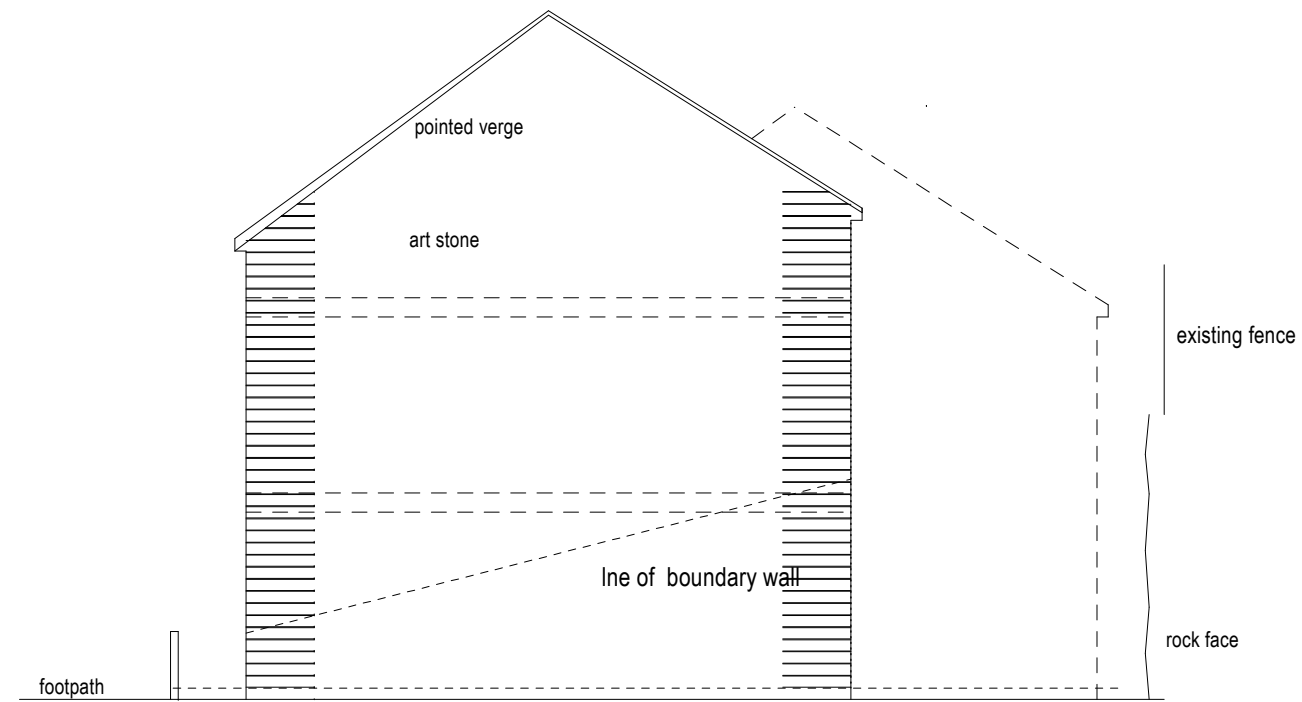
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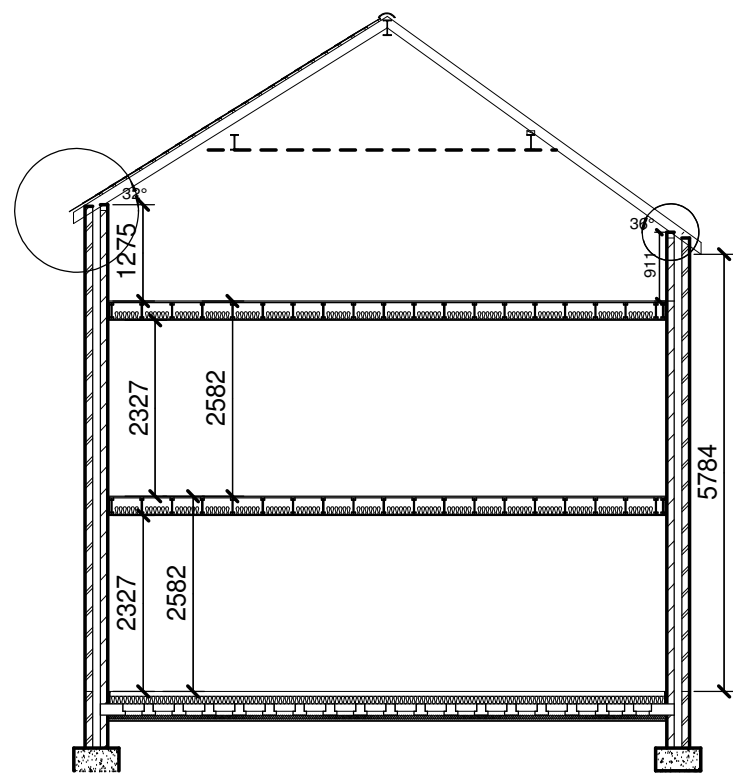
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All dimensions to be  
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Side Elevation to Plot 9

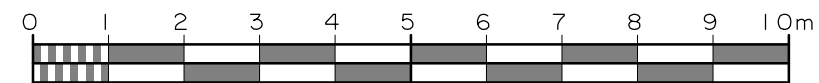


Side Elevation to Plot 1



Typical Section

Front stamford road



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Job Title  
Development at  
Stamford Road  
Mossley

Drawing Title  
Elevation and  
Typical House Section

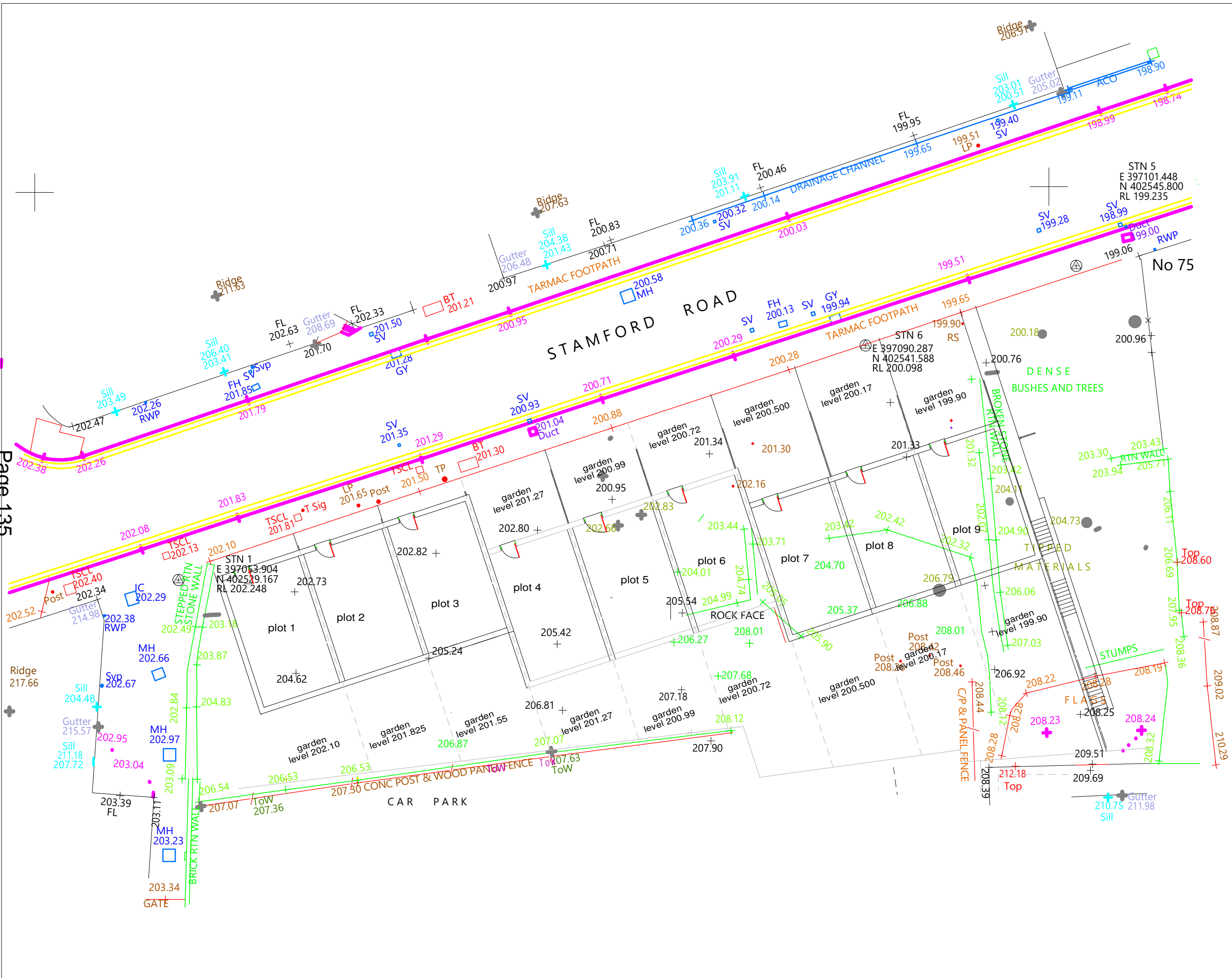
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Plans prepared for  
Local Authority approval  
All dimensions to be  
checked on site

note garden levels  
indicative depending on  
site conditions

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Client -  
Job Title -  
**Proposed Development  
at Stamford Road  
Mossley**

Drawing Title  
**Topographical Survey  
Proposed Layout**

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Date - Drawn by -

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**Construction of 9no. 3 bed dwellings including ancillary works/excavation**

**Photo 1: Aerial view of site**



**Photo 2: View down Stamford Street (looking East)**



**Photo 3: view of terraced properties opposite to northern side of Stamford Road (Nos. 80-90 Stamford Road- looking east). Page 137**





**Photo 4: View of side elevation of Nos 2/2A Stockport Road (opposite)**



**Photo 5: rear elevation of San Giorgio Restaurant (immedaitely adjoins site to west)**





Photo 6: View looking west up Stamford Road





**Photo 7: land subject of application looking West**



**Photo 8: Gable of No.77 Stamford Road looking East**



<b>Application Number</b>	20/00268/FUL
<b>Proposal</b>	Proposed residential development of 2 bungalows and associated works.
<b>Site</b>	Land adjacent to 24 Stablefold, Mossley, OL5 0DJ
<b>Applicant</b>	Mr Patrick Hand
<b>Recommendation</b>	Refuse planning permission.
<b>Reason for report</b>	The application has been called up to panel at the request of Councillor Sharif.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application relates to land located at the end of Stableford, a residential cul-de-sac located to the south-west of Mossley town centre. The site in question is presently undeveloped comprising partly wooded and agricultural land used for grazing. It borders the garden of no.24 Stableford, containing a detached dormer bungalow located to the north.
- 1.2 The site is roughly rectangular in shape, a stone wall runs through the middle on an east to west alignment, this demarks the separation between wooded area and open agricultural land. There is a fall in levels of approximately 7 metres across the site to the east, beyond the eastern boundary is the rear garden of the terraced properties fronting Andrew Street, there is a spring/culverted watercourse on the eastern boundary. To the south levels fall further across open agricultural fields and there are elevated views down the Tame Valley. Beyond the western boundary is a farm access track for Scout Farm.
- 1.3 Stableford from which the site would be accessed is wholly residential in character supporting detached bungalows. There is a turning head located outside of no.21 Stableford which separates it from no.23 Stableford, a detached dormer bungalow constructed in the former garden of no.21. The site borders the side and rear garden of no.24 Stableford, this dwelling has a raised balcony with openings along its side/southern elevation which directly overlooks the site.
- 1.4 Mossley town centre and associated amenities is accessible on foot with highway and pedestrian connections to the north. Mossley Train Station is approximately a 7 minute walk.

## 2. PROPOSAL

- 2.1 The application seeks full planning permission for the construction of 2 detached bungalows and associated works at the site. The dwellings would incorporate rooms within the roof space served by windows in the corresponding gables. The dwellings would have a finished floor level of 181.00m Above Ordnance Datum (AOD).
- 2.2 Access to the dwellings would be taken from Stableford via a private driveway providing turning and off-road frontage parking for each dwelling.
- 2.3 The dwellings would be sited on a near identical alignment to no.24 Stableford, it is also proposed to construct them from materials that match.



- 2.4 To accommodate the development all existing vegetation would need to be stripped/removed. A cut and fill exercise would be undertaken to create a level platform for the dwellings. A retaining wall would be constructed to the east/rear of Andrew Street properties which would measure 180.750 AOD at the top and 175.39 AOD at the bottom. Exact details have not been provided but a cross section drawing indicates this would be constructed as a green wall. Further planting is proposed at the foot of the retaining structure. A further retaining wall would be constructed to the front of the dwelling west of the access road, this would measure approximately 3m in height.
- 2.5 The application is supported with the following documents:
- Design & Access Statement;
  - Topographical Survey;
  - Arboricultural Impact Assessment & Tree Survey
  - Landscaping Plan

### **3. PLANNING HISTORY**

- 3.1 17/00021/OUT – Erection of 1no. bungalow on land off Stablefold, Mossley - Outline planning application with some matters reserved (appearance and scale) for future consideration – Refused – 06.04.2017
- 3.2 18/00112/OUT – Outline Application with some matters reserved (appearance and scale) for future consideration - Erection of dormer bungalow and associated works – Withdrawn 15.11.2019

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012). The site is unallocated bordering the Green Belt and SBI which are located immediately to the west.

## Tameside Unitary Development Plan (2004)

### 4.5 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

### 4.6 **Part 2 Policies**

- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- OL4 Protected Green Space
- OL10: Landscape Quality and Character
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N4 trees and Woodland
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

### **Places for Everyone**

4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

### **Other Considerations**

4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed



development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

- 4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a major development by neighbour notification letter, display of a site notice; and advertisement in the local press.

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

- 6.1 A total of 121 objections and a single letter of support have been received, the reasons for which are summarised as follows:

### 6.2 Land use

- Site is greenfield and should remain undeveloped.
- Questions over the Green Belt boundary which appears to have been moved from the original field boundary.
- Detrimental to the local environment.
- Previous applications have been rejected there should be consistency with these decisions.
- Contrary to Development Plan policies.
- Slope stability concerns site is on a fault and there have been previous landslides.
- Loss of valued greenspace.
- The Green Belt boundary on the UDP map is not consistent with the historic alignment.

### 6.3 Ecology & Trees

- Application form is misleading stating there are no trees or hedges.
- Loss of trees.
- Loss of wildlife habitat.
- Impact upon protected species (Bats/Badgers/Great Crested Newts).

### 6.4 Drainage

- Impact upon flooding from increased runoff.
- Andrew Street Properties already suffer from drainage problems development will add to this issue.
- Lack of adequate investigation into drainage.
- Contrary to the planning application, which states there are no watercourses within the area, there is a stream/spring on this land in that area. This has previously been affected by work undertaken elsewhere and subsequently affected residents of Andrew Street with some flooding.

### 6.5 Amenity

- Impact of constructing a 5/6 metre high retaining structure.
- Noise and disturbance.
- Loss of privacy / overlooking to rooms and garden space.
- Loss of daylight to Andrew Street Properties / dominance of structure.
- Disruption during construction.

- Encroachment onto neighbouring land.
  - Impact of groundworks upon existing properties.
- 6.6 Procedures
- Concerns over consultation and neighbour notification procedures.
  - Original notification letters were issued during lockdown when residents could not communicate.
  - Inaccuracies within the supporting documentation.
  - Unacceptable delays with decision making process.
- 6.7 Infrastructure
- Existing facilities within Mossley stretched.
- 6.8 Need/Demand
- There are enough developments within Mossley.
  - No need for further housing.
  - Dwellings would not be affordable.
- 6.9 Highways
- Development would add to existing congestion.
  - Development would cause increased safety risks.
  - Inadequate off-street parking and additional demands upon Stablefold.
  - Development obstructs a public footpath.
  - Local roads can't support construction traffic.
- 6.10 Design / Character
- Overdevelopment of the site.
  - Sets a bad precedence.
- 6.11 One letter of support
- Dwellings would complement the setting of no. 24 Stablefold as they will have the same roof height.
  - There are no bats within the area.
  - The problem with draining water on Andrew Street is caused by drain shallowly buried along length of 24 Stablefold property for drainage for 23 Stablefold, I feel this problem could be rectified by developers for new houses.
- 6.12 Objections have also been received from Councillors Jack Homer and Tafheen Sharif which are summarised as follows:
- 6.13 Councillor Jack Homer concerns:
- There are issues with drainage from the proposed site for development, which residents believe that will be made worse by developing the area as experienced from previous development on Stablefold.
  - Overlooking of properties on Andrew Street / Loss of amenity.
  - Disruption and loss of wildlife habitat.
  - Unacceptable loss of trees and impact upon the surrounding area.
- 6.14 Cllr Tafheen Sharif concerns:
- Development represent further encroachment into a rural setting.
  - Development would be detrimental to the residential land visual amenity of existing residents on Stablefold.
  - Stablefold has reached a reasonable capacity / limit for the highway.
  - Need for an updated local and neighbourhood plan where a more balanced view can be taken on housing supply.

- The site is part of or adjacent to land identified as Open Heathland.
- Exacerbation of damage caused by existing water related issues – flooding to residents on Andrew Street.
- Loss of privacy and light to residents of Andrew Street.
- Conflict with land use policy with development being out of character.
- Concerns over access arrangements/noise and disturbance.
- Ecological disturbance and destruction of wildlife.
- Development is too large for the area.
- Development would set an undesirable precedent.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Contaminated Land – Potential contamination from historic made ground at the site. No objections subject to condition requiring further investigation.
- 7.2 Environmental Health Officer – No objections, recommend conditions relevant to construction times.
- 7.3 Greater Manchester Ecology Unit (GMEU) – Reviewed the submitted ecology information. . The Ash trees present on the site are suffering from advanced Ash die-back disease and should be removed irrespective of whether a development is approved or not. Comment that no objections to the proposals on Ecology grounds, although in order to protect nature conservation interests it is recommended that;
- That no vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive)
  - As a Condition of any permission which may be granted to the application, a Method Statement must be prepared giving details of reasonable avoidance measures to be taken during the course of any development to avoid any harm to amphibians.
  - Replacement tree planting should be sought for tree losses.
  - An artificial bat box should erected on or near to the site.
- 7.4 Local Highway Authority (LHA) – No objections subject to conditions. Note that the parking arrangements are suitable and befitting of the scale of the proposals. The total vehicle movements attributed to the development would not be significant.
- 7.5 Tree Officer – There is one tree identified as T1 Scots Pine on the submitted survey that is of higher value and to be retained in the plans. This tree should be protected to BS5837 and recommendations in the Arboricultural Impact Assessment during all works. Other trees on site are in poor condition and of limited amenity value. They would be category C trees under BS5837 and not considered a constraint to development.
- 7.6 United Utilities (UU) – No objections subject to details of the site drainage being conditioned in accordance with the drainage hierarchy and that site is drained on separate foul and surface water systems.

## **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 NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions 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 The site is unallocated on the UDP Proposals Map (2004), it is located at the head of the cul-de-Sac of Stableford, a residential street located to the south west of Mossley Town Centre. Policy H2 'Unallocated Sites' states that the Council will permit the redevelopment of previously developed land for residential use, where these are not specifically allocated for this purpose in the plan. Residential development on greenfield land which is not specifically allocated for this purpose will not be permitted unless an adequate five-year supply is no longer available.
- 9.2 Planning permission was previously considered to develop part of the site for a single bungalow. This application ref 17/00021/OUT was refused on the following grounds:
1. The proposed development, by reason of its prominent position at the end of a cul-de-sac and the restricted size of the application site, appears contrived within its setting and uncharacteristically cramped and would be at odds with the relatively more spacious layout of the neighbouring properties and therefore harmful to the character and appearance of the area in which it is located. It would thus fail to be compliant with policy RD22 of the Council's residential design guide and policy H10 (a) of the UDP.
- 9.3 The current lack of a 5 year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. UDP policy H2 confirms that the Council will permit the development of greenfield sites when an adequate five year supply is no longer available.
- 9.4 The site is located on the periphery of Mossley town centre which is directly accessible. This central location within the urban fabric means that it is within the catchment of essential services and amenities including the train station, which is a short walking distance away. The location is accessible and sustainable for planning purposes.
- 9.5 The site supports trees and is partly used for grazing purposes, by virtue of its undeveloped nature the site functions in a green space capacity. Policy OL4 of the UDP offers protection to non-allocated functioning areas of land in similar use but which are not shown as protected green spaces on the proposals map.
- 9.6 Policy OL4 includes a number of exceptions where either protected or non-protected green space can be developed. These exceptions include the development being ancillary to the established use, redevelopment being required to upgrade the site to a desirable standard,

the replacement of the site with green space of an equivalent or better quality the retention of the site (sport 7 recreation) is no longer desirable. Aside from specific qualifying criteria for the release of land, policy OL4 makes clear reference that the criteria should not apply if; 'part or all of the land involved would continue to fulfil a local need for amenity space, provide a valued sense of openness in the street scene, maintain the character and environmental quality of the area, maintain an open land corridor or substantial enclave of open space within the urban area, provide links to or continuity with wider areas of countryside, or form a wildlife corridor'.

- 9.7 The site's open space function is as amenity space which complements the local landscape character and to some extent the setting of Stablefold. The value of the site must also be viewed in the context of the adjacent Green Belt, the associated trees and vegetation provide a buffer and clear demarcation between the openness of the adjacent Green Belt and the residential environment of Stablefold. The loss of the open space function would have a local impact in terms of the character of Stablefold, there would also be an influence on longer distant views which would be influenced by the associated encroachment of the development into otherwise undeveloped land. The influence of this is more profound when acknowledging the associated engineering works required to create the development platform to support the dwellings, which at its highest would measure in the region of 5m.
- 9.8 There has not been a compelling case presented by the applicant against the criteria of policy OL4. The development of the site would have a detrimental impact on the local environment, the current amenity value and function would be lost in its entirety. The resultant encroachment into the countryside would be undesirable, the boundary to the Green Belt would not be as strong as that which presently exists, the development would have a domineering impact to no demonstrable public benefit. The associated constraints of the site associated with the levels, existing vegetation and neighbouring properties (to be discussed later in the report) all influence the ability for the site to be developed. In the site's circumstances the proposals are viewed as being contrary to policy OL4.
- 9.9 Paragraph 8 of the Framework identifies three overriding objectives to sustainable development, economic, social and environmental. The balance between the loss of the functioning Green Space and its contribution to local amenity value and landscape character is not compelling. The representations that have been received coupled with the site assessment confirm that the site serves an important local green space function which fulfils a strong social and environmental role. The value of the site to the local community is reflected within the representations which are material to the balancing exercise. There is not considered to be an overriding economic (regenerative) case which would outweigh the associated harm that would result from development of the site and the loss of the functioning green space, the impact upon landscape character and residential amenity (to be discussed later) is also relevant to this assessment. Whilst welcomed, the contribution to housing supply is limited and does not outweigh consideration to the adverse social and environmental impacts and, therefore, it is not considered that the proposals constitute a sustainable form of development to which there would be significant and demonstrable public benefits.

## **10. DESIGN & LAYOUT**

- 10.1 Policies C1 and H10 seek to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. Proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness. Good standards of amenity, privacy, safety/security and open space should be provided for the occupants of new housing and good standards of amenity and privacy should be maintained for the occupants of existing housing.



- 10.2 The development would be a continuation of Stablefold, the dwellings would be aligned to the siting of no.24 although they would project closer to properties at the rear on Andrew Street. The proposed access would extend from the head of the current turning head. The existing soft landscaping frames the long view down Stablefold and provides a clear and functional separation from the residential environment and adjacent Green Belt.
- 10.3 In terms of design merits, the proposed bungalows would be typical in scale and design to existing properties on Stablefold. Building lines would be observed and eaves and ridge heights would be comparable, this would assist with a degree of assimilation. However, the fundamental design concerns are relevant to the influence upon land levels, loss of existing landscape character, and encroachment into open countryside.
- 10.4 To address levels, there would have to be significant remodelling of the site, this would include the removal of existing trees and vegetation to facilitate a cut and fill exercise. There would be a requirement for retaining structures, one to the west of the access road, and one on the eastern rear garden boundary of Andrew Street properties. No exact construction details have been provided, nor has there been any assessment of the slope stability and level of fill required. The submitted plan merely states that the structures would be constructed as a green wall and that the height, excluding boundary treatment, would be in the region of 5 metres.
- 10.5 An understanding of the site levels and construction method is fundamental to the proposals. At present there is an (approx.) 7 metres fall in levels, the retaining wall would need to be constructed along the eastern and southern boundaries significantly altering the profile and character of the land. The site plan indicates that the properties would be positioned approximately 5.5m above the properties on Andrew Street, this excludes the height of the dwellings themselves as well as any rear boundary treatment which is likely to stand at 1.8m above the retaining structure. The cumulative impact of the retaining structures, boundary treatment and dwellings would present themselves as a significant intrusion into the openness of the adjacent Green Belt. The siting of the dwellings on such an elevated platform would give them a very domineering appearance and this would be in stark contrast to the existing environmental character.
- 10.6 UDP, NPPF policies and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134). The cumulative impact of the above design issues identifies that the associated engineering works to accommodate the development would have a significant adverse impact upon the local environment quality.

## **11. RESIDENTIAL AMENITY**

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards. 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. Paragraph 130 of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, the guidelines of which seek to ensure that all development has regard to the amenity of existing and proposed properties.
- 11.2 The implications of the groundworks and location of the dwellings upon the amenity levels of neighbouring properties is a significant concern. Ultimately the relationship which would be forged would not be a successful one and it is considered that the development would result in clear and demonstrable harm to the occupants of the existing properties on Andrew Street.

The scale of this harm is largely attributed to the influence of site levels and required engineering works. The dwelling would tower above the properties on Andrew Street, whilst a 36 metre separation would be achieved from the rear elevation the retaining wall would encroach between 16.5 metres and 25 metres of the rear elevation of the dwellings, with a cumulative height of between 6.5/7 metres, this would be a domineering structure which would impact adversely upon levels of outlook and light. In addition the appearance of the dwellings and retaining works would be visually intrusive to these residents since the level of fenestration would result in a feeling of overlooking. Overall, they would experience a greater sense of enclosure.

- 11.3 Whilst a green wall may help to soften the appearance of the retaining works, the benefits of this on amenity levels would be limited. The mass of the retaining structure would represent a significant intrusion into the local environment and there is no reasonable mitigation which could be introduced to reduce the perceived harm.
- 11.4 With regard to the amenity which will be afforded to the residents of the development, it is of note that each of the properties would meet with the internal requirements set out in technical housing standards. The close proximity of the site to Mossley, transport links, nearby local amenities and open space means that residents would also benefit from an acceptable standard of access to local services.
- 11.5 Concerns have been raised within the representations about undue noise and disturbance arising from the construction period. A construction management plan could help to minimise disturbance and ensure that best practice measures are adhered to. Disturbance associated with construction would also be time limited. Notwithstanding consideration to the safeguards of planning conditions, the absence of any assessment of the level of cut/fill operations means that it is difficult to arrive at a meaningful conclusion upon the potential impact on neighbour's amenity. It is quite possible that a significant level of material would need to be imported via Stableford, the constrained nature of the site and influence of challenging levels suggests that disturbance upon residents could be significant, even if it is for a relatively short period.

## **12. HIGHWAYS AND ACCESS**

- 12.1 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 Each of the properties would have two dedicated off street parking spaces. As noted, the site's location is deemed sustainable given its proximity to Mossley, public transport and associated amenities. This has been considered by the Local Highway Authority (LHA) who deem that the parking arrangements suitably mitigate the impacts of the development.
- 12.3 The LHA has reviewed the application and the predicted vehicle journeys on the network during would not be significant. The LHA is satisfied that the increased vehicle trips generated by the development are minimal and therefore the residual cumulative impact on the road network would be acceptable.
- 12.4 The LHA is satisfied with the development arrangements and that they are designed to protect all road users. In recognition of this, the development has appropriately demonstrated that safe and convenient access can be achieved to meet all highway users' requirements. The disruption associated with traffic during the construction period can be managed to ensure minimal disruption would occur during the temporary period. Once operational, the associated traffic movements from the site would not be significant and there would remain appropriate capacity on the local network. Safety would not be compromised and future

residents would have direct access to public transport. The proposals would be in compliance with the requirements of T1, T7, T10 and T11 and NPPF paragraph 111.

### **13. DRAINAGE AND FLOOD RISK**

- 13.1 The site is in flood zone 1 and at a lower risk of flooding. The site is, at present, undeveloped and the proposals would see an increase in the impermeable area. Paragraph 167 of the framework advises that in determining planning applications; 'local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment'.
- 13.2 No drainage details have accompanied the application, nor has any consideration to local drainage issues and the influence of the retaining works upon the local water table. The applicant has suggested that these are matters which could be adequately conditioned.
- 13.3 Residents of Andrew Street have reported drainage issues associated with current surface water management. A site visits confirms that there is a surface water drain passing through the site which connects to a culverted watercourse/drain under Andrew Street.
- 13.4 The drainage is considered to be locally sensitive. The lack of any details or strategy is a shortcoming of the application and it is not possible to make a meaningful assessment. The increase in site levels could have an influence upon the local water table, it also raises concerns about how the curtilage of the dwellings would be positively drained without adverse impact upon Andrew Street properties located at the lower level. The ability to positively drain the site without an adverse impact could be challenging. There are circumstances where such matters can be adequately addressed by a planning condition, and had such a significant change in land levels not been proposed such an approach would otherwise be deemed appropriate.
- 13.5 In the absence of a suitable drainage assessment it is considered that the proposals are contrary to paragraph 167 of the NPPF.

### **14. GROUND CONDITIONS**

- 14.1 Paragraph 184 of the NPPF states; 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.
- 14.2 There will be a requirement for several retaining walls and structures across the site in order to make secure and safe the levels to support the access road, dwellings and associated garden areas. These retaining structures would not only support existing ground but also additional material which would need to be imported to create the desired land levels.
- 14.3 No slope stability assessment has been undertaken of the ground conditions and there has been no engineering details provided relevant to the retaining structures. The influence and or failure of any such structures could have a profound impact upon the Andrew Street properties. It is not a matter which can be adequately conditioned. The failure to satisfactorily address and consider the implications slope stability is considered to be contrary to paragraph 184.
- 14.4 The site falls outside of the Coal Authority's defined development high risk area. As such, a coal mining risk assessment has not been undertaken.

- 14.5 The Environmental Protection Unit (EPU) have no fundamental concerns about the ability to develop the site for residential purposes. They recommend that planning condition could secure further site investigation with remediation if deemed necessary.

## **15. LANDSCAPING, TREES & ECOLOGY**

- 15.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. The site currently has a reasonable ecological value, associated with the level of tree and vegetation cover, its proximity to the adjacent agricultural land gives the semi-rural appearance.
- 15.2 With reference to ecological matters GMEU have reviewed the proposals and stated that the loss of the habit to the development can be tolerated, in reaching this conclusion they note that the proposals would not sever or significantly fragment an established wildlife corridor. The Arboricultural Officer adds further weight to the planning balance by confirming that an adequate level of mitigation can be secured to compensate for the associated tree cover that would be lost.
- 15.3 The concerns relevant to landscaping are those relevant to place making and design. As identified previously, the proposals would represent a significant visual intrusion towards the Green Belt boundary. The loss of all existing vegetation and raising of land levels would be a departure from the current semi/rural environment. The ability to establish mature landscaping would be limited and the development would present a hard edge to the adjacent openness of the agricultural land. It not considered that suitable landscaping strategy could mitigate this harm. Notwithstanding the absence of objections from GMEU or the Arboricultural Officer, the proposals are viewed as being contrary to polices C1, N4, N5 and NPPF paragraph 174.

## **16. OTHER MATTERS**

- 16.1 Noise: With removal of the employment uses, noise affecting the development is largely transport based. 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.
- 16.2 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.

## **17. CONCLUSION**

- 17.1 Council's current position on 5 year housing supply is material to the consideration of the application. However, the proposals would not achieve the 3 dimensions of sustainable development (i.e. social, economic and environmental considerations). There is no overriding case based on these considerations which would outweigh the associated harm that would result from the development associated with:
- Loss of functioning Green Space;
  - Impact of the scale and design of the development upon the amenity level of existing properties;
  - Potential adverse impact upon surface water drainage; and,
  - Impact upon local landscape quality and character

- 17.2 The proposals are considered to represent a significant overdevelopment of a limited site. The application has failed to address the site constraints in an acceptable manner and in the absence of any demonstrable benefits it is not considered that planning permission can be supported.

## **RECOMMENDATION:**

Refuse planning permission for the following reasons:

1. The site functions as a valued area of open space within the local environment and makes a significant contribution to local character and environmental quality associated with its strong links to the adjacent countryside. The development would result in a significant loss of this amenity function. The resultant development would present itself as a visual intrusion into otherwise undeveloped countryside that would also compromise the setting and openness to the adjacent Green Belt. The applicant has failed to demonstrate that there is a compelling regenerative case to support a departure from the development plan that seeks to retain such areas. Consequently the proposal does not meet the exception test of UDP Policy OL4 'Protected Green Space', N4: 'Trees and Woodland' or N5: 'Trees within Development Sites' and paragraph 174 of the NPPF.
2. As a result of the challenging site levels, development of the site would require the construction of retaining structures. The cumulative effect of the elevated properties and retaining structures would have a significant and compromising influence upon levels of outlook, light and amenity for dwellings located on Andrew Street across the rear boundary. The change in site levels would also give rise to a greater perception of overlooking. This would be contrary to Saved Thameside UDP policies 1.1: Creating a Cleaner and Greener Environment, H10: Detailed Design of Housing Developments, and design Guidance contained within Chapter 12 of the NPPF.
3. The development is at risk from contributing to or being put at unacceptable risk from land instability issues. No assessment of the slope stability and site investigation has been carried out at the site to provide an accurate assessment of the risks to the stability of the land within the site, the potential risks to properties on Andrew Street and inform the design of any retaining structures. As such it is not possible to ensure that the proposed development will not contribute to unacceptable levels of land instability. The lack of an adequate assessment is considered to be contrary to paragraphs 174 and 183 within section 15 of the National Planning Policy Framework.
4. The application has not been supported with a drainage strategy or surface water management assessment. Given the change in site levels required to facilitate development the proposals could result in additional surface water drainage issues to properties located on Andrew Street. Consequently the proposals are considered to be contrary to NPPF paragraph 167.



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LAND AT SOUTH END OF  
STABLE FOLD, MOSSLEY  
LOCATION PLAN 1:1250

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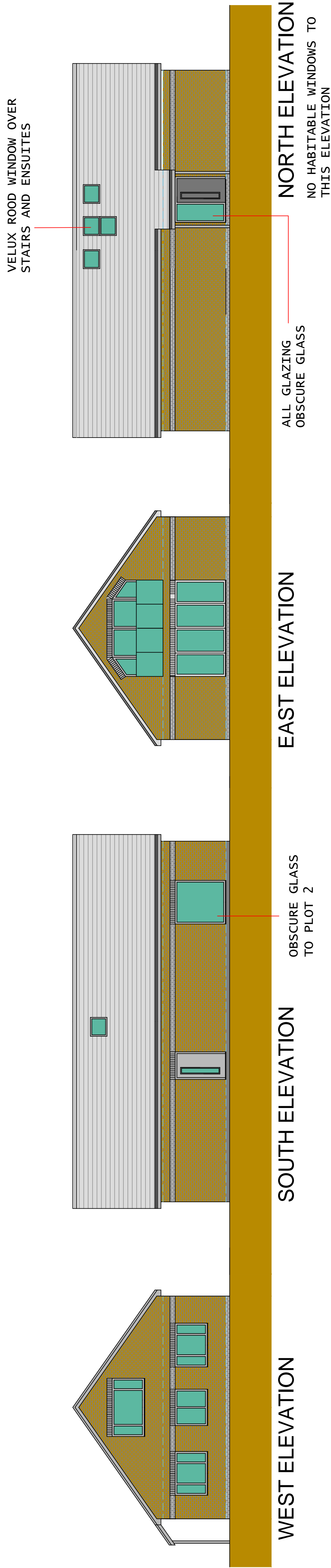




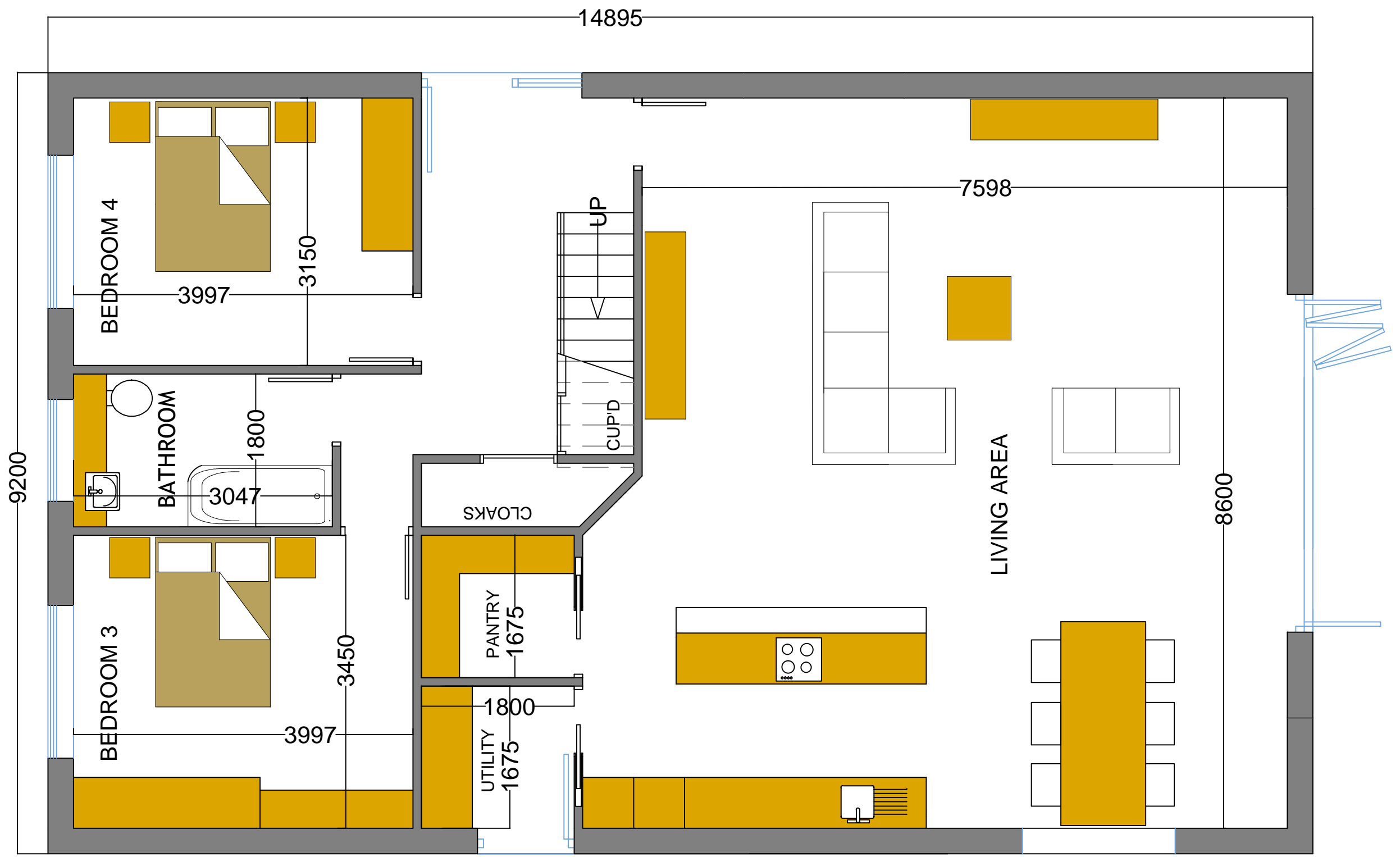


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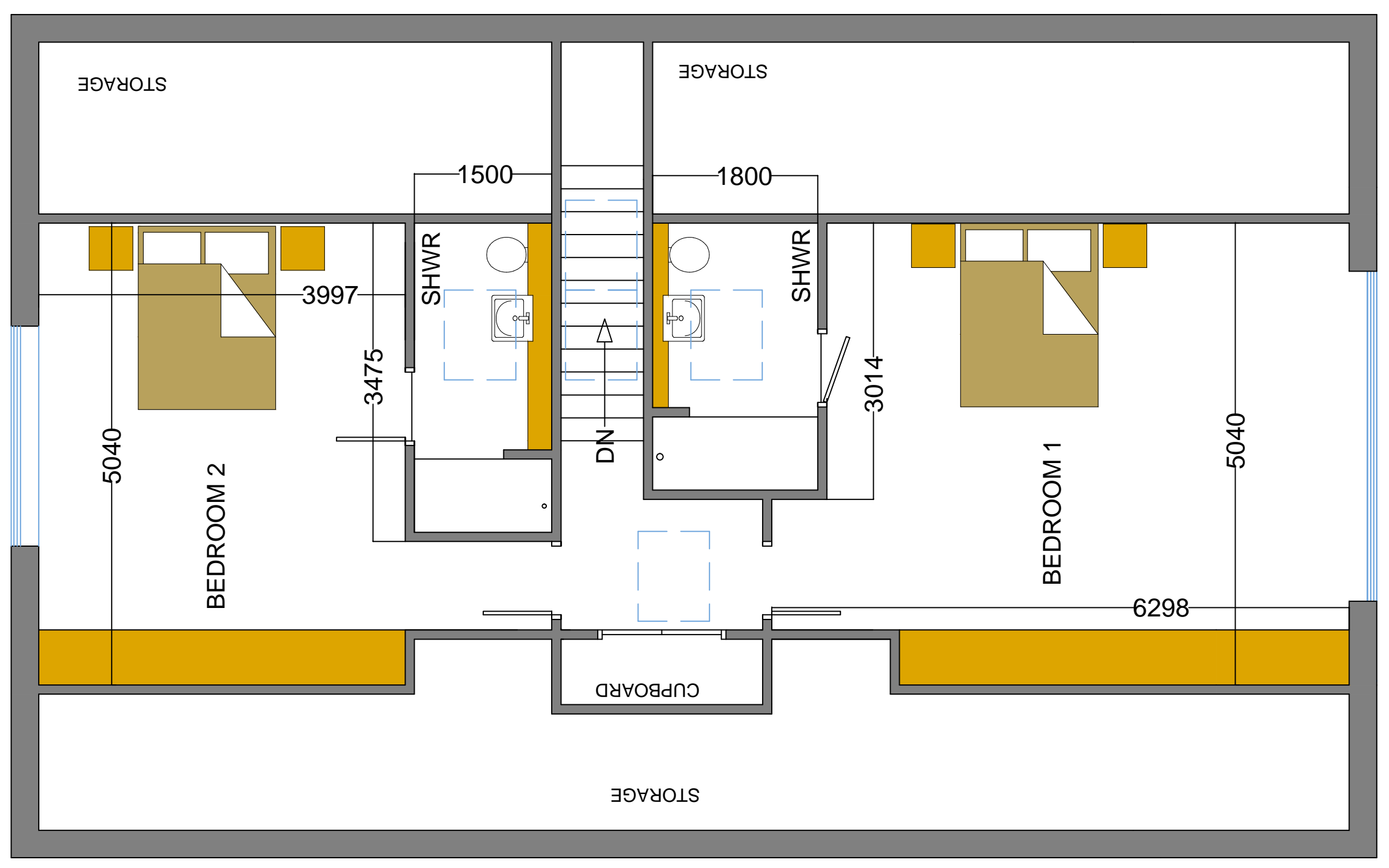




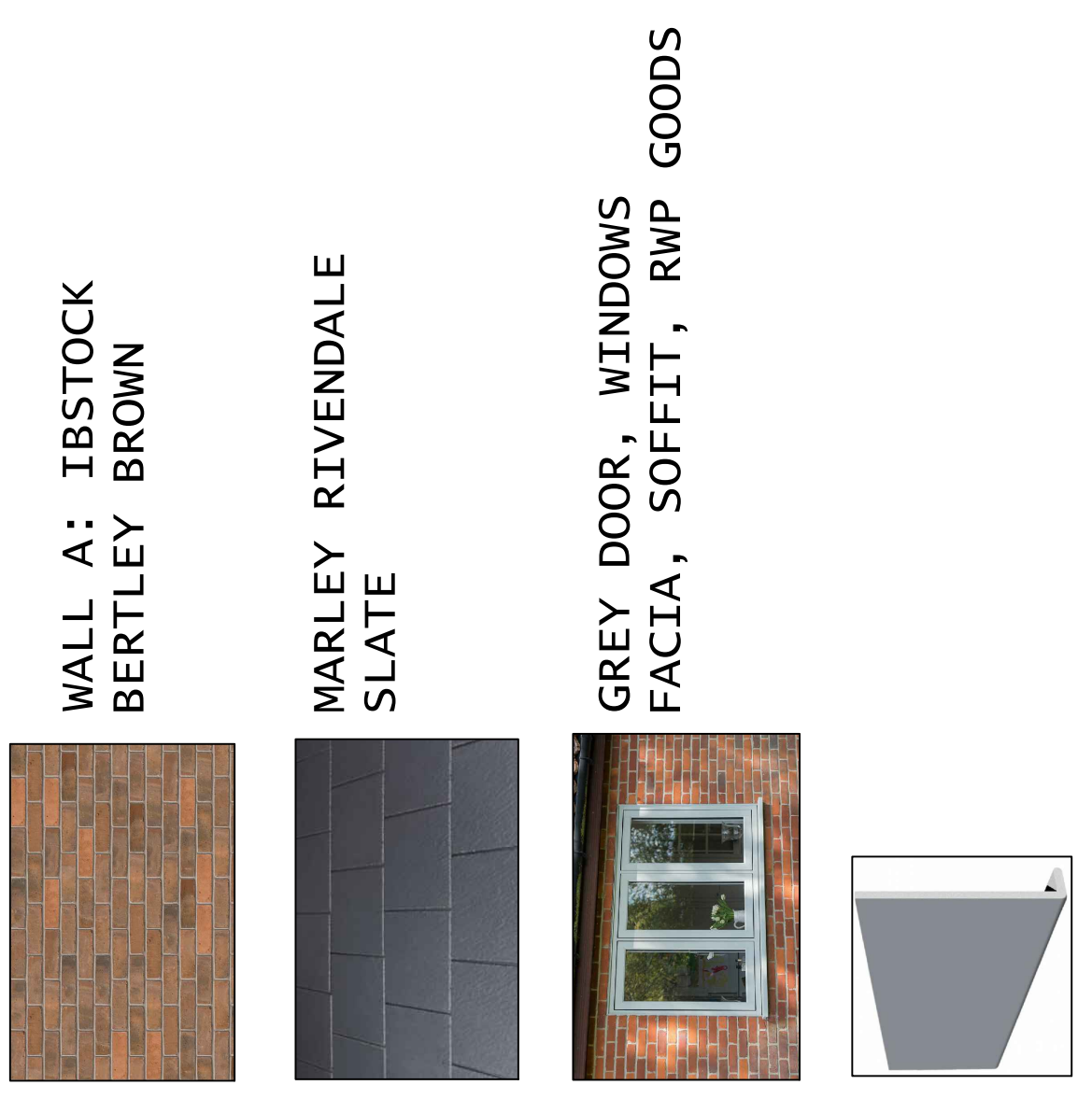
**PROPOSED FLOOR PLANS**



**GROUND FLOOR PLAN - 123 SQM**



**FIRST FLOOR PLAN - 69 SQM PLUS STORAGE / CUPBOARD**



GREY DOOR, WINDOWS FACIA, SOFFIT, RWP GOODS

REV.	DESCRIPTION	DATE
A	BALCONY OMITTED WINDOW TO GABLE OMITTED DIMENSION / NOTES ADDED	APRIL 22

**ph ARCHITECTURE**  
 Tel: 01457 838801  
 Mobile: 07967 233507  
 Fax: 01457 658801  
 email: pharchitecture@aol.com  
 7 Larkwood Close, Carrbrook,  
 Stalybridge, Cheshire, SK15 3NL.

Drawing Number, <b>020/TSE/003</b>	Date <b>MARCH.20</b>
Revision, <b>A</b>	Scale, Drawn, A1 I:100 PH I:50

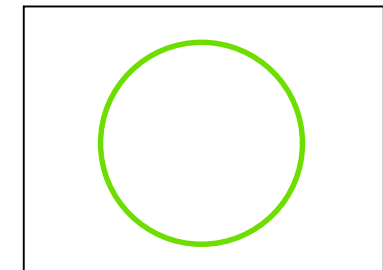
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MOSLEY, A-U-L, OL5 0DJ  
**PROPOSED PLANS AND ELEVATIONS**  
 Client,  
C/O AGENT

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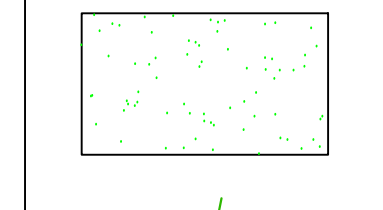




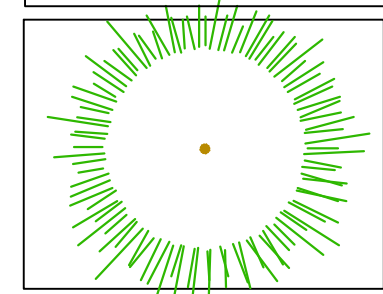
**KEY**



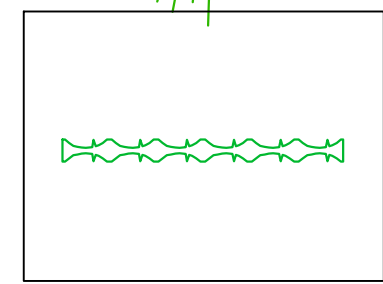
EXISTING TREE  
TO BE RETAINED



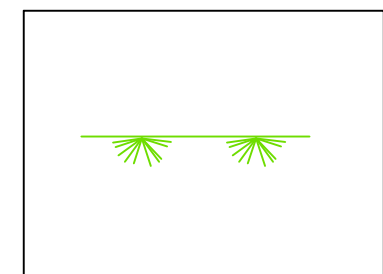
TURF  
(CLOSE MOWN)



PROPOSED TREE PLANTING



HEDGE PLANTING



CLIMBERS



**PLANTING SCHEDULE**

Trees	Abbreviation	Species	Height	Girth	Specification	Pot Size	Number of Plants
	BP	Betula pendula	350-425cm	12-14cm	Heavy Standard: 3x	RB	4 -
	PA	Prunus avium	350-425cm	12-14cm	Heavy Standard: 3x	B	3 -
	SA	Sorbus aucuparia	350-425cm	12-14cm	Heavy Standard: 3x	B	3 -
							<b>Total :10 -</b>

**Beech & Holly Hedge Mix**

Abbreviation	Species	Specification	Height	Pot Size	Density	Percentage Contribution	Number
FS	Fagus sylvatica	Transplant 1+1	60-80cm	B	6/m	80%	167 -
ILEA	Ilex aquifolium	Container	60-80cm	5L	6/m	20%	42 -
							<b>Total :209 -</b>

**Climbers**

Abbreviation	Species	Specification	Height	Pot Size	Number of Plants
CMO	Clematis montana	Ready trained on trellis	60-80cm	5L	13 -
HEDCO	Hedera colchica	Ready trained on trellis	40-60cm	2L	13 -
LONPE	Lonicera periclymenum	Ready trained on trellis	60-80cm	5L	11 -
					<b>Total :27</b>

**SPECIFICATION**

**GROUND PREPARATION - GENERAL**

**Preparing for topsoiling**

Grading and cultivation shall be in accordance with BS 4428:1989 section 4. Subsoil that is to receive topsoil shall, whether obviously overcompacted or not, be thoroughly broken up by hand, by heavy rotavator, by subsoiler or tined equipment with adequate passes made to thoroughly break up the surface to a depth of 150mm, cleared of all large stones, bricks, perennial weeds, tree roots (excluding living tree roots), coarse vegetation and other extraneous matter.

**Subsoil grading**

Subsoil shall only be graded after loosening as above, and this shall be undertaken by the use of a tractor and blade grader on large areas and by a small mechanical grader or by hand on small areas. Ground shall at no time be traversed by heavy machinery, for grading or any other purpose after subsoiling and/or topsoiling has taken place.

**Making up levels**

When subsoil is deposited in low lying areas to raise formation levels, it shall be lightly consolidated and left broken up ready to receive topsoil. Imported fill material shall be natural subsoil free from metal, concrete or organic material with any one dimension greater than 100mm. All imported fill material shall be approved by the Landscape Architect prior to spreading on site.

**Supply of topsoil**

Topsoil to be supplied shall be approved by the Landscape Architect and details of the source of supply shall be provided in order that inspection may be made before delivery commences. Topsoil shall conform to BS 3882:2015, Recommendations and classification for topsoil, clause 4.1a. The soil shall be free of weeds, roots or perennial weeds, pests, diseases, debris, tree roots, sticks, subsoil and foreign matter and shall be capable of being broken down to a fine tith.

**Temporary topsoil heaps**

The depositing of temporary heaps of topsoil shall be so arranged that possible damage to existing grass, plants, tarmac, paving etc. is avoided. Unless otherwise agreed by the Landscape Architect, temporary spoil heaps shall be on protected ground. Such protection shall take the form of tarpaulins, plastic sheets, boards or similar covering. If damage does occur, it shall be made good at the contractor's own expense. Areas excavated to receive topsoil but have not had the base loosened shall not be used as temporary off loading areas. If the bottom of the excavation has been loosened off, loading on these areas is permissible.

**Spreading topsoil**

Prior to topsoil replacement the formation level shall be cleared of all stones, rubbish, debris with any one dimension greater than 75mm. Areas to be seeded or turfed shall be covered by topsoil 100mm thick and areas to be planted shall be covered by topsoil 300mm thick. Topsoil shall be spread in an evenly consolidated layer and shall be left cleared of all roots, stones and debris with any one dimension greater than 50mm throughout its depth. Unless otherwise stated the finished level shall be 25mm above adjacent hard areas. No topsoil shall be spread until the subsoil grade has been inspected by a Landscape Architect.

**PLANTING**

**Cultivation**

Planting areas shall be rotavated to a depth of 225mm in the original ground, or where the ground is compacted, ripped and rotavated. Pick off stones, bricks, timber and all other debris arising which have any dimensions greater than 50mm and remove off site to tip. Do not cultivate across any drain where the stone is flush with the ground surface.

**Soil improvers**

Where directed composts, fertilisers or other additives shall be incorporated into the soil. Spent mushroom compost or similar shall be spread to the specified thickness and incorporated, by rotavating, into the top 150mm. Fertilisers, organic or inorganic, shall be raked into the top 25mm.

**Rejection of plants**

All plant material should comply with the minimum requirements in BS 3036-1:1992 Specification for trees and shrubs and BS 3036-4:2007 Specification for forest trees and BS 8545:2014 Trees from Nursery to Independence in the Landscape. Any plant material, which in the opinion of the Landscape Architect, does not meet the requirements of the Specification, or is unsuitable, or defective in any other way, will be rejected. The minimum specified sizes in the plant schedule will be strictly enforced. The contractor shall replace all plants rejected at his own cost.

**Planting**

All plant material shall generally be planted between November and March in open cool weather. Planting shall not take place in frosty, snowy or waterlogged conditions. Where approved, pot or container grown plants may be planted outside the described season, but adequate watering shall be supplied. Torn or damaged roots and branches shall be clearly pruned prior to planting.

**Tree planting within soft landscape areas**

Trees shall conform to BS 3936-1:1992 and be planted in tree pits of the following sizes unless directed otherwise:  
Feathered trees - 900 x 900 x 450  
Selected standards - 1000 x 1000 x 600  
Heavy standards/Extra heavy standards - 1200 x 1200 x 600  
Excavated subsoil or stone shall be carried off site to tip. The bottom 250mm of the pit shall be dug and broken up. The bottom of the pit shall be backfilled with subsoil (site or imported) to comply with BS 8501:2013. The top 300mm of the pit shall be backfilled with imported topsoil as specified unless directed otherwise.

**Compost for planting pits**

Compost shall be a proprietary product, bark based incorporating fertilisers and improving additives. The type of compost shall be approved before its delivery on site, and the details of the product shall be supplied. Cambark planting compost is approved. Where directed compost shall be added to and mixed with topsoil backfill at the following rates:  
Feathered trees - 40 litres  
Selected standards - 60 litres  
Heavy standards/Extra heavy standards - 80 litres

**Stakes for trees**

Stakes shall be peeled round softwood, pointed, minimum diameter 75mm. The stakes shall be driven into the base of the tree pit prior to placing the tree and backfilling. Stakes shall in general have a clear height above the finished ground level as follows unless directed otherwise:  
Feathered trees - 750mm (2 stakes, one tie)  
Selected standards - 900mm (2 stakes, one tie each)  
Heavy standards/Extra heavy standards - 1200mm (2 stakes, one tie each)  
The stake shall be long enough to drive until they hold the tree firmly without rocking.

**Tree ties**

Ties for bareroot trees, shall be approved rubber nail-on type with cushioned spacer such as Toms, or other equal and approved. Nails shall be flat headed galvanised and shall hold the ties securely into the stake. Ties shall not be over tight on the tree stems. Ties available from J Toms Limited, Wheeler Street, Headcorn, Ashford, Kent, TN27 9SH.  
Feathered Type - 04 (one tie)  
Select standards - Type L1 (one tie per stake)  
Heavy standards/Extra heavy standards - Type L3 (one tie per stake)

**Ties for rootball and container grown trees**

Ties for rootball and container grown trees shall be 50mm rubber tree belts in a figure of eight around the tree. Fixed to the stake with two flat head galvanised nails.  
Feathered - one belt  
Select standards Type - two belts  
Heavy standards/Extra heavy standards - two belts

**Planting of trees**

The tree shall be set upright and at the same depth as grown in the nursery, the roots shall be spread out (bareroot) and the soil followed by compost topsoil mixture, backfilled. Backfilling should be done to ensure close contact between roots and by firming in layers (bareroot). The soil shall be left level and tidy, any subsoil clods, bricks or stones over 50mm arising, collected and carted off site.

**Mulching**

A 75mm compacted layer of medium grade pulverised bark, with a particle size of not more than 100mm and containing no more than 10% fines, shall be spread to form a continuous layer covering the whole of the bed, or in the case of standard trees within grass shall be in the form of a circle of 600mm diameter around the base of the tree. Whips and transplants shall be mulched in the form of a 300mm diameter circle around the base of the tree. Where trees are planted within grass a circular hemp mulch mat is required beneath the layer of mulch at the diameters stated above, secured with fixing pegs. The tree pit surface shall be as big as possible.

**TURFING**

**Soil preparation and cultivation**

All areas to be turfed shall be cultivated to a depth of at least 100mm, all weeds, stones and refuse larger than 50mm shall be removed to Contractor's tip, and shall be brought to a fine tith. Allow for hand cultivation where machine work is not possible.

**Turf**

Turf shall be extra-quality meadow turf and shall comply to BS 3969:1998+A1:2013 and shall be laid in accordance with BS 4428:1998, section 6, Turfing. The Contractor shall supply a sample of the turf he proposed to use for approval of the Landscape Architect and shall ensure that all turves are similar to the approved sample. The Contractor shall inform the Landscape Architect of the location of the supply, so that turf can be inspected prior to lifting.

**Season**

Turf shall be laid when weather and soil conditions are suitable and, where possible, preference should be given to autumn and early winter operations. No turf shall be laid in exceptionally dry or frosty weather or in other unsuitable weather conditions.

**Delivery and stacking**

For large areas, turf shall be delivered at appropriate intervals throughout the work so as to avoid stacking for long periods.

**Laying**

No turf shall be laid until the soil preparation has been satisfactorily completed by being brought to an even tith and firmness. Turves from the stack shall be wheeled to turf layers on planks laid closely side by side. Adequate timber planks shall be used to support operatives and barrows, and provide access. The turves shall be laid in consecutive rows with broken joints (stretcher bond), closely butted and to the correct levels. The turf shall be laid off planks working over turves previously laid. Where necessary, the turves shall be lightly and evenly firmed with wooden beaters, the bottom of the beaters being frequently scraped clean of accumulated soil or mud. A dressing of finely sifted topsoil shall be applied and well brushed into the joints. Any inequalities in finished levels owing to variation in turf thickness or uneven consolidation of soil shall be adjusted by raking and/or packing fine soil under the turf. A roller shall not be used. The finished levels of the turf shall conform to the levels indicated, allowing for final settlement. Turf edges and margins shall be laid with whole turves. Turves adjoining buildings, walls or fences shall be taken to the face of the structure, giving complete soil cover.

**Laying around trees**

Turf shall not be laid to within 300mm of any tree trunk.

**Watering**

The Contractor shall be responsible for the replacement of any scorched turf. All necessary watering shall be carried out with sprinklers or oscillating sprays so as not to wash soil out of joints. If shrinkage occurs and the joints open, fine topsoil shall be brushed in and well watered.

**PROTECTION TO EXISTING TREES**

The recommendations in BS 5837:2012, Trees in Relation to Design, Demolition & Construction must be complied with at all times. No pruning, lopping, felling or severance of roots is to take place without prior consent of the local authority. Any work to the existing trees is to be carried out by a qualified tree surgeon. The position and construction of protective fencing shall be agreed with the local authority prior to any site works commencing. Under no circumstances must any materials be stored under the canopy of existing trees, and no cement, diesel or oil stored near them. No vehicles should pass under the canopy of existing trees. No fires should be lit in close proximity to existing trees. No ropes, cables, services or notice boards shall be fixed to existing trees. Under no circumstances should the levels around existing trees be either raised or reduced. Scaffolding may only be erected within protected areas if it is done so in accordance with BS 5837. Any excavations under existing tree canopy spreads shall be done by hand.

**MAINTENANCE**

All maintenance to be carried out up to handover to the adopting authority/ householder from the date of planting and turfing to ensure successful establishment. All dead, diseased, damaged plants must be replaced during this time unless the local Planning Authority states, in writing, any variation to this.

**Weeding**

All beds to be kept weed free by hand weeding. Beds to be forked over as necessary to keep soil loose to approved cambers with no hollows.

**Pruning**

At appropriate time, prune plants to remove dead, dying or diseased wood and suckers to promote healthy growth and natural shape.

**Watering**

The Contractor shall ensure that sufficient water is applied to maintain healthy growth.

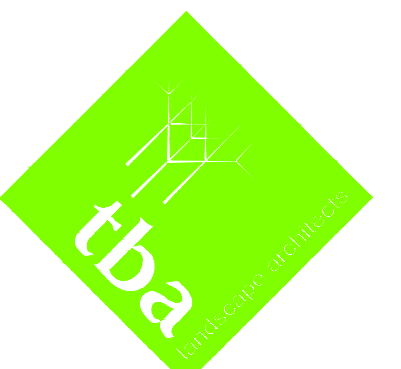
**Litter**

Site to be kept free of litter.

**Grass cutting**

The initial cut shall be carried out when first growth is apparent, blades set 20mm above ground. The Contractor shall continue cutting at appropriate intervals during the growing season and maintain 40mm high sward until grass areas are handed over. Watering, weeding, cutting, repair of all erosion and settlement and re-seeding as necessary to establish a uniform and healthy stand of grass shall continue until handover to the householder.

CLIMBERS ADDED TO REAR GARDEN WALLS	29.06.22	KR	A
No dimension to be scaled from this drawing	Date	Dwn	Rev
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Landscape Architecture  
Arboriculture  
Trevor Bridge Associates Ltd  
Ashton Old Baths  
Stamford Street West  
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Tel: 0161-804 2099  
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Project LAND OFF STABLEFOLD, MOSSLEY			
PH ARCHITECTURE			
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**Application Number 20/00268/FUL**

**Proposed residential development of 2 bungalows and associated works.**

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**Photo 1: Aerial view of the site.**



**Photo 2: View looking north from adjacent field**





**Photo 3: View looking east towards Andrew Street**



**Photo 4: View from Stableford**





**Photo 5: View from the end of Stableford looking towards Andrew Street**



**Photo 6: View from the rear of Andrew Street properties**





**Photo 7: View looking south**





<b>Application Number:</b>	22/00280/FUL
<b>Proposal:</b>	Change of use of building to 20no. apartments, including roof extension to first floor section, and insertion of new windows and replacement of doors with windows.
<b>Site:</b>	James Howe Mill, Turner Lane, Ashton-under-Lyne, Tameside, OL6 8LS
<b>Applicant:</b>	Real Estate Aventura Ltd
<b>Recommendation:</b>	Refuse planning permission.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The site relates to an existing building, James Howe Mill, which is a three storey industrial former mill building, operating in employment uses, situated at the junction of Turner Lane and Lord Street. Within part of the ground floor of the building, there are ad-hoc storage and distribution uses, and both at the upper floor levels and to the west of the site is a commercial gym use. A number of the window openings are currently sealed, or secured with metal grates for security purposes.
- 1.2 The site is situated within an Established Employment Area, as defined by the Council's Unitary Development Plan.
- 1.3 The area is characterised, to the west of Turner Lane, by employment uses, and some commercial uses. Immediately to the south and bordering the site is situated Besseges Valves, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar uses, with other such uses operating along Turner Street which is situated to the opposite side of the site, and on the highways surrounding that area. Residential uses are situated primarily to the east of Turner Lane in this location, which is much more heavily developed with such uses, and which are considered the prevailing character of that particular area.

## 2. PROPOSAL

- 2.1 This application seeks full planning permission for the change of use of the building, to 20no. apartments, including a roof extension to a first floor section to the west, and insertion of new windows and doors, and replacement of some doors with windows. The existing metal fire escape to the southern elevation would also be removed.
- 2.2 The building, when converted, would accommodate 15 x 1 bedroom units, and 5 x 2 bedroom units.

- 2.3 Additional window openings are proposed primarily to each side elevation. A row of windows towards the rear of the building would be sealed and replaced with smaller openings, and more prominent openings on the ground floor would be revealed. Existing metal grates surrounding the windows would be removed.
- 2.4 The proposed roof extension would be positioned above the two storey element of the building, which would be slightly higher and would become two storey with accommodation in the roof space.
- 2.5 Also provided at ground floor would be a cycle store and communal entrance and post room area.

### **3. PLANNING HISTORY**

- 3.1 None of relevance.

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

#### Tameside Unitary Development Plan (2004)

#### **4.5 Part 1 Policies**

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.9: Maintaining Local Access to Employment and Services;
- 1:10: Protecting and Enhancing the Natural Environment;

- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### 4.6 **Part 2 Policies**

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- H1: Housing Land Provision
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

#### **Places for Everyone**

4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press

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

- 6.1 In response to the neighbour notification letters, there have been 5 letters of objection received. The concerns raised within the letters of objection are summarised below:
- The proposed development would cause parking issues, affecting HGV movements within the area. There is already an insufficient level of parking within the area for existing uses, and this would exacerbate the problem;
  - The shared yard area, immediately to the south of the building, has access rights enjoyed by the neighbouring business. This area could be used and covered, and can be used for vehicular access. The proposals would also affect the fire escape route from that neighbouring business;
  - There is a demand for commercial use of the site. The neighbouring business enquired and proposed extending into this area in the past, within the employment area. No advertising of the site for commercial purposes has occurred prior to this application;
  - A gym operates at upper floor levels within the building. The gym has not been notified that the building has been sold;
  - The application doesn't provide information regarding the structural integrity of the building;
  - The agent listed on the application is not registered at Companies House, and this should be investigated further.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a construction environment management plan; a scheme for cycle parking provision; and provision of a Green Travel Plan. A financial contribution to off-site highway works is also requested.
- 7.2 Coal Authority – No requirement to consult, standing advice applies.
- 7.3 Lead Local Flood Authority (LLFA) – No objections, subject to a condition requiring a surface water drainage scheme.
- 7.4 Greater Manchester Ecology Unit (GMEU) – No objections. Notes that protected species including bats can be situated in unlikely spaces, and recommends and informative advising the applicant of their responsibility to cease works should any be discovered.
- 7.5 Environmental Health – No objections, subject to conditions requiring acoustic mitigation measures outlined within the submitted Noise Impact Assessment to be implemented; and restrictions on construction working hours. The proposed waste and recycling facilities may not be sufficient for the future development, and details of bin storage arrangements should be provided.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a mine gas risk assessment to be undertaken, followed by an options appraisal/remediation strategy and verification plan; and that recommended remedial measures be implemented prior to use.
- 7.7 Transport for Greater Manchester (TfGM) – No comments to make.

- 7.8 Greater Manchester Police Designing out Crime Officer – No objections. The physical security measures included within the Crime Impact Statement should be implemented.
- 7.9 Waste Management – General advice regarding bin storage provision.
- 7.10 Education - Would like to see a contribution towards education infrastructure.

## **8. ANALYSIS**

- 8.1 Policy E3 of the UDP states that proposals for residential or mixed use development in 'established employment areas' will not be permitted unless, after assessment of the following factors, it is considered that the Borough's housing requirements and the regeneration benefits of the development outweigh the potential of the site in its present form for future employment use:
- a) the quantity and type of employment sites and premises available in the area, and
  - b) evidence of demand for employment sites and premises in the area, and
  - c) the suitability of the site for further employment use in terms of size, physical characteristics, access, traffic impact, and sensitivity of surrounding land uses, and
  - d) the opportunity which may be presented for new forms of employment as part of a mixed use scheme.
- 8.2 The adopted Employment Land SPD provides guidance on the suitability of alternative uses within employment areas and on employment sites within the borough. Paragraph 6.43 of the document states that the total loss of an employment site can only be justified where it can be robustly demonstrated that the provision of an employment element cannot be made viable. Evidence must be provided to show that all possibilities to provide an employment element have been exhausted and demonstrated to be unviable. Paragraph 6 in general states that there is a need to safeguard and improve both existing employment sites, and the employment land supply within the borough. Detailed guidance then follows on for proposals involving the loss of employment sites. The guidance is clear that the burden of proof rests on applicants to state why a site is no longer required or suitable for continued employment use. It also states that approval of alternative development will normally only be considered where an applicant is able to clearly demonstrate there is no demand for the site, it is unviable to retain the site and that the character of the area and other policies and proposals in the development plan suggest that the site should be released. Redevelopment for other uses can be allowed on poor quality sites that have become unsuitable or unviable for employment use, in order to realise their potential regeneration benefits.
- 8.3 The applicant states in their supporting information that the site is situated within an older industrial area. This however is not considered an accurate reflection of the area, which consists of premises varying in age from 19<sup>th</sup> Century to modern. The most recent Employment Land Study lists the site as a high quality for employment purposes, which is of the highest quality allocation locally (above poor and medium quality sites). Whilst it is appreciated that there are some leisure uses within the area, these have in the past been more closely aligned with employment uses as permitted under Policy E3. Leisure is not the dominant use. The applicant has stated that there is little scope for use of the site for employment purposes, due to it not being well suited or easily adaptable to modern industrial or office use. They also claim that the significant floor space of the building would be difficult to fill, and that nationally there is a reduction in office space demand following the COVID-19 pandemic. It is however the view of officers that employment land supply in this particular area of the borough has decreased over time, as sites have either been developed, or have been lost to non-employment uses. The applicant has not provided an assessment of alternative sites within the area, nor the availability of such. They have stated that some office space has been available within Ashton at three sites (Ashton Old Baths, the Grosvenor Mill



Business Centre and the Clarence Arcade) but have provided no evidence to support this claim.

- 8.4 The applicant has stated that there is no evidence of unmet demand for employment uses within the area. They have also stated that when units become vacant, they tend to remain so for a period of time. In the absence of further information, officers requested further detail of marketing of the site, and efforts to gain occupation of the building. A brief supporting statement provided by the owner has been provided in response, which states that efforts have been made to market the building in the past, but no further detail is provided. Without marketing information or evidence of similar, it is considered that no justification has been made to demonstrate a lack of demand for such uses within the area.
- 8.5 As per guidance within the SPD, it is appreciated that in certain cases, the applicant may be able to demonstrate that there is no demand for a site or that the site's buildings are unsuitable for continued employment use due to factors such as their physical configuration, or current state of repair. In these cases, consideration must be given to other options that would enable the site to remain in employment use, and before considering release, the Council will need to be satisfied that either refurbishment of the buildings for employment uses, or redevelopment of the site for employment use are not viable. No such justification, including a development appraisal or residual valuation for each option, has been submitted in support of the application.
- 8.6 Where it can be demonstrated that there is a case for alternative development, a mixed use scheme could provide a solution, and the SPD states that alternative uses should be limited to enabling development on part of the site to permit the remainder to be improved or redeveloped for continued employment use (subject to other policy considerations). The applicant states that a mixed use scheme is not appropriate in this location. However, it is considered that this statement compounds the view that, if a mixed use scheme including residential development is not suitable in this location, then a solely residential use is also not appropriate in the same location.
- 8.7 In land use terms, the site is not suited to a residential use. The site is situated to the west of Turner Lane, which in this location is characterised by employment uses, and some commercial uses. Immediately to the south and bordering the site is situated Besseges Valves, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. Within part of the ground floor of the host building, there are ad-hoc storage and distribution uses, and to the west of the site is a commercial gym use. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar uses, with other such uses operating along Turner Street which is situated to the opposite side of the site, and on the highways surrounding that area. Residential uses are situated primarily to the east of Turner Lane in this location, which is much more heavily developed with such uses, and which are considered the prevailing character of that particular area.
- 8.8 A further concern of the Council is that the proposed development may stifle or restrict future operation and potential development of the existing employment uses within this area, particularly those which would remain operational and which are situated close to the site. This point is covered in further detail within the Residential Amenity section, below.
- 8.9 Although, as noted by the applicant, the Council cannot currently demonstrate a five year supply of deliverable housing land, this does not outweigh the identified harm by inappropriateness of this location for housing development.

- 8.10 For the reasons set out above, it is considered that residential development in this location is not acceptable in principle terms, and the application fails to justify an acceptable loss of employment land.

## **9. DESIGN & LAYOUT**

- 9.1 Policies within the UDP, NPPF and the adopted 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 NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 9.2 The site consists of a primarily three storey former mill building, with a two storey section to the rear fronting Lord Street to the north. A number of the window openings are currently sealed, or secured with metal grates for security purposes.
- 9.3 The scheme proposes to largely retain the three storey section of the building as is, including its main elevation fronting Turner Lane. Some additional fenestration is proposed to either side elevation, including that fronting Lord Street which is more prominent, however the alterations are considered to be largely acceptable visually. Although a row of windows would be sealed towards the rear of the building, and replaced by smaller openings, other more prominent openings on the building would be revealed, and the existing metal fire escapes and metal grates surrounding the windows would be removed.
- 9.4 A moderate pitched roof extension is proposed to the existing two storey element of the building, which would be slightly higher and would become two storey with accommodation in the roof space. This section of the building is not particularly prominent / visible from part way along Lord Street; nonetheless, the extension would appear subservient and would not disrupt the main features of the industrial style building.
- 9.5 In terms of materials utilised for the roof extension, and for any repairs and alterations to the building, these should be carried out in matching materials. A relevant condition could thereby be imposed, should the application be approved. A separate condition could also be imposed requiring details of any window and door materials to be submitted for approval.
- 9.6 In light of the above, the alterations to the building are considered appropriate in this location.

## **10. RESIDENTIAL AMENITY**

- 10.1 Policy H10 of the UDP states that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, will be required to be of high quality and cause no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Paragraph 187 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 10.3 As discussed earlier, the site is situated to the west of Turner Lane, which in this location is characterised by employment uses, and some commercial uses. Immediately to the south

and bordering the site is situated Besseges Vales, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. Within part of the ground floor of the host building, there are ad-hoc storage and distribution uses, and to the west of the site is a commercial gym use. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar industrial and commercial uses, with other such uses operating along Turner Street situated to the opposite side of the site, and on the highways surrounding that area. Although residential uses are situated primarily to the east of Turner Lane, that area stands separate from the site and its surroundings.

- 10.4 It is considered that siting residential uses within this employment area would result in a poor standard of living for future occupiers, which is likely to be detrimental to their amenity. Although the Council's Environmental Health officers have noted that mitigation measures could be implemented, in order to better soundproof the proposed apartments, the site is situated directly adjoins a general industrial manufacturing, distribution and general sale business. It is also apparent from a representation received by that business that access to their premises is permitted via the existing yard immediately to the south of the building to be developed, running directly below windows serving the proposed south facing apartments. As stated above, a car garage is situated directly opposite to the north of the site across Lord Street, and other commercial and employment uses including a gym are situated adjoining the building to the west. These operations combined would likely cause a poor level of amenity for occupiers of the apartments, with external noise and disturbance being apparent within such close proximity.
- 10.5 Furthermore, the prevailing character of the operations adjacent to the site would create a generally unpleasant and alien living condition for future occupiers, in an area of the borough characterised by industry, some being of a heavy nature. Whilst mixed uses may be appropriate in other locations, this site is surrounded by employment uses, both industrial and commercial, and is not suited to residential accommodation.
- 10.6 It is considered that the proposed development should not unduly restrict the operations of existing businesses within the vicinity, in accordance with the requirements of the NPPF as explained above, whilst protecting the amenity of future occupiers of the proposed apartments. As above, the applicant has submitted a noise impact assessment, in order to demonstrate that mitigation measures could be put in place to achieve better soundproofing of the apartments. However, it is noted that the site lies within an established employment area, which is graded as higher quality employment land within the borough. It is crucial that, in order to maintain the usefulness of this employment allocation, that businesses are encouraged to operate and potentially expand – subject to planning permission – without potential unreasonable restrictions, which could arise for example through statutory noise complaints or otherwise. The representation received from the adjacent business has noted that in the past they investigated the possibility of expanding their warehouse, for example. The use of the building as residential accommodation may potentially impede full use of the employment allocation in the future as a result.
- 10.7 With regard to the amenity of future occupiers, it is noted that each of the one bedroom apartments would exceed 37sqm internally, and each of the two bedroom apartments would exceed 61sqm, which are the minimum sizes expected to achieve a reasonable standard of amenity, as outlined within the Government Technical Housing Standards document (nationally described space standard). On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 10.8 Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14m apart on street frontages, and where habitable room windows face a blank wall. This distance is increased by an additional three metres for every additional

storey (for buildings of three storeys or greater). Proposed apartments which would have habitable rooms within the northern elevation of the building would face toward a two storey building to the opposite side of Lord Street, achieving a distance of 9.2m separation between the two. This would fall below the 14m as identified above. Notwithstanding this relationship, the openings within the neighbouring building to the north of Lord Street do not serve habitable rooms, and there is only one opening at first floor level, and therefore a lesser separation distance could be acceptable. Similarly, proposed apartments with habitable rooms within the southern elevation of the building would face toward a two storey blank wall, forming the boundary with the neighbouring industrial use, achieving a lesser distance of 6.2m between the two. Again, the wall faced would be blank, not containing any windows. However, in both of these scenarios, the buildings (albeit primarily commercial in nature) are relatively closely spaced, as is the character of this particular area of Ashton. It is also the case that urban, built up locations with a mix of uses may not achieve the same level of separation and amenity expectations of other areas. The amenity of future occupiers thereby would be acceptable in this regard.

- 10.9 The main residential properties which would be affected by the proposed development is an existing bungalow to the north east of the site, no. 64 Lord Street, and nos. 58-60 Turner Lane, directly facing the site. Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14.0m apart on street frontages, with an additional three metres for every additional storey (for buildings of three storeys or greater). In this case therefore, the minimum distance between properties should be 17.0m, which is achieved in all cases concerning the above mentioned residential properties. Habitable room windows within the building to be converted, serving apartment nos. 1, 8 and 14, would face toward the boundary with no. 64, overlooking its front and side garden areas. Notwithstanding, the relationship would be an oblique one, and the overlooking of the front and side elevation of no. 64 is not considered to be more severe than it being viewed from Lord Street and Turner Lane as at present, given the open aspect to those highways. The impact of the development upon neighbouring residential properties is thereby considered acceptable.
- 10.10 The Council's Environmental Health officers have recommended a condition restricting the hours of conversion of the proposed development to daytime hours, in addition to the noise mitigation measures. Such conditions could be imposed if the application were approved.
- 10.11 In light of the above, however, the proposed residential use in this location is not acceptable, causing generally unpleasant and alien living conditions to future occupiers, and undue amenity concerns through external noise and disturbance from adjoining and adjacent employment uses. The close proximity to those businesses may restrict their ability to operate or expand in the future, potentially impeding full use of the employment allocation in future.

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

- 11.1 The proposed development would generate only a small amount of vehicle movements, and these are considered to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 11.2 The development proposes no off street car parking spaces. UDP policy requires that 1 parking space per 2 apartments be provided, resulting in a requirement of 10 spaces for this development. However, consultation with the LHA has been undertaken, who note there is a shared parking area, situated at the junction of Turner Lane, Lord Street and Lees Street. Furthermore, on-street parking is available within defined bays along Lord Street, as well as along sections of Turner Lane. Furthermore, it is noted that the change of use from employment use would result in less staff parking within the vicinity (compared to when the employment use operates). Given on-street parking is available within the local area, with few restrictions, that the lack of dedicated parking provision would be acceptable.

- 11.3 In addition, the LHA recommend that the development should provide cycle parking provision, with one space provided per apartment. They also recommend that a Green Travel Plan be carried out alongside the future development, which would encourage use of nearby public transport services and alternatives to the private car. These measures would be controlled via a condition should the application be approved.
- 11.4 Further to the request for cycle storage and a Green Travel Plan, the LHA have recommended that facilities for pedestrians be improved close to the site, in order to encourage sustainable transport links. In particular, links to and from the Ashton bus station and railway station, which are within walking distance of the site, are recommended to be upgraded, including surface, lighting and signage improvements, in order to encourage users of the site to access it sustainably, and the LHA have requested a commuted sum of £11,000 in order to contribute to such works. The applicant has indicated they are agreeable to a financial contribution. The above measures combined would likely reduce private car usage and dependency at this site.
- 11.5 Should the application be approved, it would be reasonable to impose a condition requiring the submission and approval of a management plan relating to the construction phase of the development.
- 11.6 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, the safety of the access arrangements or car parking capacity, subject to the recommended conditions, and the commuted sum. The proposals would not result in a detrimental impact on highway safety.

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

- 12.1 The site is located within Flood Zone 1, which is categorised as being at the lowest risk of flooding.
- 12.2 The Lead Local Flood Authority (LLFA) have reviewed the submitted information, and raise no objections to the application, subject to a drainage scheme to be agreed and implemented as per the agreed details. Therefore, a condition requiring a full sustainable drainage scheme to be submitted could be imposed should the application be approved. No comments have been received from United Utilities.
- 12.3 Subject to imposition of the condition as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.
- 12.4 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

## **13. GROUND CONDITIONS**

- 13.1 The site falls within the Coal Authority's defined Development High Risk Area. However, as the development proposes a change of use of the building, the Coal Authority has clarified that a Coal Mining Risk Assessment is not required to be submitted.
- 13.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The report noted that there are no known contaminants at the site, which are likely to present a significant possibility of harm to end users. However, the EPU notes that, lying within a Coal Mining Development High Risk Area, a coal outcrop runs beneath the site, and as a result mine gas may pose a potential risk to the development. This risk has not been assessed to date. The EPU therefore recommend that a mine gas risk



assessment be undertaken, followed by any remedial works or measures, as necessary to address any unacceptable risks posed by mine gas. The condition would ensure any recommended remedial works and measures be implemented prior to first use.

- 13.3 The condition recommended by the EPU is considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and could be imposed should the application be approved.

#### **14. ECOLOGY**

- 14.1 Greater Manchester Ecology Unit (GMEU) has reviewed the application. They raise no objections to the proposed development. They do note however that protected species such as bats can be situated in unexpected places, and they advise that if bats are found during any development works, that works must cease and adequate advice be sought. This advice would be relayed via an informative if the application were approved.
- 14.2 The application is thereby considered acceptable in these regards.

#### **15. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS**

- 15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 15.2 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space, education and potentially highways contributions as per the requirements of policies H4, H5, H6 and T13 of the UDP.
- 15.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include 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 provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.
- 15.4 Paragraph 63 of the NPPF lists exceptions to affordable housing requirements. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Officers made further requests to the applicant, in order to gain further information regarding past use of the building, any periods of non-use, and in particular to ensure that the building has not been made vacant for the sole purposes of redevelopment. However, this information has not been forthcoming, and it is considered that a suitable case for applying vacant building credit has therefore not been made. If vacant building credit is not applied, in policy terms 3 affordable housing units are required to be provided. The proposal therefore would meet the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF. This provision could be secured through a Section 106 Obligation.
- 15.5 The applicant will be required to make a contribution to the provision of pedestrian infrastructure upgrades within the local area, in accordance with Policy T13 of the adopted UDP. A contribution of £11,000 is to be secured towards improvements to walking infrastructure.

- 15.6 The upgrades to the walking facilities would improve access to the proposed development, and would encourage sustainable transport links, reducing reliance upon the private car.
- 15.7 Regarding green space, although none is proposed to be delivered on-site, within walking distance of the site to the south is the King George V Playing Fields, and associated recreational areas, situated off Alexandra Road to the north east. Noting that 20no. apartments are proposed, the application falls below the threshold for education contributions (25). Contributions towards such are therefore not sought.
- 15.8 The pedestrian upgrade contributions would meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given that sustainable transport methods are to be promoted), directly related to the development (as the close proximity ensures that future users are likely to use these facilities); and proportionate in that the sums are based on the size of the development.

## **16. OTHER MATTERS**

- 16.1 The application has been accompanied with a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded the contents of the statement are sufficient. The Designing Out Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The applicant could be advised of this matter by an informative if the application is approved.
- 16.2 The application has been reviewed by the Council's Waste Management officers. They note that the applicant is to purchase their own bins for waste storage and collection, and final details have not been provided by the applicant. It is therefore recommended that, if the application were approved, a condition be imposed requiring the applicant to submit full details of their bin store and recycling facilities, prior to the use commencing. This would ensure that adequate waste storage provision could be provided. The proposals would thereby meet the requirements of the National Planning Policy for Waste (NPPW).

## **17. CONCLUSION**

- 17.1 The application proposes the change of use of the existing building from an employment use to 20no. apartments. The site is allocated as an established employment area within the Council's adopted UDP, and the most recent Employment Land Study categorises the site as a high quality for employment purposes. The application fails to adequately justify why loss of the employment use would be acceptable in this case, and is therefore contrary to Policy E3 of the UDP.
- 17.2 The site is situated in an area characterised by employment uses, and some commercial uses, including general industrial and other uses which immediately border the site. Residential uses are situated primarily to the eastern side of Turner Lane, away from the site. The proposed residential use is not considered suitable in this location. The proposal would result in a poor standard of living for future occupiers, detrimental to their amenity. The prevailing character of the employment operations adjacent to the site would create an unpleasant and alien living condition for future occupiers, with some of the industrial operations being heavy in nature.
- 17.3 The proposed use may affect neighbouring businesses ability to operate and potentially expand, without potential unreasonable restrictions, due to the close proximity of residential properties proposed through this application, which would likely lead to noise disturbance and complaints. This may impede full use of the employment allocation in the future.

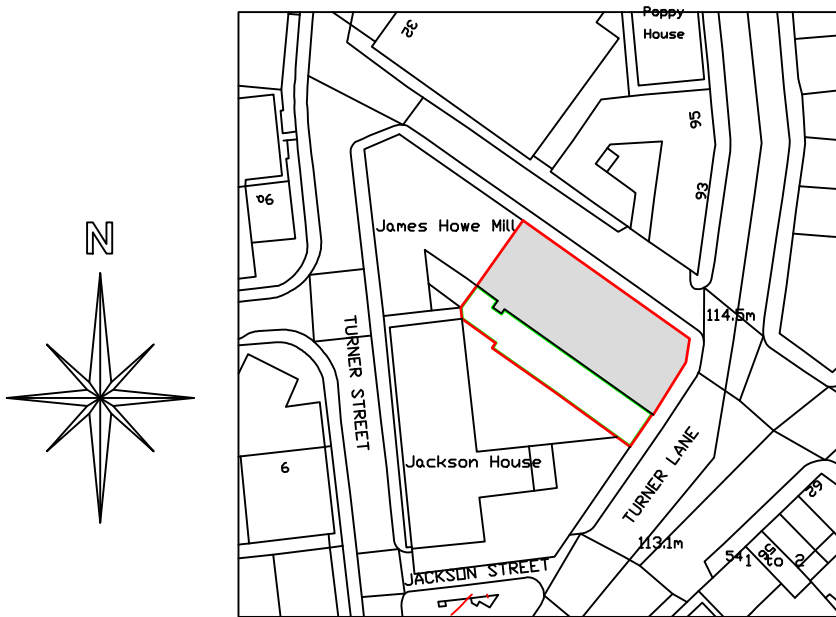
- 17.4 It is noted that the development would provide adequate space internally for future occupants. The development would provide no off-street parking provision, but is considered to be situated in a sustainable location, and on-street parking is available. Cycle parking provision and off-site improvements to pedestrian facilities would improve access and reduce reliance upon the private car. Conditions could be imposed to satisfy these matters should the application be approved.
- 17.5 For the reasons set out above, the proposal fails to comply with development plan policies E3 and H10, the Employment Land SPD, and the National Planning Policy Framework.

## **RECOMMENDATION**

Refuse planning permission for the following reasons:

1. The application fails to justify the loss of a high quality employment site, within the defined Established Employment Area. The requirement to safeguard and improve existing employment sites and the employment land supply within the borough is not satisfactorily justified within the submission, and insufficient evidence to demonstrate there is no demand for the site or that it is unviable to retain the site for employment purposes has been provided. The proposals are therefore contrary to Policy E3 of the Tameside Unitary Development Plan and the Employment Land Supplementary Planning Document.
2. The application site is situated in an area characterised by employment and commercial uses, including general industrial operations which directly border the site. The proposed residential use in this location would result in a poor standard of living for future occupiers, detrimental to their amenity, with prevailing character of employment operations close by creating an unpleasant and alien living situation for future occupiers. The ability of neighbouring businesses to operate and expand without potential unreasonable restrictions in the future, as a result of noise disturbance and complaints, may impede full use of the defined Existing Employment Area in the future. The proposals are therefore contrary to Policy H10 of the Tameside Unitary Development Plan and the National Planning Policy Framework.

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Scale 1:1250

# SITE LOCATION PLAN



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**CONSTRUCTION NOTES:-**



**BIN STORAGE**

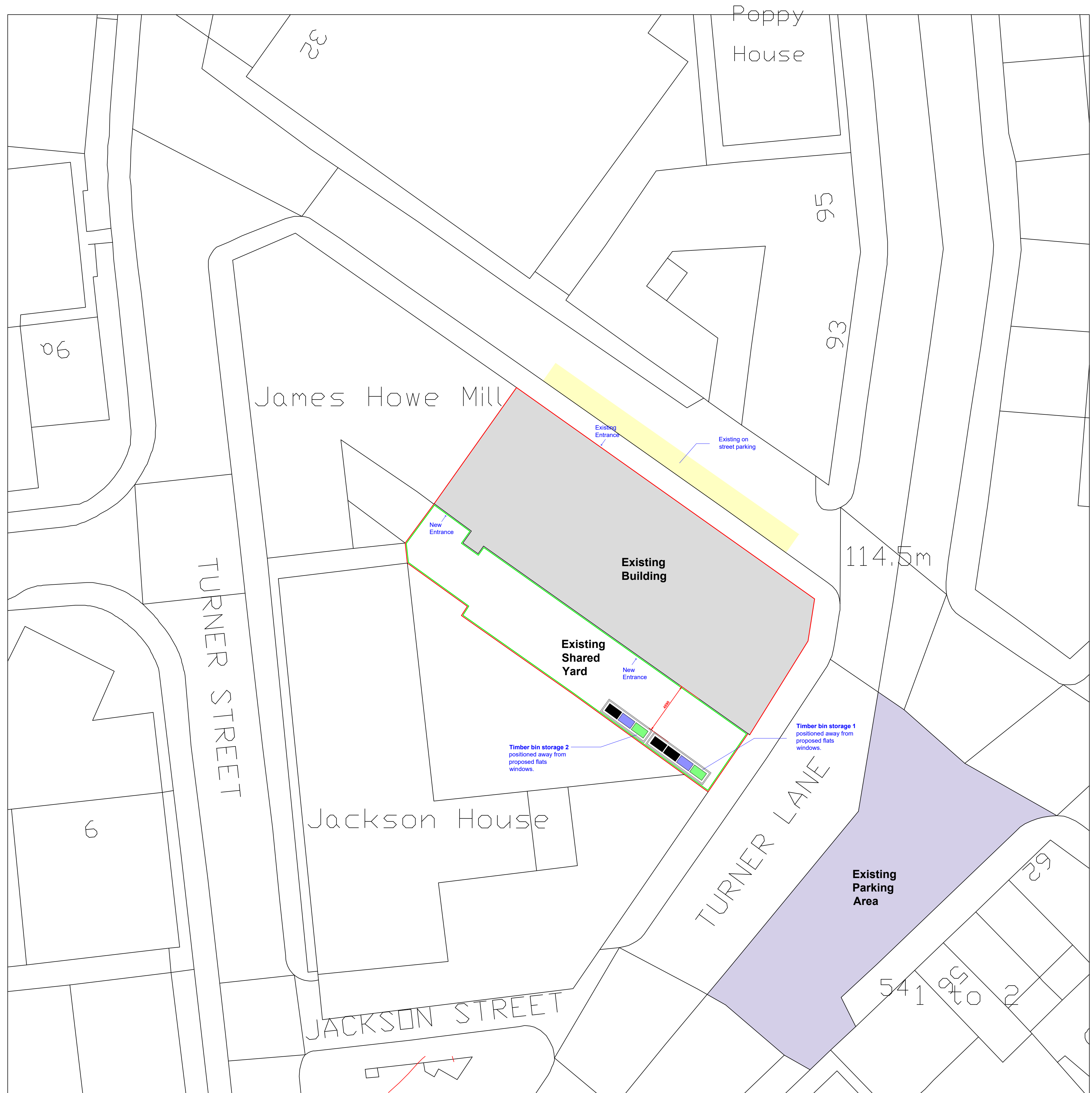
2 new timber bin storage units are to be provided to the shared yard area. A total of 7 Euro bins are to be provided as part of the proposed development. Total Euro Bins per storage unit are as follows:

**Timber Bin Storage 1**

- 2x 770L Bin - General Waste
- 1x 770L Bin - Cardboard Disposal
- 1x 770L Bin - Recycling Materials

**Timber Bin Storage 2**

- 1x 770L Bin - General Waste
- 1x 770L Bin - Cardboard Disposal
- 1x 770L Bin - Recycling Materials



**PROPOSED SITE LAYOUT**

<b>DRAWING TITLE</b>	
<b>PROPOSED SITE LAYOUT</b>	
Campbell House 173 Rochdale Road Firgrove Rochdale OL16 3BN	
Tel: 01706 354888 Mob: 07817 623183 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
<b>PROJECT</b>	
<b>PROPOSED RESIDENTIAL DEVELOPMENT</b>	
<b>LOCATION</b>	
<b>James Howe Mill</b> <b>Turner Lane</b> <b>Ashton Under Lyne</b>	
<b>DRAWN:-</b> Aiden Phillips-Whalley	<b>DRAWING NUMBER:-</b>
<b>DATE:-</b> March 2022	<b>21.2720.SC1.5</b>
<b>SCALE:-</b> 1:200 @ A1	
<b>ISSUE:-</b>	

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**CONSTRUCTION NOTES:-**



**PROPOSED SIDE ELEVATION 1**



**PROPOSED SIDE ELEVATION 2**

**DRAWING TITLE**  
**PROPOSED SIDE ELEVATIONS**

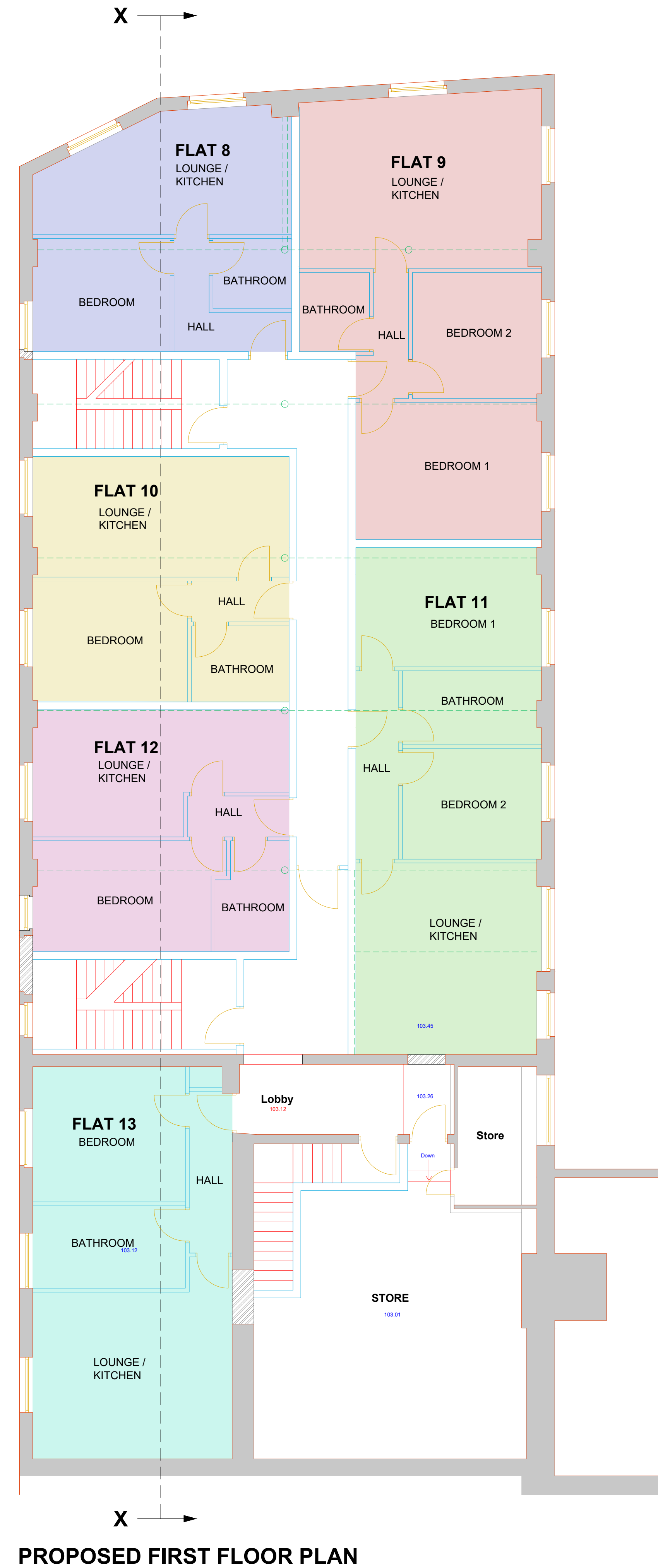
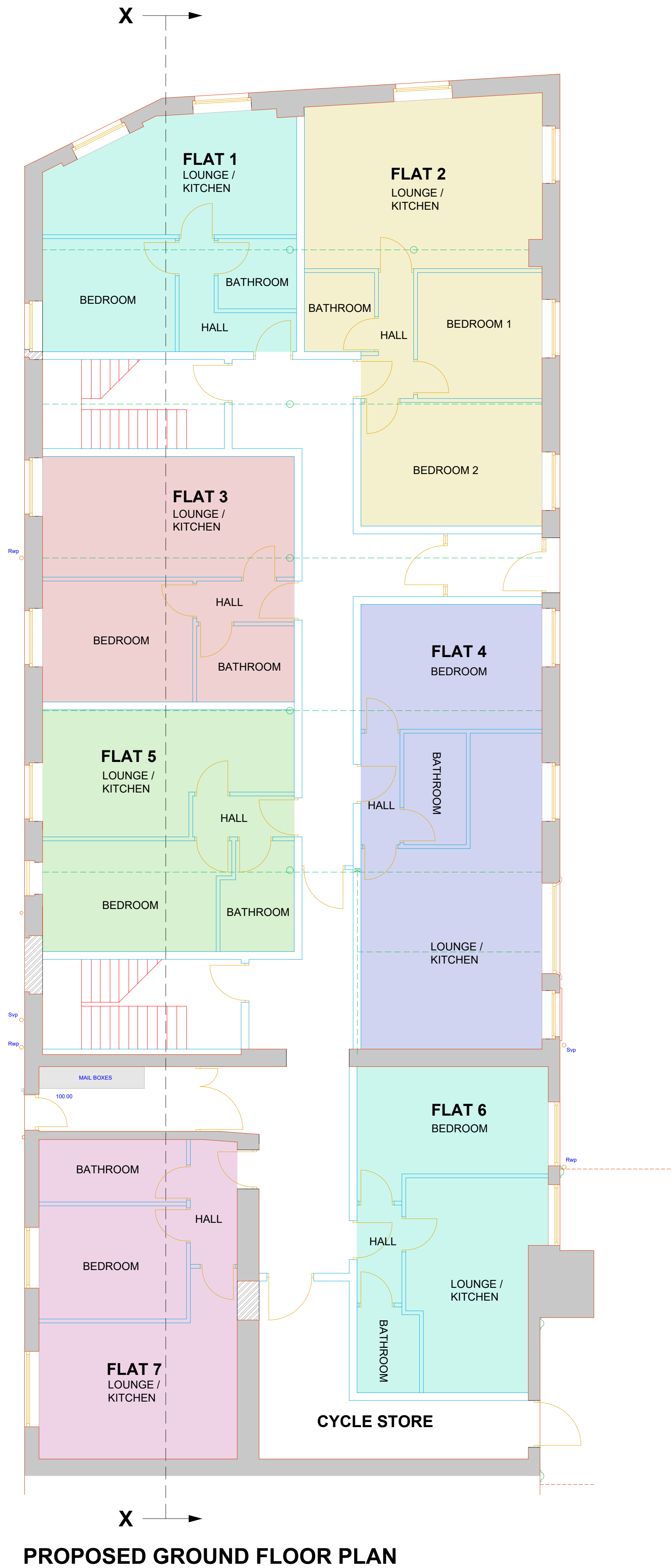
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	Campbell House 173 Rochdale Road Firgrove Rochdale OL163BN	

**PROJECT**  
**PROPOSED RESIDENTIAL DEVELOPMENT**

**LOCATION**  
**James Howe Mill**  
**Turner Lane**  
**Ashton Under Lyne**

DRAWN:- Aiden Phillips-Whalley	DRAWING NUMBER:-
DATE:- December 2021	21.2720.SC1.3A
SCALE:- 1:75 @ A1	
ISSUE:- A	

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**CONSTRUCTION NOTES:-**

**Accommodation Schedule**

- Flat 1 - 38m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 2 - 61m<sup>2</sup> - Allocation: 2Bed, 3 Person
- Flat 3 - 40m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 4 - 52m<sup>2</sup> - Allocation: 1Bed, 2 Person
- Flat 5 - 40m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 6 - 39m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 7 - 41m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 8 - 38m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 9 - 63m<sup>2</sup> - Allocation: 2Bed, 3 Person
- Flat 10 - 41m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 11 - 61m<sup>2</sup> - Allocation: 2Bed, 3 Person
- Flat 12 - 40m<sup>2</sup> - Allocation: 1Bed, 1 Person
- Flat 13 - 51m<sup>2</sup> - Allocation: 1Bed, 2 Person

*Allocations based on National Housing Standards*

DRAWING TITLE  
**PROPOSED GROUND AND FIRST FLOOR PLANS**

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PROJECT  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
 LOCATION

**James Howe Mill  
 Turner Lane  
 Ashton Under Lyne**

DRAWN:-	Aiden Phillips-Whalley	DRAWING NUMBER:-
DATE:-	December 2021	<b>21.2720.SC1.1A</b>
SCALE:-	1:75 @ A1	
ISSUE:-	A	

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**PROPOSED SECOND FLOOR PLAN**

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

**CONSTRUCTION NOTES:-**

**Accommodation Schedule**

<b>Flat 14</b> - 38m <sup>2</sup> -	Allocation: 1Bed, 1 Person
<b>Flat 15</b> - 63m <sup>2</sup> -	Allocation: 2Bed, 3 Person
<b>Flat 16</b> - 41m <sup>2</sup> -	Allocation: 1Bed, 1 Person
<b>Flat 17</b> - 61m <sup>2</sup> -	Allocation: 2Bed, 3 Person
<b>Flat 18</b> - 40m <sup>2</sup> -	Allocation: 1Bed, 1 Person
<b>Flat 19</b> - 52m <sup>2</sup> -	Allocation: 1Bed, 2 Person
<b>Flat 20</b> - 56m <sup>2</sup> -	Allocation: 1Bed, 2 Person

*Allocations based on National Housing Standards*

**DRAWING TITLE**  
**PROPOSED SECOND FLOOR PLAN**

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**PROJECT**  
**PROPOSED RESIDENTIAL DEVELOPMENT**

**LOCATION**  
**James Howe Mill**  
**Turner Lane**  
**Ashton Under Lyne**

<b>DRAWN:-</b>	Aiden Phillips-Whalley	<b>DRAWING NUMBER:-</b> <b>21.2720.SC1.2</b>
<b>DATE:-</b>	December 2021	
<b>SCALE:-</b>	1:75 @ A1	
<b>ISSUE:-</b>		



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**Application Number 20/00280/FUL**

**Change of use of building to 20no. apartments, including roof extension to first floor section, and insertion of windows and replacement of doors with windows**

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**Photo 1: Aerial view of the site**



**Photo 2: View of front of building viewed from Turner Lane**



**Photo 3: View of side of building, facing wall of neighbouring industrial use**





Photo 4: View of yard area from Turner Lane



**Photo 5: View of side of building viewed from Lord Street**



**Photo 6: View of site, and existing gym entrance, viewed from Lord Street**







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<b>Application Number:</b>	22/00565/FUL
<b>Proposal:</b>	Demolition of existing stables/structures and erection of 1 residential dwelling.
<b>Site:</b>	Whitehall Cottage, Luzley Road, Ashton-under-Lyne, OL6 9AJ
<b>Applicant:</b>	Mr and Mrs Ward
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	Speakers Panel decision is required in accordance with the Council's constitution because a member of the public have requested a Speakers Panel decision.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application site comprises a field located to the rear of Whitehall Cottage on Luzley Lane to the north of Ashton under Lyne. The site is roughly square in shape and contains stables and a number of small outbuildings to the northern and eastern boundaries. The site levels decrease moving east to west.
- 1.2 Vehicular access into the site is via a narrow access track to the southwest side of Whitehall House which is currently used solely by the stables.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the development of one detached dwelling following demolition of existing stables/structures on site. The proposed dwelling will measure approximately 14.7m in width with a length of 4.9m containing a canopy to the front measuring 0.8m in length. It will have a pitched roof with a ridge and eaves height of approximately 3.5m and 2.3m respectively.
- 2.2 There is an existing stables building on site including three outbuildings along the rear boundary shared with Whitehall House. It is proposed to demolish these buildings which are currently spread across the site and develop a single residential unit on the footprint of the existing stables building.
- 2.3 The dwelling would be constructed of (Larch or Cedar) vertical timber cladding, a zinc sheeting dark grey roof and grey uPVC/composite windows and doors.
- 2.4 The existing access would be utilised and the existing hardstanding replaced with stone setts including a stoned turned area to enable vehicles to enter and exit the site in a forward gear. Two car parking spaces would be provided.
- 2.5 The existing post and wire fence surrounding the site would be retained and additional tree planting is proposed along the boundary to the south-east with Whitehall House and Whitehall Cottage.

## 3. PLANNING HISTORY

- 3.1 13/00835/FUL - Two-storey side extension and conversion to two separate dwellings - Approved on 31.01.2014.

#### **4. PLANNING POLICY**

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

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

##### **Planning Practice Guidance**

- 4.4 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.

##### **Development Plan**

- 4.5 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

##### Tameside Unitary Development Plan (2004)

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

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

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

- OL1: Protection of the Green Belt
- OL2: Existing Buildings in the Green Belt
- OL10: Landscape Quality and Character
- C1: Townscape and Urban Form
- C10 Development Affecting Archaeological Sites

- H4: Type, Size and Affordability of Dwellings
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- 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

### **Supplementary Planning Documents**

4.8 Residential Design Supplementary Planning Document

### **Places for Everyone**

4.9 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.10 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.11 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

### **Other Considerations**

4.12 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.13 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement, the application has been advertised as a departure from the development plan by a newspaper advertisement, site notice and neighbour letters.



## 6. SUMMARY OF THIRD PARTY RESPONSES

6.1 Four letters of representation have been received citing objections to the application:

### **Conflict with Land Use Policy**

- It should be noted that Whitehall House was a single detached dwelling which was extended by the applicants making it into two semi-detached properties.
- The original house was sold with the understanding that there would be no further developments.
- We believe this plot of land is already fully developed and any further development would have a detrimental effect on existing amenities and services.
- The last stable was built in the first week of October 2018 which is in fact less than 4 years ago. Therefore the stables dimensions shouldn't be included in the tallying up calculation for the purpose of the application.
- Building on green belt is not in my best interests.
- The development of a log store and garden shed being classed as equestrian is quite frankly absurd.

### **Noise & Hours of Operation**

- The concern here would be the increase in vehicle movement around the boundary of the property.
- Currently vehicle movements are limited in that the applicants only occasionally use the gate and access pathway to the rear of their property.

### **Out of Character.**

- There are no examples of this dwelling type anywhere within the Hamlet of Luzley.
- Not in keeping with the existing buildings in the area.

### **Sets a Precedent.**

- This in our opinion most certainly sets a precedent as there are numerous unused agricultural buildings currently situated on green belt land around Luzley.
- This development would set a precedent on green belt land.

### **Traffic & Parking**

- We are already experiencing huge problems with parking and access to both Whitehall Cottage and Whitehall House. A third dwelling would only escalate this issue.
- The proposed dwelling has gated access directly from the lane so, where would their visitors to the new property park?
- Increased traffic comings and goings.

### **Loss of privacy**

- Residential services for example window cleaning and gardening etc. further impacting on our privacy

### **Visual Amenity**

- Loss of a view
- Trees will and are already being planted to hide the new property from the road. This is already having an adverse effect on those very views.
- The vastly increased use of the entrance gate and access pathway would adversely affect privacy and that of the bats that currently inhabit all our garden areas.
- Would hate to see a modern house devalue and spoil the natural beauty of this wonderful rural spot.

### **Other Matters**

- Civitas Supporting Planning Statement refers to a stable complex that is no longer in use, when in actual fact one of the stables is currently still being use to this day.

- The collection of out buildings, which include various storage, sheds, and a fire wood drying shelter have been erected since 2015. None of which have been used for equestrian purposes. There was one stable initially but this was increased to two in October 2018 to accommodate a second horse.
- The planning application would have you believe that the current buildings are an unused stable complex, when in actual fact they are no more than a couple of stables and garden out sheds. They also refer to the reduction in traffic, when in actual fact there has never been any horse boxes or any other equestrian traffic using the access.
- The applicants are proposing to replace the shared existing septic tank with a larger vessel. This would be positioned closer to Whitehall Cottage and be shared by all three dwellings. Experience has told us that sharing a septic tank is not the ideal scenario, therefore we should make it known that if permission is granted it should be on the understanding that the applicant provides individual septic tanks for each property. This may even be a requirement of United Utilities.
- The applicants have created unlimited gated access to an adjoining field owned by their next door neighbour for horse grazing requirements as the development site is too boggy and lacking in grass to be considered for grazing.
- We believe the new application will include a multi burning fuel stove and due to the low level of the proposed plans any outlet is just another concern as the wind blows from that direction towards our property most of the time. We have stables in our garden that could be at a risk of fire due to this.
- There are access issues for the fire service.
- Please may I request that this application be referred to panel for a committee hearing of which I wish to attend and present my objections.

## **7. RESPONSES FROM CONSULTTEES**

- 7.1 Local Highways Authority (LHA) – No objections, subject to conditions requiring secured cycle storage provision, electric vehicle charging point and sustainable drainage scheme.
- 7.2 Greater Manchester Ecology Unit (GMEU) – Would not consider it reasonable to require a bat survey to be submitted to support the application. No objections subject to recommended conditions and informatives in relation to biodiversity enhancements and protected species.
- 7.3 Arboricultural Officer – The proposal does not involve the removal of any existing significant trees or vegetation therefore the proposal is acceptable from an Arboricultural perspective.
- 7.4 United Utilities – No objections but recommend that a condition is applied requiring that the site is drained in accordance with the drainage hierarchy.
- 7.5 Lead Local Flood Authority (LLFA) – No objections subject to recommended condition for a surface water drainage scheme.
- 7.6 Environmental Health – No objections subject to recommended condition for construction hours.
- 7.7 Contaminated Land – No objections subject to recommended conditions in order to ensure that all risks posed by contamination and ground gas are fully investigated and where necessary, remediated during the development of the site.
- 7.8 GMAAS – If consent for the development is given, GMAAS recommend that the archaeological works are secured by a condition.

## **8. ANALYSIS**

## 8.1 PRINCIPLE OF DEVELOPMENT

8.2 The site is allocated as Green Belt. The principle of the development must be considered against policies OL1, OL2 of the UDP and the policies of Section 13 of the NPPF, specifically whether built development is acceptable in this area of Green Belt.

8.3 Policy OL1 of the Tameside Unitary Development Plan states that *“the Green Belt will continue to be protected from inappropriate development and approval will not be given, except in very special circumstances, for the construction of new buildings for purposes other than:*

*(a) agriculture and forestry, or*

*(b) essential facilities for outdoor sport and outdoor recreation, or*

*(c) cemeteries, or*

*(d) other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.”*

8.4 Policy OL2 of the Tameside Unitary Development Plan states that *“Within the Green Belt, approval will only be given for the re-use or conversion of existing buildings where:*

*(a) the new use does not have a materially greater impact than the present use, on the openness of the Green Belt and the purposes of including land in it, and*

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

*(c) any associated uses of land surrounding the building do not conflict with the openness of the Green Belt and the purposes of including land within it, and*

*(d) the building is of permanent and substantial construction, is in an intact and generally complete condition, and is capable of conversion without major or complete reconstruction, and*

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

*The extension, alteration or replacement of existing dwellings within the Green Belt will be subject to criteria (b) and (e) above.*

*The Council will particularly encourage the re-use of buildings for purposes which facilitate job creation and diversification of the rural economy or help to protect rural services, and will permit such developments subject to conformity with the criteria above.*

*Where it is considered that permitting buildings to be taken out of agricultural use could lead to a consequential increase in new farm buildings that would have a seriously detrimental effect on the openness of the Green Belt, the Council will impose conditions withdrawing such permitted development rights.*

8.5 The policies only extend to the replacement of existing dwellings for residential use and makes no reference to previously developed land. Therefore whilst there is a degree of consistency between the development plan and the Framework, for the purposes of the assessment greater weight is afforded to the guidance within section 13 of the Framework.

8.6 Paragraph 137 of the NPPF states that *“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

- 8.7 Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances..”*
- 8.8 Paragraph 148 of the NPPF states that *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 8.9 Paragraph 149 of the NPPF states that *“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
- a) buildings for agriculture and forestry;*
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
  - e) limited infilling in villages;*
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
    - not have a greater impact on the openness of the Green Belt than the existing development;*
    - or*
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 8.10 For the purposes of assessing this application against para 149g of the NPPF, the definition of the term ‘previously developed land’ as referenced in the glossary within the NPPF states that : *“Previously developed land is Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 8.11 The submitted Planning Statement asserts that the proposal adheres to paragraph 149(g) – being the complete redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt than the existing development. It is stated that the proposal would reduce the footprint and sprawling nature of the current development.

- 8.12 In the view of the Local Planning Authority (LPA) it is not considered that this proposal would comprise 'limited infilling'. Unlike the buildings on Luzley Road, which front the street at a depth of only one property, the proposed dwelling would be set back behind Whitehall Cottage with open fields to the north, south and west – therefore not comprising an 'infill site'. It is however acknowledged that the site comprises '*previously developed land*' owing the presence of the existing stable buildings and other outbuildings currently in situ (as can be seen on aerial imagery and from the planning officers site photographs).
- 8.13 Paragraph 149(g) is explicit in that redevelopment of brownfield sites should not have a greater impact on the openness of the Green Belt.
- 8.14 As referenced above (para.137 of the NPPF), the fundamental aim of Green Belt policy is the prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.15 In assessing the acceptability of the proposal against the provisions of para 149g of the NPPF, the proposed building must be compared with that it replaces. In this respect the volume calculations have been provided in support of the proposal:
- Total floor area of existing buildings: 70.4m<sup>2</sup>
  - Total floor area of proposed building: 72m<sup>2</sup>
  - Total volume of existing buildings: 177.57m<sup>3</sup>
  - Total volume of proposed building: 198.08m<sup>3</sup>
- 8.16 It is noted that whilst the proposed dwelling will be somewhat larger in volumetric terms in relation to the development than that it replaces, in visual terms it would not be materially larger than that it replaces. The removal of the existing haphazard stables building and outbuildings appear cluttered on the site and removal would materially increase openness. The proposal will replace existing buildings with no architectural or historic merit. In addition, the proposed dwelling would be located on the same footprint as the existing stables but would be approximately 0.4m higher than the existing ridge height of the stables. Although marginally higher the proposal will still be limited to one storey in height.
- 8.17 Whilst the proposed dwelling would have a greater overall perceived mass and bulk than the existing outbuildings, arising from the concentrated block form of the building, it is considered that the proposal would not result in a disproportionate addition over and above the size of the original buildings. In this respect, the volume of the proposed building would not be disproportionate to the size of the original building and existing outbuildings on site.
- 8.18 In assessing harm to the openness of the Green Belt, consideration must be given to the spatial and visual impacts of the development. Whilst in both spatial and visual terms the dwelling of the size proposed would lead to a minor impact on openness this is not of such magnitude that it would cause any significant harm to the openness and visual amenities of this part of the Green Belt. Taking into account some of the very special circumstances set out above, there would be limited harm as outlined below.
- 8.19 By virtue of the above, the proposals would not be any more harmful to the openness of the Green Belt than the existing development. Being contained within the volume and footprint of the existing building and being of a sympathetic design within the rural character of the area. The proposed development would not encroach into the wider undeveloped areas of the Green Belt nor would result in sprawl.
- 8.20 Appropriate development does not cause harm to the openness of the Green Belt as recent case law has determined that, where development is found to be 'not inappropriate' when applying paragraphs 149 and 150 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green



Belt. Therefore on this basis the proposals are compliant with paragraph 149 (g) and paragraph 150 (d) of the NPPF and are considered to represent appropriate development within this area of the Green Belt and would not result in harm to its openness or character.

- 8.21 It is considered that there would be no demonstrable harm to the openness of the Green Belt from the resulting new building and land use change. The modest stable block and outbuildings sit neatly and discretely within the rural environment. In this regard, they are in keeping with a number of other ancillary buildings, also visible within the area.
- 8.22 The existing stables are tight to the boundary, in close proximity to the existing adjacent built form. The adjoining land within the site remains largely open and contributes positively to the green and spacious quality of the landscape in this location. Having said that, the proposal would not be visually prominent when viewed from the front of Luzley Road. When viewed from the open, undeveloped Green Belt to the rear of the site, the proposed building would be seen in the context of the existing dwellings known as the Whitehall Cottage and Whitehall House. The building would not be visually prominent nor interrupt any views through the site from the beyond adjacent farmland to the north, west and east. Accordingly, the proposed development would not have an unacceptable visual impact upon the openness of the Green Belt.
- 8.23 The building would be less sprawling than the existing development on site and it is considered that the proposal would not form a dominant or prominent addition to the landscape resulting in further encroachment.
- 8.24 Whilst there would be an increase in the domestic appearance of the land, this would not result in an urbanising effect, nor have an unacceptable material impact on the openness for the following reasons:
- The size and scale of the proposed building – the building of a low pitched roof will ensure the proposal is not substantially larger than the existing roof of the stables block.
  - The proposed timber cladding materials would ensure that the dwelling will blend into the surroundings giving a rural feel.
  - The existing access would be utilised.
  - Replacement hardstanding is proposed from tarmacadam to stone further providing the area with a more ‘rural’ feel than the existing situation.
  - In terms of landscaping, landscaping improvements are proposed in the form of hedging, shrubbery and trees which will further screen the development from the surrounding area and neighbouring properties.
  - The existing haphazard structures and buildings on site that give a cluttered feel and appearance will be removed.
  - The appearance of an untidy site would be improved if the above points are incorporated.
  - The proposed use would be compatible with other residential properties in the area and it is considered there are tangible impacts on the land noticeably improved environmental impacts.
- 8.25 As such, in spatial and visual terms, the proposal will not have a greater impact on the openness of the Green Belt than the development it replaces. Therefore, for the reasons outlined above, on balance, the development is appropriate in the Green Belt, and the principle is acceptable.
- 8.26 It would be appropriate in this instance to attach a condition to remove permitted development rights for extensions/additions/outbuildings; given that future additions would negate the ‘very special circumstances’ justifying inappropriate development in the Green Belt.

## **9. DESIGN**

- 9.1 Paragraph 130 states *“that planning policies and decisions should ensure that developments:*
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and,*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.”*
- 9.2 Paragraph 134 of the NPPF states that *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.*
- 9.3 UDP Policy C1 states *“In considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development”.*
- 9.4 UDP Policy H10 states *“The layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:*
- a) *a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and*
  - b) *suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and*
  - c) *suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas.*
- The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.*
- 9.5 Policy RD2 in the Residential Design SPD covers *general character considerations and is clear in their expectations of achieving high quality development that enhances a locality and contributes to place making taking into account the historic environment, proportions existing building styles.*
- 9.6 The proposed dwelling would be approximately 3.5 metres high. The dwelling will be constructed of (Larch or Cedar) vertical timber cladding with a zinc sheeting dark grey roof and grey uPVC/composite Windows and doors. The hardstanding area and footpaths within the curtilage are to be finished in stone.

- 9.7 Spaciousness and openness will be provided due to the generously sized garden to the south-west and open space to the sides, rear and front of the property which will contribute significantly to the visual quality of the area, and the pleasant rural nature of the site.
- 9.8 The form, bulk, design and materials would remain in keeping with its surroundings and inherent character of the existing building would be largely retained. The building will be sited on footprint of the existing stables and the LPA believe the proposal is a higher quality form of development than what is currently on site. Therefore the proposal would respect the design, scale, materials, character, appearance and proportions of the existing building and would preserve character and appearance of the surrounding area. The proposal is therefore considered to be acceptable in terms of design and is considered to be in accordance with the NPPF and policies C1 and H10 of the UDP and, Sections 11 and 12 of the NPPF.

## **10 RESIDENTIAL AMENITY**

- 10.1 Paragraph 130(f) of the National Planning Policy Framework states that *“Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 10.2 UDP Policy H10 states *“any proposed housing development will be required to be of high quality and to meet the following criteria: - (d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour.”*
- 10.3 Policy RD5 of the Residential Design SPD states *“Minimum Privacy Distances must be achieved”*.
- 10.4 Policy RD11 of the Residential Design SPD states *“Houses - all houses should have private amenity space of a size and function suitable for its intended occupants.”*
- 10.5 Policy RD12 of the Residential Design SPD states *“Communal areas should be a private space for residents. Spaces should be considered an element of the overall design. Areas should not comprise of a bland space adjacent to a car park. Where appropriate, areas should be secure. Spaces should enable multi-resident use.”*
- 10.6 Policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical housing standards - nationally described space standard document (THS).
- 10.7 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers.
- 10.8 Living Conditions for Existing Occupiers  
Policy RD5 of the Tameside Residential Design SPD states that *“There should be 10metres between a habitable room window to a single storey blank wall and a distance of 21 metres should be retained between an elevation containing habitable room windows and a corresponding neighbouring elevation that also contains a habitable room window.”*
- 10.9 The proposed dwelling will be sited at its closest point approximately 22metres away from Whitehall House and approximately 22metres away from Whitehall Cottage. There are no

windows proposed to the side elevation facing the above properties. As such, the proposed impact on these neighbours is considered acceptable.

- 10.10 Whilst there would be angled views to the rear garden of Whitehall House from the proposed habitable room windows, it is considered that there would be no significant loss of amenity currently enjoyed by the occupier of Whitehall House that would warrant refusal of the application noting the separation distance between the proposal and the neighbouring property.
- 10.11 Following the above assessment, it is considered that the proposal would not result in an adverse impact on the residential amenity of any of the neighbouring properties. The proposal is considered acceptable and compliant with policy H10 of the UDP policy, RD5 of the SDP, and Sections 11 and 12 of the NPPF.
- 10.12 Living Conditions for Future Occupants  
The technical standards (THS) recommend a minimum internal floor area of 70sqm for 2bed accommodation. 73sqm of internal floor area will be provided which meets the requirements of the THS.
- 10.13 Private amenity space is an essential part of the character and quality of the environment of residential properties. Commensurate with the size and type of dwelling, and the domestic activities it is intended to accommodate, residential properties usually require in-curtilage, private open space. In this instance the domestic activities will require private amenity space, sufficient in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out.
- 10.14 There is an extensive garden area that would provide a private outdoor space for future occupiers of the proposals and the private outdoor spaces proposed are considered acceptable in both size and appropriateness, to accommodate bin storage, clothes-drying and, sitting-out. Notwithstanding there is extensive areas of farmland. In addition the neighbouring property at Whitehall Cottage will still retain an adequate amount of private outdoor amenity space.
- 10.15 In terms of the residential environment that would be created the proposal is therefore considered compliant with policy H10 of the UDP; policies RD11 & RD12 of the SPD; and, Section 12 of the NPPF.

## **11 HIGHWAYS**

- 11.1 Paragraph 111 of the Framework states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 11.2 The LHA are satisfied that the access/egress from the existing access onto Luzley Road is satisfactory and meets the LHA requirements for max gradients of 1 in 14 and the visibility splays comply with Manual for Streets/LHA requirements.
- 11.3 Policy RD8 states that there should be a maximum of 2 car parking spaces for 2+ bedroom dwellings, this is also reiterated within policy T10 of the councils UDP. The submitted plan shows parking provision for 2 no. off street parking space within the redline boundary, which is in line with TMBC SPD requirements.
- 11.4 To promote sustainable modes of transport electric Vehicle Charging points are required for the development to be secured by condition.

- 11.5 The applicant must provide secure/covered cycle storage for the dwelling to LPCB LPS1175 Security Rating 2 standards, or similar approved for with sufficient space to access the cycles to comply with Policy RD10: Design of Cycle Parking - Tameside Residential Design Supplementary Planning Document, therefore provision for cycle storage will be conditioned.
- 11.6 The LHA are satisfied that the vehicle trips generated by the dwelling will not have not have in the LHA's opinion a residual cumulative impact on the road network that would be severe. Subject to the recommended conditions, the proposed impact on highway safety is considered acceptable and there are no objections from the highways engineers.

## 12. ECOLOGY & TREES

- 12.1 Paragraph 174 of NPPF states that *"Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
  - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
  - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*
- 12.2 No ecological report has been provided, the buildings proposed for demolition appear to be low risk for bats, being of timber construction with felt roofs, including sheds and similar outbuildings. These generally have lower potential to support roosting bats. Planning guidance advises that protected species surveys should only be required where there is a reasonable likelihood of the species being present, and impacted upon by the proposals. Therefore, in this instance, a bat survey is not required.
- 12.3 Bats and their roosts are protected by law, and can and do turn up in unexpected places. An informative could be attached to a grant of planning permission making the applicant aware of the legal protection that protected species such as bats receive, and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity.
- 12.4 A condition is recommended to ensure work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.
- 12.5 As referenced above, section 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Wherever possible measures to enhance the site for biodiversity should be secured. These conditions are considered to be necessary to encourage enhancements and net gains for biodiversity to be delivered through the planning system.
- 12.6 The proposal does not involve the removal of any existing significant trees or vegetation, there are however a swathe of trees and hedging along the northern and eastern boundary.
- 12.7 The proposed site plan indicates that 8.no trees are proposed along the eastern boundary shared with Whitehall House and Whitehall Cottage. As a result the impact on ecology and trees is considered acceptable.



### **13. ARCHAEOLOGY**

- 13.1 Policy C10 of the UDP states that *“Where development is proposed which could have an adverse effect on Scheduled Ancient Monuments or other nationally important remains, there will be a presumption in favour of physical preservation in situ. Development will not be permitted if it would cause material damage to the existing remains, nor detract from the aesthetic, historical or educational value of the site and its setting.*  
*Where development is proposed in other areas of known or suspected archaeological importance, the Council will ensure that:*  
*(a) provision is made for the prior investigation and evaluation of the site, and*  
*(b) facilities are made available for suitable inspection during site preparation, and*  
*(c) sites and monuments are not needlessly damaged or destroyed, and unavoidable damage is mitigated, and*  
*(d) preservation of the archaeological evidence in situ is the preferred solution, or if this is not justified, adequate provision is made for excavation and recording before and during development.*  
*Wherever practical, measures should be taken to facilitate the conservation, accessibility and interpretation of archaeological remains, in the light of the educational, recreational and tourism potential which they may have.”*
- 13.2 With regard to the below-ground archaeological potential of the site, again there are no sites listed within the site boundary, though GMAAS is aware of work that has recently taken place less than 200m to the north/north-west close to the electricity pylon on elevated ground above the site. A preliminary geophysical survey and evaluation via test-pitting has revealed the probable remains of a Bronze Age burial cairn with indications of a potentially extensive network of associated features. The site has potential to be of national importance, representing a previously unknown prehistoric landscape within this part of Greater Manchester, linking with other known Pennine-fringe sites in western Derbyshire and south-west Yorkshire. The elevated position of the cairn would have benefitted from relatively free-draining soils with good lines of sight to the valley basin to the west and the rising land to the east. Geophysical survey close to the cairn has not (as yet) identified anomalies that might be associated with any settlement, as these are likely to be on lower-lying ground closer to water sources, but the potential for being close-by the burial monument can not be ruled out.
- 13.3 Topographically there exists a shallow valley, potentially the former course of a stream, leading away from the proposed development site beyond the boundary to the south-west. The relatively level ground on which the development site is located, at the foot of the elevated ridge, represents an area of unknown potential.
- 13.4 GMAAS recommend that a carefully undertaken archaeological watching brief is maintained during groundworks associated with the development, particularly where any stripping of modern overburden will expose the natural land-surface beneath. This would allow for the identification and recording of any archaeological features and/or deposits that might be revealed, informing the necessity for any further stages of more detailed evaluation or excavation. As such there are no objections to the proposal subject to the recommended GMAAS condition to ensure that the archaeological works are undertaken.

### **14. DRAINAGE AND FLOOD RISK**

- 14.1 Paragraph 167 of the NPPF states *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”*
- 14.2 Policy U4 of the councils UDP states *“When considering proposals for development the Council will apply a risk based approach to the assessment of possible flooding.*

*In a sequential test taking into account the nature and scale of the development proposed, priority will be given to development in areas of little or no risk of flooding, over areas of low to medium risk, over areas of high risk. Within high risk areas, priority will be given to previously developed land, over undeveloped land, over functional flood plains.*

*The Council will consider, among other things, whether the development would be at direct risk of flooding, likely to increase the risk of flooding elsewhere, likely to obstruct the flow of flood waters, or likely to interfere with the integrity of existing flood defences.*

*Where, exceptionally, development is permitted in areas liable to flooding, appropriate flood protection and mitigation measures will be required as part of the development. Where practical, areas adjacent to watercourses will be preserved or created to allow access for maintenance purposes.”*

- 14.3 The site is located within flood zone 1 and is at the lowest risk of flooding. The applicant has not submitted a drainage strategy, however the impact on drainage and flood risk is considered acceptable in principle subject to the recommended condition from United Utilities and the LLFA, for the submission of 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.
- 14.4 Following the above, the proposals would not result in a detrimental impact on flood risk or drainage capacity.

## **15. GROUND CONDITIONS**

- 15.1 The site falls outside of the Coal Authority’s defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 15.2 Early mapping (mid – late 1800’s) shows the site and surrounding area as open fields. A building (possibly Whitehall house / cottage) and various outbuildings are shown immediately to the east. Historical mapping appears to show very little changes to the site or surrounding area although, a stables and number of outbuildings currently occupy the site.
- 15.3 The site and surrounding area may have been used for agricultural purposes. Potential contaminants associated with this use include herbicides and pesticides. It was also common historically for ash to be spread across agricultural sites to improve soil drainage and plant growth. Ash fill is often associated with a range of contaminants including heavy metals and PAH’s. There is also the potential for made ground to be present at the site, which is commonly associated with a range of contaminants similar to those of ash fills and asbestos. Depending on the nature and depth of any made ground present, it may also pose a ground gas risk. The stables may also have been used to store potentially contaminating materials or products.
- 15.4 When considering the potential contamination and ground gas issues discussed above, it is recommended that the conditions proposed by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable with regard to impacts on contaminated land.

## **16. OTHER MATTERS**

- 16.1 There is no planning history for the construction of the stables and three outbuildings on this site, there has also been extensive hard-standing on site along with the creation of an access and erection of an access gate without planning permission.

- 16.2 Google earth images and aerial view images over a time period dating back to 2009 and taken into account the comments, details and photographs received from a member of the public and the applicant appears that the site has successively been developed over a period of 13 years. No enforcement complaints regarding the buildings on site, hard-standing and access gate have been received.
- 16.3 The agent has confirmed that the first stable block (timber frame clad in corrugated sheet) was completed in 2013. Stable 2 (flat base of flags and timber framework) was built in 2017 with a further food store also built in 2014.
- 16.4 Section 171B of the Town and Country Planning Act 1990 states that in the case where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed. Of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- 16.5 On the balance of probability taking into account the evidence, all of the operational development including hardstanding works appear to have been completed in excess of four years from when the application was made. As such, the construction of the stables, three outbuildings, hard-standing, creation of an access and erection of an access gate without planning permission are exempt from enforcement action.
- 16.6 The Council's Environmental Health team have reviewed the proposal and raised no objection subject to the recommended condition of construction/conversion works within appropriate hours (to protect the amenity of the area/nearby residential units). Bin storage has been provided on the submitted site plan. As such, the proposal is considered appropriate in relation to environmental amenity concerns.
- 16.7 The loss of a private view and the devaluation of a property are not material planning considerations.

## **17. PLANNING BALANCE AND CONCLUSION**

- 17.1 The Council cannot demonstrate a five-year supply of deliverable housing sites in a recently adopted plan or in any annual position statement, as is required by paragraph 75 of the NPPF. In turn, the test in the 4th bullet point of paragraph 11 applies, so that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 17.2 The application proposes the erection of a 1no. detached dwelling within the Green Belt. The construction of new buildings in the Green Belt is considered inappropriate subject to one of the exceptions within policy 149 of the National Planning Policy Framework being met.
- 17.3 As explained within section 8 of the report – Principle of Development, the development comprises '*limited infilling or the partial or complete redevelopment of previously developed land*' and is therefore 'appropriate' having regard to the exceptions set out in Paragraph 149 (g) of the NPPF. Therefore the principle of development is considered acceptable.
- 17.4 The design and scale of the development is appropriate for this location and surrounding area. The applicant has responded positively to early suggestions of design improvement following the submission of pre-application, and it is considered that the development would be appropriate visually noting the existing site settings.

- 17.5 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and the considerable distance between residential uses.
- 17.6 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 17.7 There are no objections to the proposals from the statutory consultees in relation to the proposals subject to the recommended conditions. The comments from neighbouring properties are noted however, it is considered that the neighbouring properties would not be subject to an unacceptable level of amenity that would warrant refusal of the application.
- 17.8 Overall, the proposal is considered to comply with the development plan and the NPPF, for the reasons set out in the report, and therefore Paragraph 11 of NPPF requires the development to be approved without delay. As such, it is recommended that planning permission is granted subject to recommended conditions. In accordance with policies outlined in the UDP and the National Planning Policy Framework.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

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

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

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

Location Plan - Dwg no : 1433-A-LOC  
Existing Site Plan, Existing Floor and Elevation Plans - Dwg no : 1433.100  
Proposed Site Plan, Proposed Floor and Elevation Plans - Dwg no : 1433.200 Rev : B  
Supporting Planning Statement

For the avoidance of doubt and to ensure that the development complies with the following saved Policies of the adopted Tameside Unitary Development Plan :

Policy OL1: Protection of the Green Belt  
Policy OL2: Existing Buildings in the Green Belt  
Policy OL10: Landscape Quality and Character  
Policy C1: Townscape and Urban Form  
Policy C10 Development Affecting Archaeological Sites  
Policy H4: Type, Size and Affordability of Dwellings  
Policy H10: Detailed Design of Housing Developments  
Policy T1: Highway Improvement and Traffic Management  
Policy T7: Cycling  
Policy T10: Parking  
Policy N4: Trees and Woodland  
Policy N5: Trees within Development Sites  
Policy N7: Protected Species  
Policy MW11: Contaminated Land  
Policy U3: Water Services for Developments  
Policy U4: Flood Prevention  
Policy U5: Energy Efficiency and the National Planning Policy Framework (NPPF).

- 3) The materials of external construction shall be identical in appearance to those specified on the submitted application form and plans. The development shall be carried out in accordance with the approved details. Unless otherwise approved in writing by the local planning authority.

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

- 4) No part of the dwelling hereby approved shall be occupied until details of the secured cycle storage provision to serve the dwelling have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

Reason: To ensure adequate cycle storage.

- 5) As indicated on the approved plan, 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 and shall be retained as such thereafter. which complies to the requirements listed below:-

The specification of the charging points installed shall:

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

Reason: To promote sustainable modes of transport.

- 6) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the National Planning Policy Framework.

- 7) Notwithstanding the provisions of the Schedule 2, Part 1 of the of the Town and Country Planning (General Permitted Development) Order 2015) as amended, no development involving enlargements such as side/rear extensions, alterations to roofs, dormer windows or the construction of buildings surrounding the house (the 'curtilage') as permitted by Classes A to F and H of Part 1 of Schedule 2 of the Order shall be carried out.



Reason : In order that any proposals for future extensions/alterations can be assessed in the interests of safeguarding the openness of the Green Belt and neighbour amenity, in order to ensure compliance with Policies OL1 'Protection of the Green Belt', 'OL2: Existing Buildings in the Green Belt' and Policies C1 'Townscape and Urban Form' and H10 'Detailed Design of Housing Developments' of the Tameside Unitary Development Plan.

- 8) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
    - i - an archaeological watching brief undertaken during groundworks
  2. A programme for post investigation assessment to include:
    - i - analysis of the site investigations records and finds
    - ii - production of a final report on the investigation results.
  3. Deposition of the final report with the Greater Manchester Historic Environment Record.
  4. Dissemination of the results commensurate with their significance.
  5. Provision for archive deposition of the report and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 9) No development above ground level shall commence until details of Biodiversity enhancement measures to be installed as part of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification of the installations and scaled plans showing their location within the development. The approved enhancement measures shall be installed in accordance with the approved details, prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason: To ensure that biodiversity enhancements are secured to mitigate the environmental impacts of the scheme in accordance with paragraph 174 of the National Planning Policy Framework.

- 10) 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: In order to protect the amenities of nearby residents in accordance with Unitary Development Plan policies 1.12 and H10.

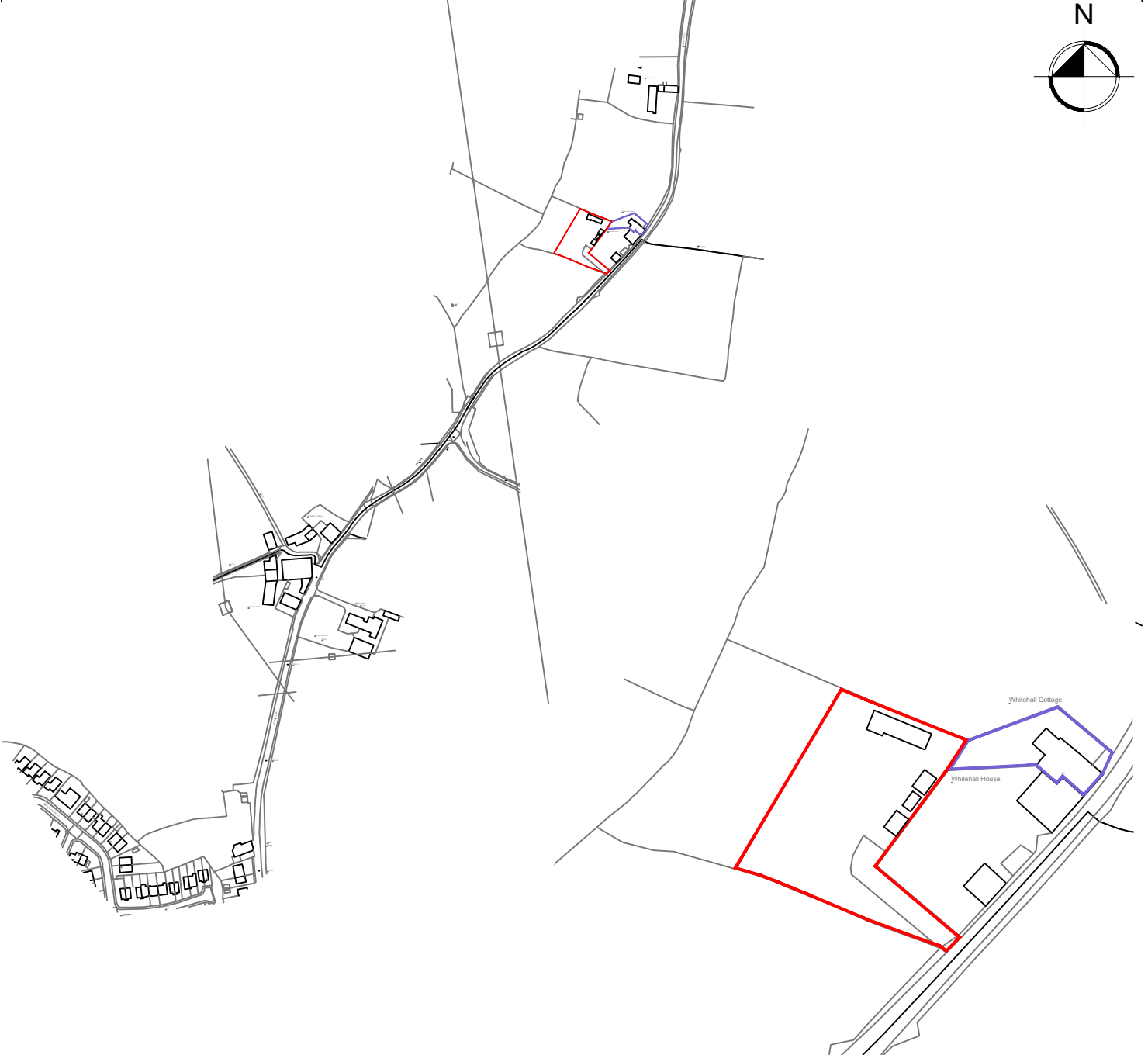
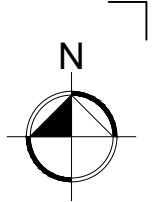
- 11) No works other than the excavation of the foundations and / or piling works for the development shall be undertaken at the site until the CLS2A Contaminated Land Screening Form has been submitted to, and approved in writing by the Local Planning Authority (LPA). Where necessary, a programme of investigation (including soil analysis and/or ground gas monitoring) shall be undertaken at the site in order to enable an assessment of the risks posed by contamination to be carried out. The proposed scheme of investigation shall be agreed with the LPA prior to being undertaken.

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to, and approved in writing by, the LPA. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been appropriately implemented. The approved remediation scheme(s) shall be fully implemented and a verification / completion report demonstrating this and that the site is suitable for its proposed use shall be submitted to, and approved by, the LPA.

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

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

1:5000 500m



1:1250 125m



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Client

Mr & Mrs I Ward

Project Title

Whitehall Cottage, Luzley Road,  
Ashton Under Lyne. OL6 9AJ

Drawing Title

LOCATION PLAN

Drawing Number

1433-A-LOC

Date

09.06.2021

Scale

1:5000  
1:1250

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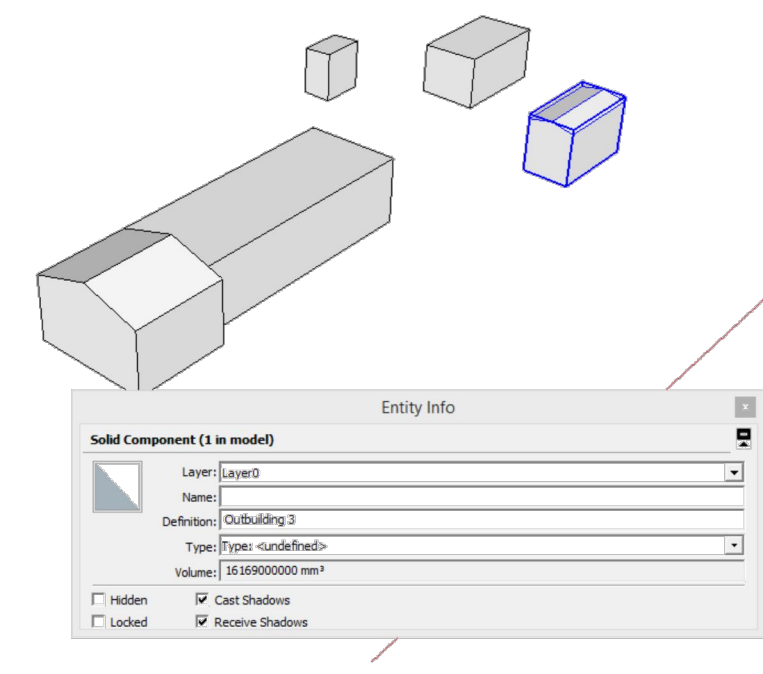
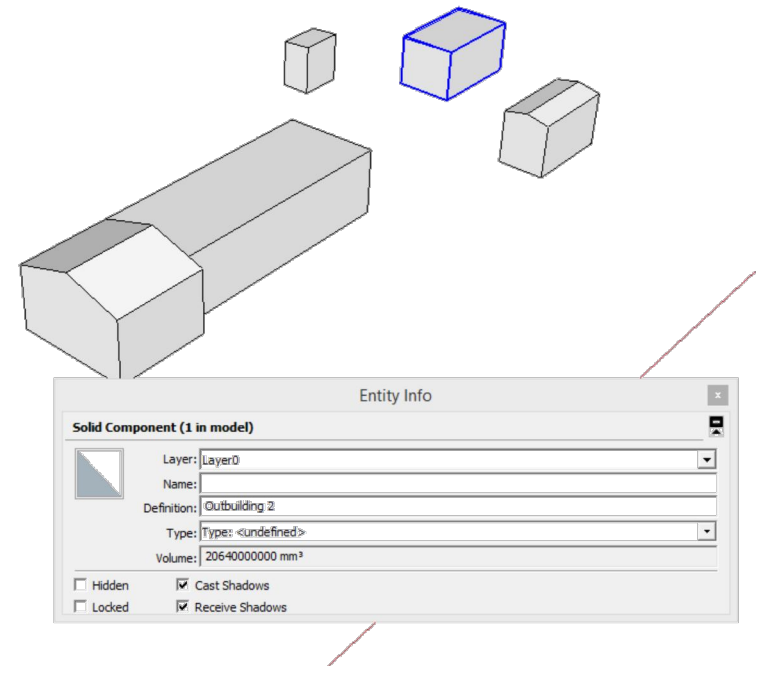
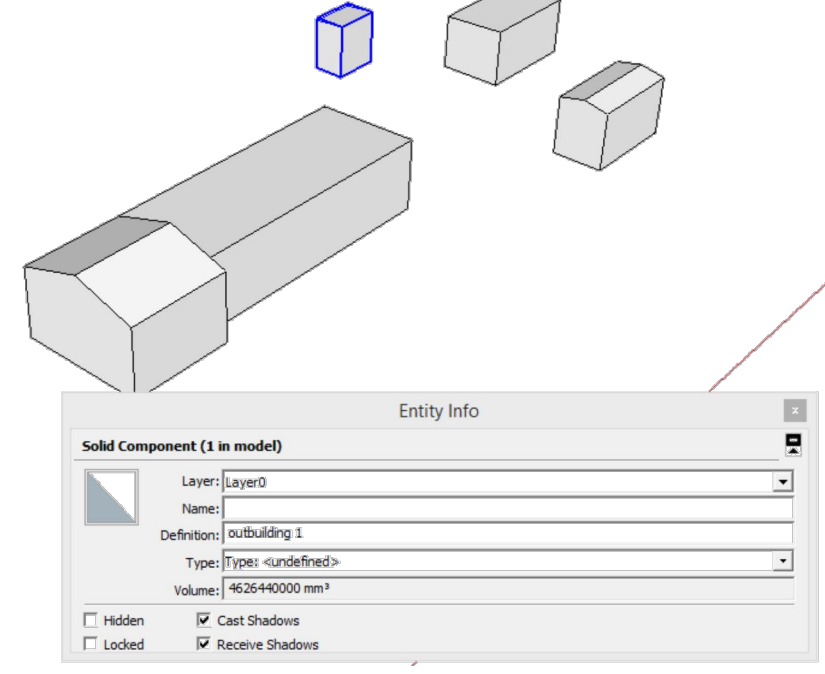
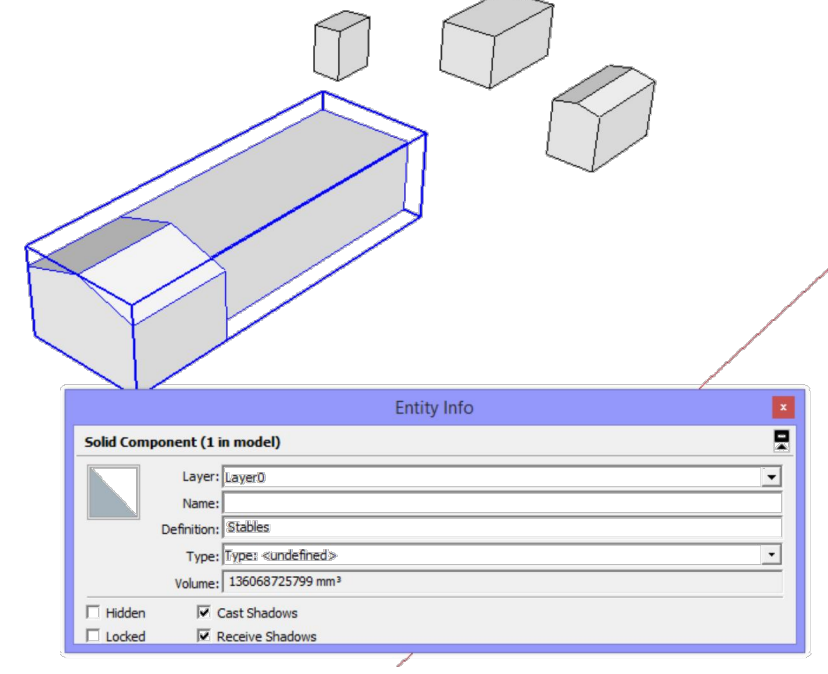
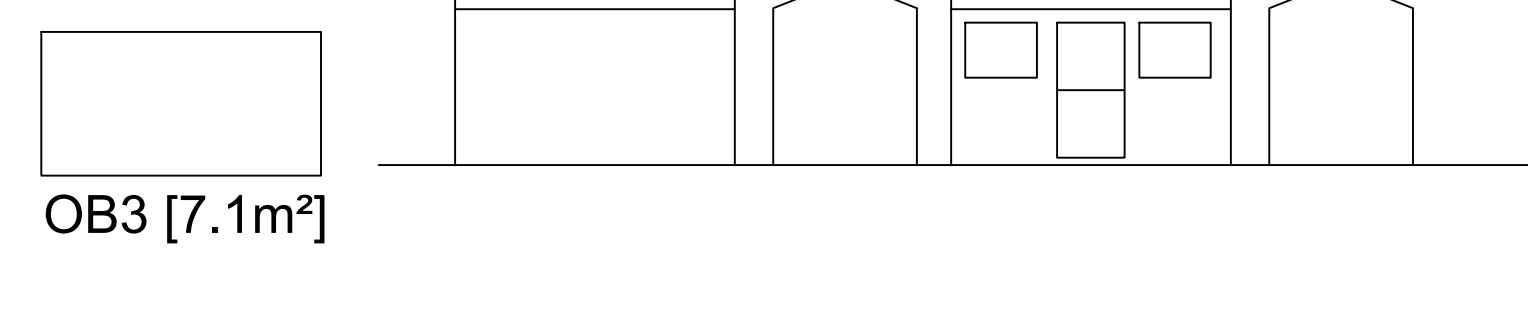
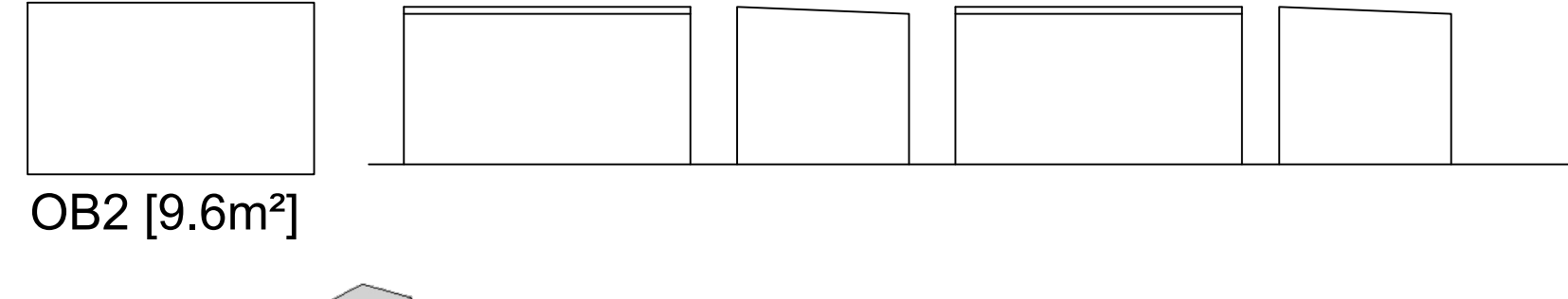
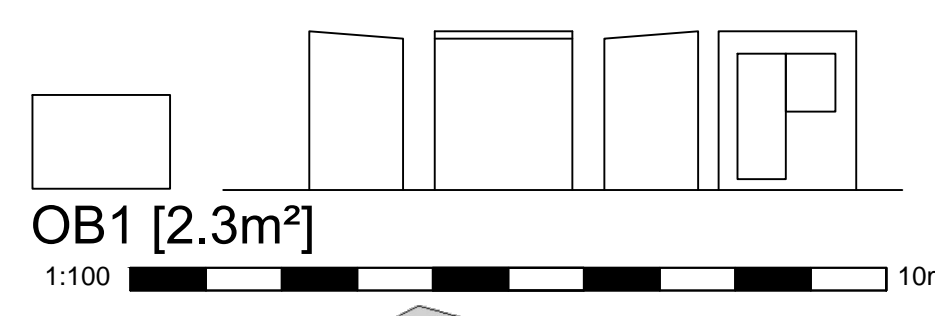
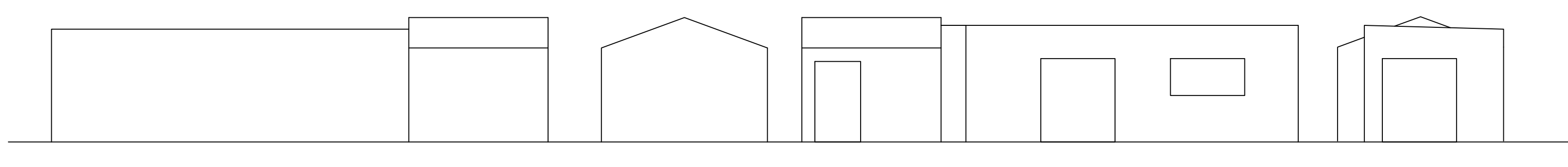
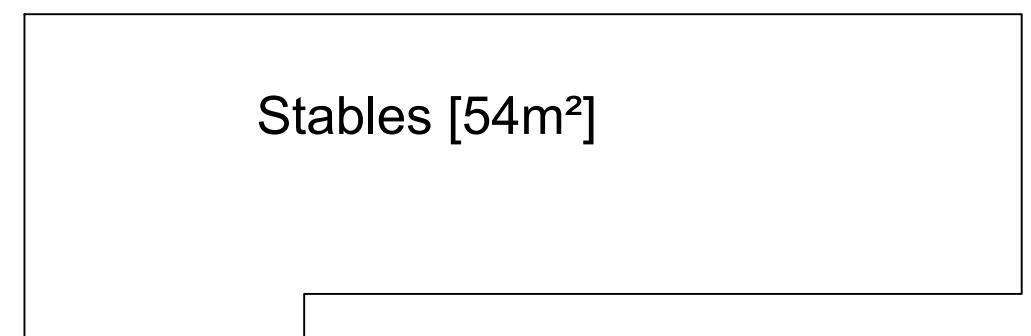
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Notes

Total Floor Area of Existing Buildings = 70.4m<sup>2</sup>  
 Total Volume of Existing Buildings = 177.57m<sup>3</sup>  
 Max height of buildings = 3.4m

Revision	Date	Note



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Client  
 Mr & Mrs I Ward

Project Title  
 Whitehall Cottage, Luzley Road, Ashton Under Lyne. OL6 9AJ

Drawing Title  
 Existing Site Plan & Buildings

Drawn MS Checked Date 16.07.2021

Drawing Number 1433.100 Scale 1:50 @ A1 1:100 @ A3 Revision

Drawing Status  
 Information Draft Approval Tender Construction As Built



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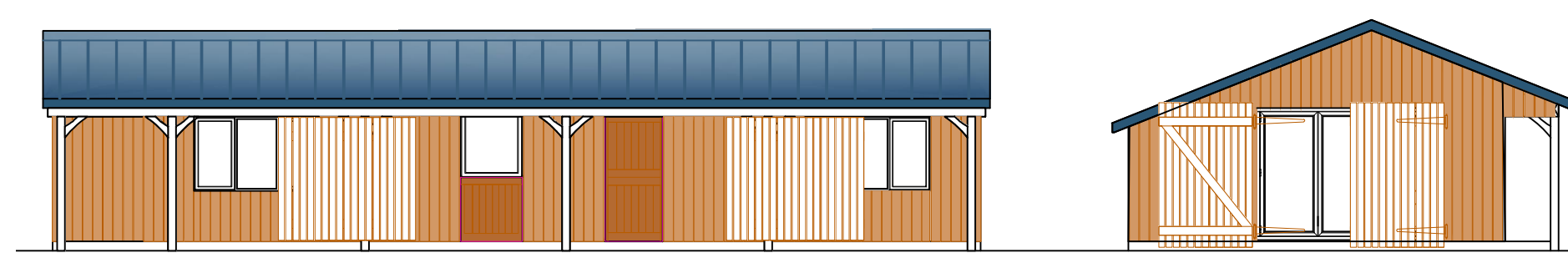
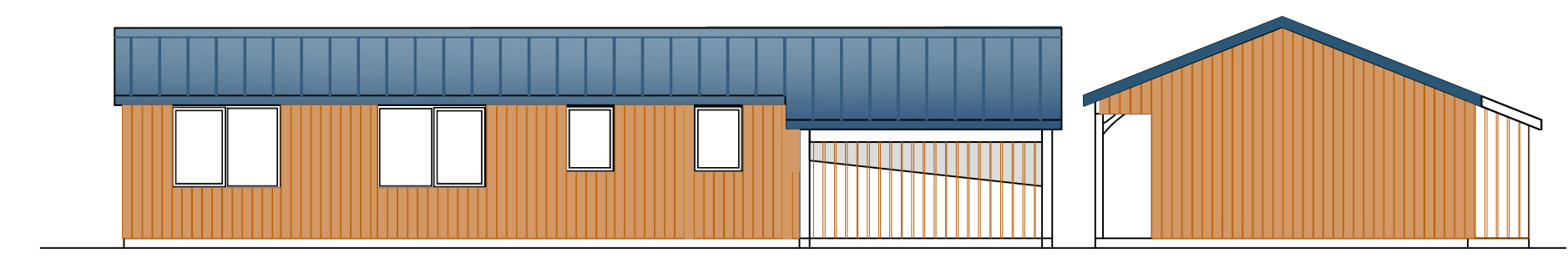
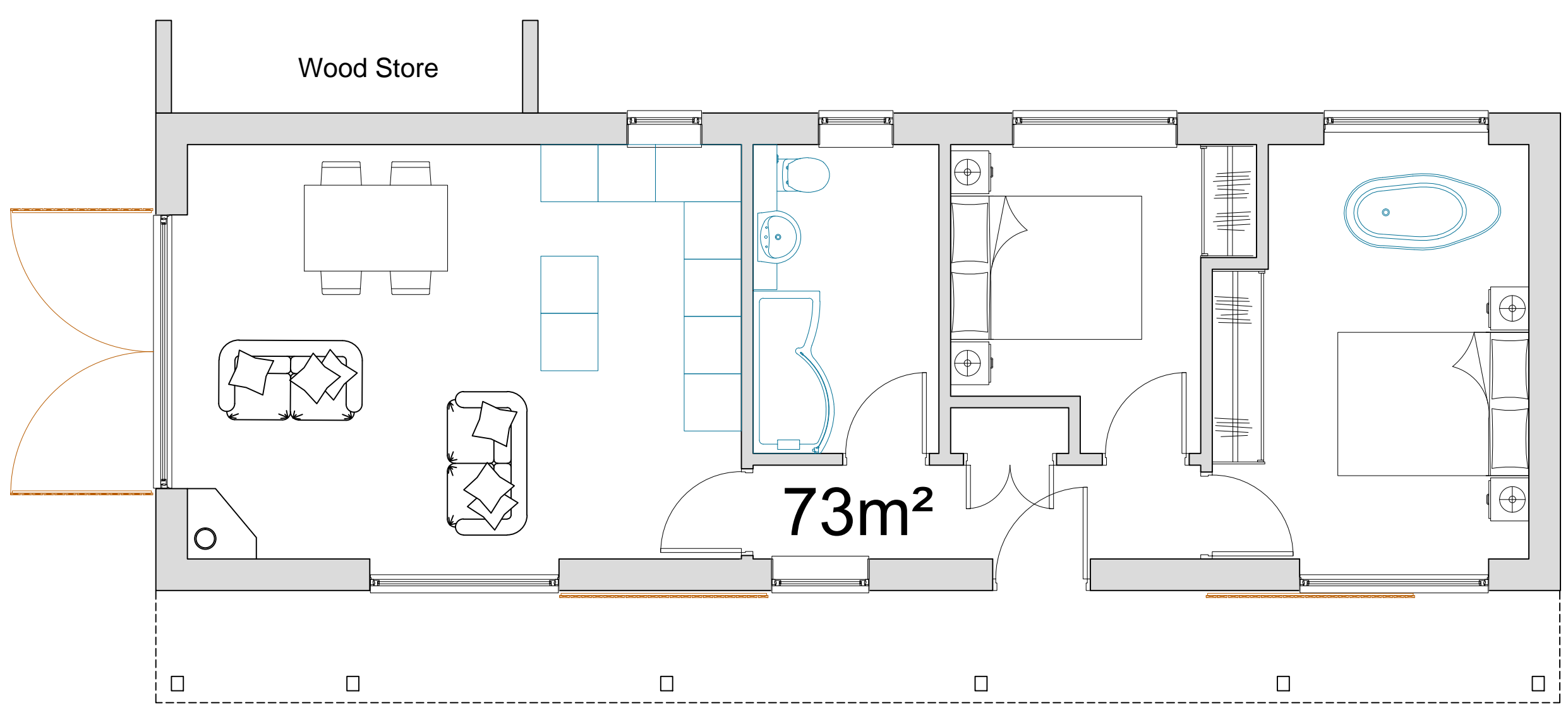
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Notes

Total Floor Area of Existing Buildings = 73m<sup>2</sup>

Revision	Date	Note

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**GREENSKY ARCHITECTURE**

Architecture / Interior Design / Planning / Code for Sustainable Homes / BREEAM / Sustainability / Energy Assessors

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Client  
Mr & Mrs I Ward

Project Title  
Whitehall Cottage, Luzley Road, Ashton Under Lyne. OL6 9AJ

Drawing Title  
Proposed Plans

Drawn MS	Checked	Date 16.07.2021
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Drawing Number <b>1433.200</b>	Scale 1:50 @ A1 1:100 @ A3	Revision <b>B</b>
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Drawing Status Information	Draft	Approval	Tender	Construction	As Built
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Application Number 22/00565/FUL

**Demolition of existing stables/structures and erection of 1 Residential Dwelling.**

Photo 1: Aerial view of site



Photo 2: Existing stables buildings and Proposed Footprint of the building





**Photo 3: Existing Outbuildings, Trees and hedging along the boundary shared with Whitehall House**



**Photo 4: View to the south-west from the existing stables**





**Photo 5: View from the south-west to the site**



**Photo 6: Views from the site to the neighbouring properties**





**Photo 7: Existing Access**

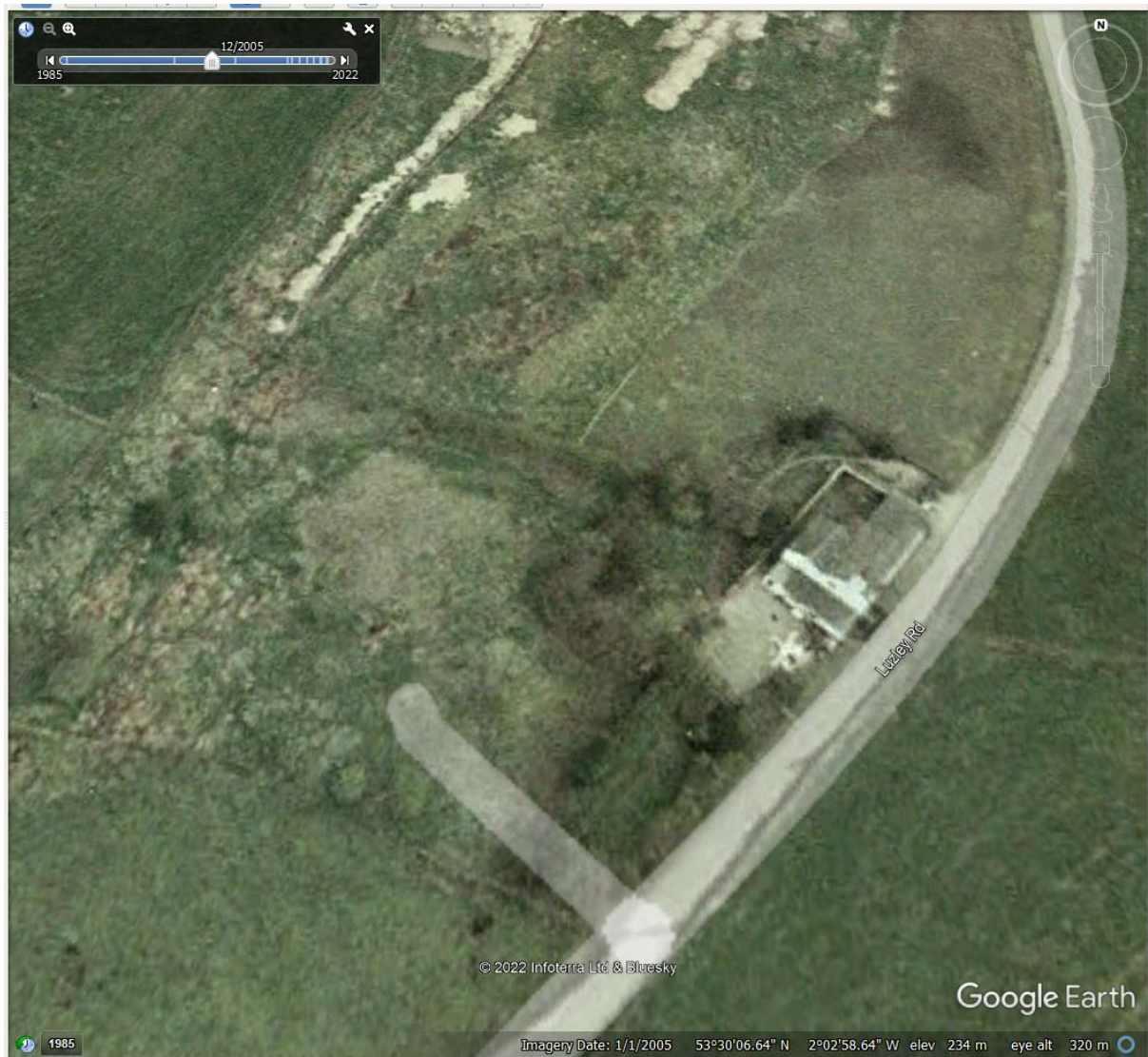


**Photo 8: View from the site to the North-West**

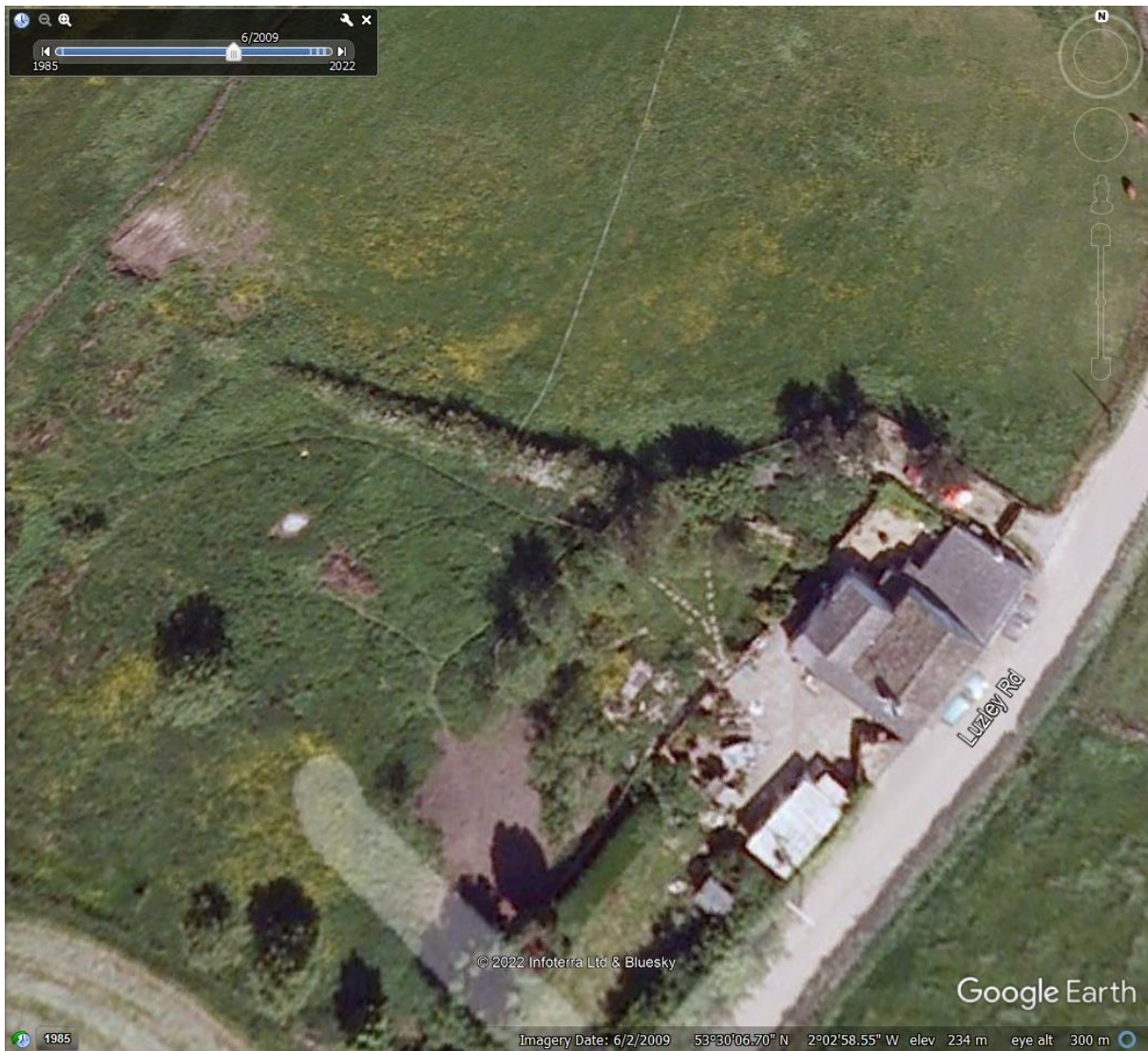




2005



2009



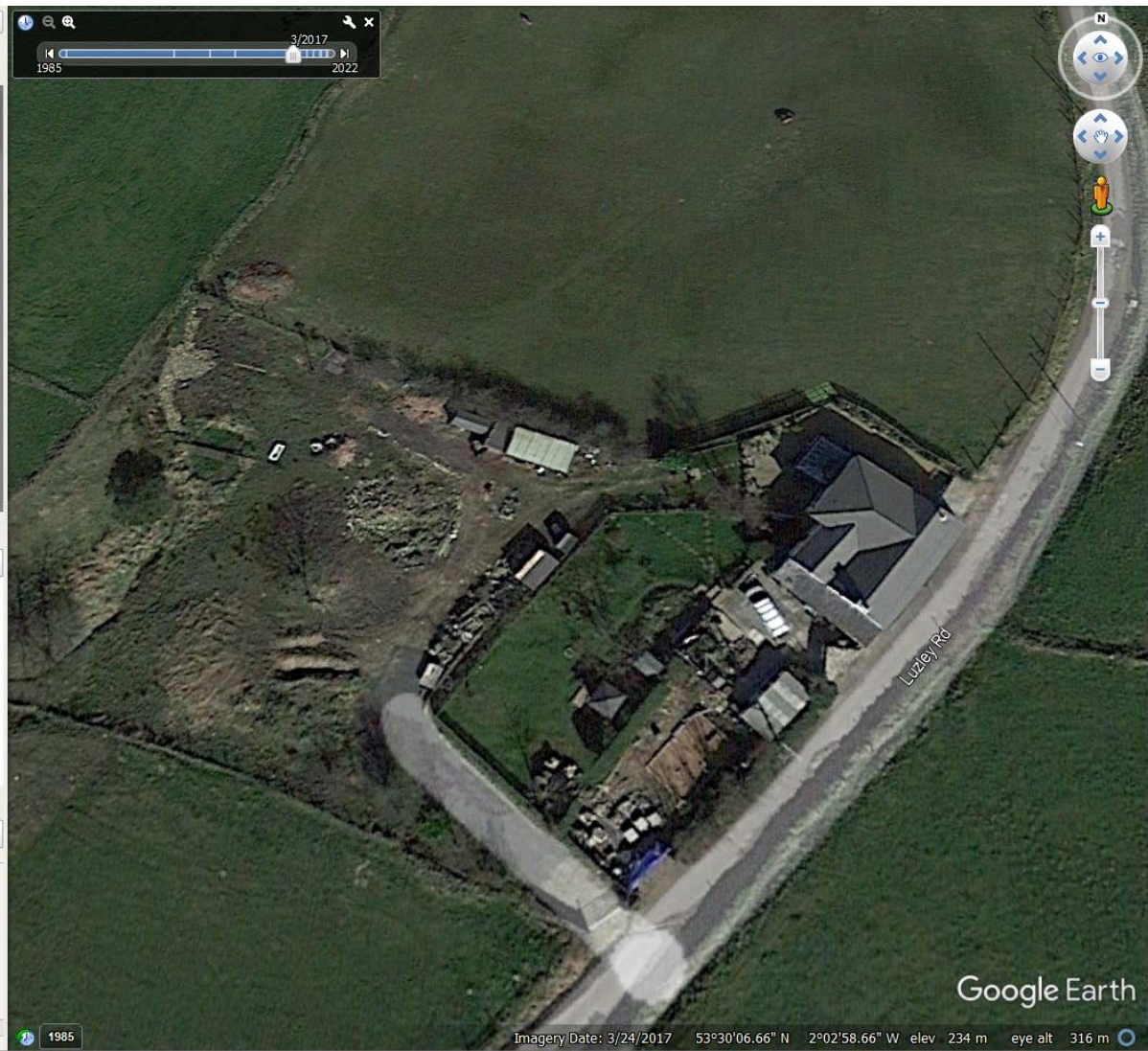


2016





2017





**2009**



**2010**





**2011**



**2019**



<b>Application Number</b>	22/00723/FUL
<b>Proposal</b>	Change of use of land to accommodate 4 yurts to be used for rental glamping holiday purposes, refurbishment of derelict building to washing facility, use of existing car park and toilet facility and associated works.
<b>Site</b>	Top Shippon, Home Farm, Hill End Lane, Mottram, SK14 6JP
<b>Applicant</b>	Mr Francis Cheetham-Roberts
<b>Recommendation</b>	Grant planning permission, subject to conditions.
<b>Reason for report</b>	A Speakers Panel decision is required because the application has been advertised as departure.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The application relates to land at Home Farm, Mottram. The site is accessed from Hill End Lane which links Mottram Road to the south west with Gorsey Brow to the North East. Home Farm comprises a collection of buildings located at the end of a private road located to the north of Hill End Lane. The private road also serves as the access to a row of terraced cottages.
- 1.2 The farm supports an established livery, there is a ménage and stables located to the south west of the building, surrounding fields to the north are used openly for grazing. Vehicular access to the the stables/livery is taken via separate access located to the north of the farm entrance. The road runs parallel to a public right of way and terminates at a car park and area of land which is used for open storage.
- 1.3 The application would utilise the stable entrances and parking area. It includes land to the south west of the ménage, there is an abandoned stone built building which sits at the head of a small woodland and a pond.
- 1.4 The nearest residential properties to the woodland are those fronting Home farm avenue to the south. Properties fronting Broadbottom Road are located to the west.

## **2. PROPOSAL**

- 2.1 The application seeks full planning permission for a change of use of land to accommodate 4 yurts to be used for rental glamping holiday purposes.
- 2.2 The proposals seek to utilise the existing car park and toilet facilities which serve the livery business, the yurts would be erected within the woodland. The existing derelict building would be renovated as bathhouse and shower facility.
- 2.3 The application states that the campsite will provide four secluded and spacious yurts aimed at providing a relaxing retreat to the countryside. They are to be spread evenly through the woodland area providing space and privacy for guests. The structures are to sit on raised wooden decking approximately 5.5 metres (m) in diameter and will be approximately 5m in diameter by 2.5m in height. The yurts would comprise of a wooden frame covered with a

brown or green canvas. The Yurts are designed to accommodate a maximum of 5 people. Walkways between yurts and the facilities will be laid on the existing ground and denoted with subtle solar powered lighting. The communal area will contain a fire pit and will be covered by an open canvas. As all these structures will be temporary, there is no requirement for existing or proposed elevations.

2.4 The application is supported with the following documents:

- Design & Access Statement;
- Preliminary Ecological Appraisal.

### **3. PLANNING HISTORY**

3.1 08/00855/FUL – Proposed division of main farmhouse into 2 dwellings including extension into attached stable block, conversion of remaining stable block into 2no. 2 bedroom dwellings and conversion of separate outbuilding into garages for dwellings – Granted.

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

#### **Development Plan**

4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012). The site is unallocated bordering the Green Belt and SBI which are located immediately to the west.

#### Tameside Unitary Development Plan (2004)

#### **4.5 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;



- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

#### 4.6 **Part 2 Policies**

- OL2: Existing buildings in the Green Belt
- OL6: Outdoor Sport, Recreation and Play Space Developments
- OL10: Landscape Quality and Character
- OL11: Support for Agriculture
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- C10: Development Affecting Archaeological Sites
- N3: Nature Conservation Factors
- N4: Tree and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

#### **Places for Everyone**

4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### **Other Considerations**

4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a major development by neighbour notification letter, display of a site notice; and advertisement in the local press.

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

- 6.1 A total of 6 representations have been received, 4 in objection and 1 in support. The reasons for which are summarised as follows:

### 6.2 General

- Conflict with land use Policy
- Out of character
- Sets a precedent
- How will the site be managed
- The Council refused planning permission for a temporary summer house and pergola at Hill End Cottages against Green Belt policy.

### 6.3 Amenity

- Noise and disturbance to properties on Home Farm avenue and Hill End cottages
- Impairment on views
- Loss of privacy/overlooking
- Development will generate additional waste/litter

### 6.4 Drainage

- Concerns that there will be an increase in surface water run-off from additional hardstanding.

### 6.5 Environment

- Increase in light pollution
- Concerns about impacts upon wildlife from the associated disturbance
- Concerns that the development will extend and potentially become a housing site

### 6.6 Highways

- Car parking at the livery is already limited and overspill will end up on Hill End Lane to the detriment of existing residents access and safety

### 6.7 Support

- Supportive of the proposed application but would like the plans to include consideration of appropriate signage to the campsite to ensure visitors that do not mistakenly try to access the campsite via the track directly in front of Hillend Cottages.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Contaminated Land – Recognised that there is potential for onsite contaminated associated with former industrial processes which have taken place at the site. No objections to the principle of the sites redevelopment subject to conditions relevant to further assessment and remediation where appropriate.

- 7.2 Environmental Health Officer (EHO)– No objections, recommend conditions relevant to construction times and provision of an electric vehicle strategy.

- 7.3 Greater Manchester Archaeology Advisory Service (GMAAS) – Recommend that a historic building record is undertaken prior to refurbishment or adaptation of the derelict structure. The building recording would provide a point-in-time record of the structural layout of the building, enable the creation of a plan to understand any relative phasing of structural elements, whilst historical research into the development of the farm complex would add context to help ascertain its construction date and function.
- 7.4 Greater Manchester Ecology Unit (GMEU) – Reviewed the submitted ecology information and confirm acceptance the survey methodology. No objections raised. Conditions are recommended relevant to tree protection, external lighting, protection to breeding birds and landscaping details.
- 7.5 Local Highway Authority (LHA) – No objections subject to conditions.
- 7.6 Lead Local Flood Authority (LLFA) – Recommend that further investigations are undertaken in to the use of SUDS/Infiltration techniques. Recommend pre-commencement conditions requiring submission of further drainage information.
- 7.7 Peak and Northern Footpath Society – Comment that they see no problems with LON 84. Advise that the parking area must not encroach on the PROW LON83. Tameside have just installed a kissing gate where LON 83 crosses the lane, part of our joint funding with Tameside to replace stiles with gates. We would not want any interference with the definitive lines and the “kissing gate”.
- 7.8 Tree Officer – No objections, no trees are proposed to removed and there should be no adverse impact upon the retained woodland.
- 7.9 United Utilities (UU) – No objections

## **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 NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions 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 The site is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 148 of the NPPF states

that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 also states that a Local Planning Authority should regard the construction of new buildings as 'inappropriate' in Green Belt. Exceptions to this include the 'provision of appropriate facilities for outdoor sport, outdoor recreation' as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 9.2 The siting of new buildings within the Green Belt is identified as inappropriate development. A yurt is not a permanent structure and so would not be classed as a 'building' for planning purposes. With exception of the yurts, all other elements to the proposals involve the reuse or adaptation of existing structures which is compliant with Green Belt policy. In addition, the NPPF does permit the provision of facilities for outdoor sport and recreation, camping would fall within the tolerance of the exception.
- 9.3 Section 6 of the NPPF places significant weight on the need to support economic growth and productivity by taking a positive approach to sustainable new development. Amongst other things, paragraph 84 specifies that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. It is noted that decision-makers should recognise that sites to meet local business and community needs in rural area may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunity to make a location more sustainable.
- 9.4 UDP Policy OL6 is supportive to outdoor recreation and play space development, this could extend to tourism related activities. The policy states that such uses will be permitted provided that, inter alia, no unacceptable impact upon the living conditions/amenity of existing residents occurs, suitable parking and access arrangements can be secured, buildings are of a suitable appearance and landscaping would be of a suitable quality where necessary. Policy OL11 is broadly supportive to the diversification of established farm enterprises where it is demonstrated that such operations help to secure investment or secure the future of the agricultural activity and where any new building respect the character and quality of the existing area.
- 9.5 The subtext of policy OL6 recognises the importance of tourism and its contribution to the local economy where this is clearly also supported at a national level in the NPPF. There are no comparable camping facilities within the borough, the proposals would represent a small and somewhat niche facility and would offer a type of popular accommodation. The location would seem to be well suited to support the enterprise recognising the level of existing onsite infrastructure, location to amenities within Broadbottom Village, location to the Peak District and easy access to Manchester via train. The site is within an enclosed area of countryside which would be suited to the proposals and in accordance with aforementioned policies. More strategically, the application would be in accordance with the Councils economic aspiration and desire to attract visitors to the Borough.
- 9.6 Due to the nature and occupation of the Yurts, it would be necessary to impose planning conditions upon any permission to ensure that they are not occupied as any person's sole or main place of residence. In addition it seems reasonable to restrict use/occupation to 10 months in a calendar year. Subject to such provisions, the proposals are justified and acceptable. However, this is subject to assessing the impact of the proposal upon the openness of the Green Belt and other material considerations below.

## **10. DESIGN & LANDSCAPE IMPACT**

- 10.1 The NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This is consistent with policy OL10 (Landscape Quality and Character) as well as the reference to landscaping and design considerations within policies OL6, OI11. All proposals are required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects to the character, history and setting of a settlement or area. Policies N3, N4, N5 and N7 relate to the natural environment and the need to protect nature and not adversely impact on the environment.
- 10.2 The scale of the proposal is not considered to be significant. Across the 4 yurts the maximum occupancy of the site would be 20 people. Each pitch would contain a yurt tent sited on a small timber decking area, the pitches would be sited within the woodland area thereby screened from surrounding view. The proposed yurts are temporary accommodation and it would be a requirement that they are removed/taken down during non-operational months. The provision of the bathhouse would see the conversion of a former agricultural building to a shower room and onsite toilet facilities also currently exist. The works to the bathhouse would include the reinstatement of stone wall and the addition of a green roof which will help it to blend to its surroundings. The presence of existing car parking facilities at the established livery mean that there would be no associated landscape impact.
- 10.3 Objections have been raised in the representations received from local residents expressing concerns about the location and appearance. The established landscaping would provide significant screening to the pitches from the nearest residential properties, the Yurts themselves would assimilate within the landscape owing to the canvas finish in natural colours. Full details of the management of existing and details of proposed landscaping can be conditioned, to ensure suitable levels of screening are retained as well as seeking to improve the overall ecological value of the site whilst providing an attractive environment for guests. There is a public right of way running to the north of the site beyond the car park. Footpath users would inevitably catch glimpses of the proposal but this would largely be mitigated by existing and proposed landscaping.
- 10.4 Additional landscaping can also include details of the surfacing of communal areas and footpath connections to parking and welfare areas. There is no reason to suggest that these areas cannot be designed sensitively using natural materials which respect the local environment and vernacular. The provision of these areas, along with any associated ancillary paraphernalia (signage, seating, litter bins) would not be significant.
- 10.5 The siting of the yurts, welfare facilities and car parking would be located within established 'contained' areas which would not have a significant landscape impact insofar as they would not form notable features. For these reasons, it is considered that the proposal would not have an undue impact of the landscape character and visual amenity and would therefore accord with the relevant provisions of the Local Plan and NPPF.

## **11. RESIDENTIAL AMENITY**

- 11.1 The location of the pitches is separated from properties within Home Farm and Hillend Cottages. The nearest residential properties are located to the south on Home Farm Avenue and west Broadbottom Road. The yurts would be approximately 60m from dwellings on Home Farm Avenue which are also located at a lower level. Established hedgerows, trees and ponds separate the two sites meaning that views and associated activity would be screened. The properties to the west are located over 80m away and are also at a lower level. The presence of mature trees and hedgerows provides screening and containment. Buildings associated within the livery/farm are located to the north of the site.
- 11.2 The Environmental Health Officer has been consulted on the proposal and has raised no objection in terms of noise / nuisance. The planning statement states that the yurts would be



targeted at families and couples and not large groups. The size of the proposed yurts would be consistent with this. It is not considered that the provision of four pitches in the stated location would give rise to unacceptable noise levels over and above what is established from the existing farm/livery. Existing and proposed planting would have the dual function of providing an element of acoustic benefit. The applicant is aware that management of the site would need to be controlled and that rules relevant to noise and conduct would be enforced.

- 11.3 With reference to light pollution and comments received, it is not considered that the lighting levels emitted from inside the proposed yurts or along walkways would be overly intrusive to result in any undue impact on residential amenity. However, to ensure full consideration a lighting strategy for the site can be controlled by condition.

## **12. HIGHWAYS AND ACCESS**

- 12.1 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 The proposed development would be accessed via the existing entrance onto Hill End Lane which leads to the car park serving Home Farm livery and stables. Car parking for the yurts would be provided within the existing facility, the existing entrance would be widened by 4.8m for a length of 10m from the established entrance on to the Lane, this would allow vehicles to enter and pass one another without disturbance with existing highway users.
- 12.3 Vehicle movements associated with the use are not deemed to be significant. It's also noted that the accommodation may appeal to walkers, cyclists and equestrian users recognising the rural location and connectivity to established routes, Broadbottom train station is also accessible.
- 12.4 The LHA has been consulted on the proposal and has raised no objection to the proposal subject to the imposition of conditions which require the access and parking area to be provided prior to the use commencing and for the parking spaces to be designed to enable electrical charging.

## **13. LANDSCAPING, TREES & ECOLOGY**

- 13.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. As previously acknowledged, the majority of the site was hard surfaced.
- 13.2 With respect to biodiversity, GMEU are supportive of the recommendations within the preliminary survey which has been undertaken. The management and landscaping of the site can secure on site biodiversity net gains aligned to the development plan policies and the NPPF.
- 13.3 The landscaping can include locally native species to benefit and maintain wildlife connectivity in addition there will be ecological value in the form of bird and bat boxes within the site.

## **14. OTHER MATTERS**

- 14.1 Drainage: The site is located within flood zone 1 with safe access and egress routes. The nature of the proposals would not result in a material increase in surface water runoff. There are no issues raised in respect drainage and flood risk.
- 14.2 Heritage: There are no recorded assets within the vicinity of the site. GMAAS have shown interest in the former agricultural building which is to be converted. A condition is recommended relevant to the restoration and investigation into the buildings previous use.
- 14.3 Public Rights of Way: There are designated rights of way to the north of Home Farm which pass by the car parking and link to Broadbottom Road. There would be no infringement to users of the rights of way arising from the development.

## **15. CONCLUSION**

- 15.1 The proposals would provide for the 'provision of appropriate facilities for outdoor recreation' in line with local and national planning policy. The proposal would complement the existing livery use at Home Farm and also provide a niche form of accommodation which would promote tourism to the benefits of the local economy. The proposals are considered to be acceptable in terms of impact upon the visual amenity and openness of the Green Belt.
- 15.2 Subject to the imposition of conditions relevant to the occupation and landscaping of the site there would be no undue harm to local amenity and it is not considered that the level of traffic that would be generated by the proposal would have an unacceptable impact on the safe operation of the local highway network.
- 15.3 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.

## **RECOMMENDATION**

That Members grant planning permission for the development, subject to the following:

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.

P001 Site location plan  
P001-1-03 Proposed Layout  
P001-13-04 Proposed Bathhouse, Layout , elevations & Floorplan  
Preliminary Ecological Assessment Oct 2021

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

3. Prior to their installation, full details and/or samples of the external facing finishing materials proposed to be used on the bathhouse building shall be submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details/samples so approved.

Reason: To ensure that the proposed development is in keeping with the character of the area and does not harm the setting of the non-designated heritage asset.

4. No external lighting to the development shall be installed at the site unless first submitted to and approved in writing by the Local Planning Authority. Any proposal would need to detail the location and specification of the lighting, supported by a contouring plan demonstrating any light spill into adjacent habitats. The lighting proposals shall be informed by the project ecologists, installed in accordance with any approved details and similarly maintained thereafter.

Reason: In the interests of local amenity and to minimise harm to biodiversity.

5. The yurts hereby approved shall be used for holiday/recreational purposes only. The yurts should shall not be occupied as a person's sole or main place of residence at any time.

Reason: For the avoidance of doubt, to ensure the development is used appropriately to increase the supply of holiday/recreational accommodation on the site and to safeguard the appearance of the Green Belt.

6. No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
  1. Informed by the updated North West Regional Research Framework, a phased programme and methodology of investigation and recording to include:
    - a) historic research into development of the farm and associated structures
    - b) historic building recording of the derelict structure (Historic England Level 2 to 3)
    - c) informed by the above, a watching brief during development groundworks that may reveal further detail to be added to the record
  2. A programme for post-investigation assessment to include:
    - a) analysis of the site investigation records and finds
    - b) production of a final report on the significance of the archaeological and historical interest represented.
  3. Deposition of the final report with the Greater Manchester Historic Environment Record.
  4. Dissemination of the results commensurate with their significance.
  5. Provision for archive deposition of the report and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 205 - Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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, boundary treatments and surface materials. The approved hard landscaping details shall be implemented in accordance within an agreed schedule to also be approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP OL10 Landscape Quality and Character and the openness and character of the Green Belt.

8. The car parking spaces and access improvements to serve the development hereby approved shall be laid out as shown on the approved site plan ref P001-1-05 prior to the first

occupation of that development and shall be retained free from obstruction for their intended use thereafter.

Reason: To ensure that the development has adequate car parking arrangements in accordance with UDP Policy T10 Parking.

9. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve the holiday accommodation 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 holiday accommodation being brought into use coming into use 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.

10. A clear view shall be provided at the junction of the proposed private road with Hill End Lane. Its area shall measure 2.4 metres along the centre of the proposed road and 33 metres along the edge of the roadway in Hill End Lane. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no walls, fences, other means of enclosure, temporary or otherwise, shall be erected without the prior express permission of the Local Planning Authority.

Reason: In the interests of visual amenity and landscape character in accordance with UDP policy OL10.

12. The development hereby permitted shall not be brought into use until evidence of installation of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. These enhancements should include but not limited to bat boxes, hibernacula, grassland management and hedgerow planting which shall be retained for the duration of the use.

Reason: To ensure that the development does not adversely impact protected species.

13. No development (including demolition or site clearance) shall commence until a construction and environmental management plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP must cover the following issues and any other matters the local planning authority reasonably requires:

- The eradication of invasive species present on the site;
- Details of reasonable Avoidance Measures to be implemented on site to prevent harm to mammals and amphibians during construction;
- Precautionary measures to avoid any adverse impacts on legally protected species such as badgers, hedgehogs, bats and nesting birds; and
- Protection to watercourses/bodies.

Development of the site shall not proceed except in accordance with the approved method statement which shall be adhered to at all times.

Reason: In the interests of biodiversity to ensure sufficient protection in accordance with polices N5: Trees Within Development Sites and N7: Protected Species.

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

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to nesting birds in accordance with polices N5: Trees within Development Sites and N7: Protected Species

15. Prior to occupation of the development / use hereby permitted, an electric vehicle charging design for the customer car park shall be submitted for approval in writing by the Local Planning Authority. The charging strategy shall include the minimum of one charging point which comply to the requirements listed below:-

The specification of the charging points installed shall:

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

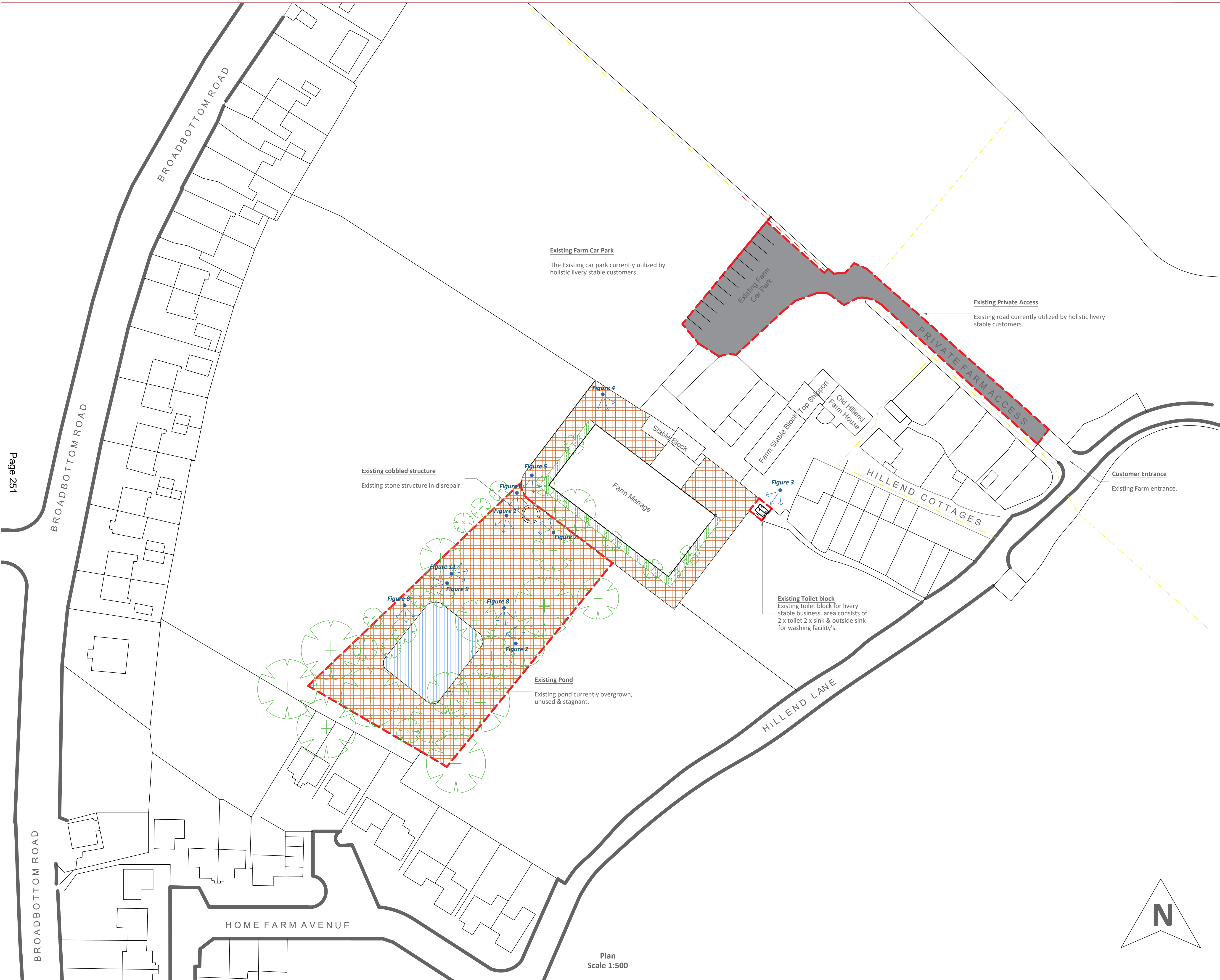
Reason: To promote sustainable travel and site accessibility.







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**Key:**

- Public Footpath
- Site Foot Access Route
- Site Boundry
- Unmade Ground
- Grassed Area
- Existing Hardcore Area
- Photograph Position & Direction

- Notes:**
- Refer to section 3 - supporting document for existing site photographic survey.
  - All drawings to be read in conjunction with the planning application P001.
  - Refer to section 6 - supporting document [P001] for the project drawing register

Rev.	Description	Drn.	Ckd.	Date

**Postal Address:**  
 Top Shippon  
 Home Farm, Hillend lane  
 Mottram  
 Hyde  
 Cheshire  
 SK146JP

**Contact Details:**  
 Francis Cheetham-Roberts - 07794706298  
 Christopher Cheetham-Roberts - 07768182137

The Design shown on this drawing is the property of THE WOODS AT HOME FARM and must not be communicated, disclosed or copied without permission.

Drawing Title:

**HOME FARM - EXISTING LAYOUT**

Client:  
**TAMESIDE MBC - PLANNING & BUILDING CONTROL**

Project Title:  
**THE WOODS AT HOME FARM ECO FRIENDLY CAMPSITE**

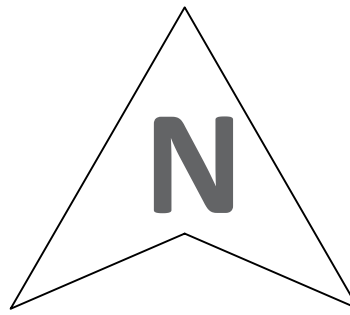
Purpose of Issue:  
**Approval**

Application Ref: P001	Original Sheet Size: A1	Date of 1st Issue: 11/11/2020
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Drawn by: CCR	Checked by: FCR	Scale: AS-SHOWN
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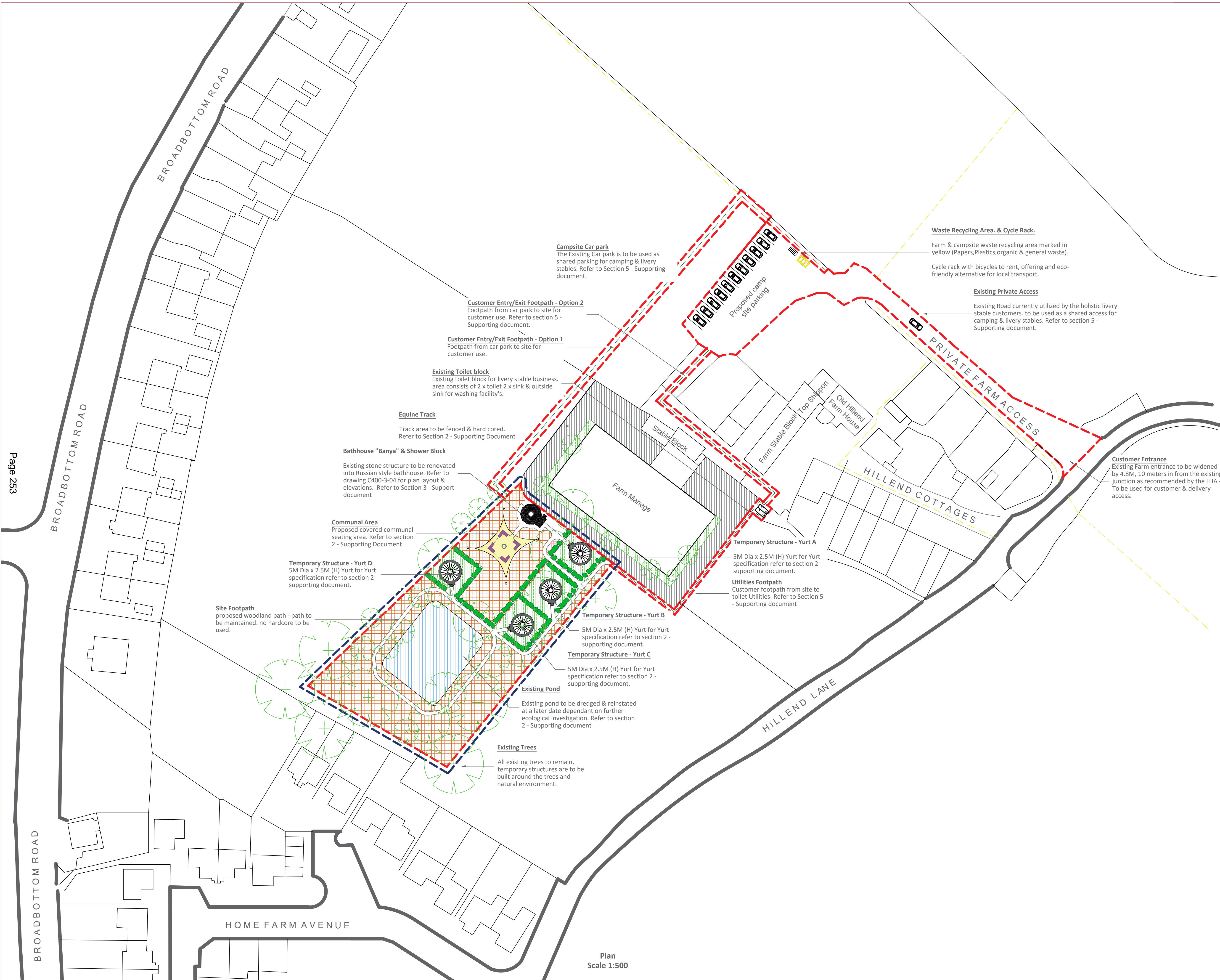
Drawing number: **P001-1-02** Rev:

Plan  
 Scale 1:500



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**Key:**

- Public Footpath
- Site Foot Access Route
- Site Boundry
- Land Owned By The Proposed Business Partners
- Unmade Ground
- Grassed Area
- Planted Area
- Waste Recycling Area
- + Existing Trees

- Notes:**
- All drawings to be read in conjunction with the planning application P001.
  - Refer to section 2 - supporting document [P001] for proposed design
  - Refer to section 4 - supporting document [P001] for context & green belt considerations
  - Refer to section 5 - supporting document [P001] for logistical considerations
  - Refer to section 6 - supporting document [P001] for the project drawing register

Rev.	Description	Dm.	Ckd.	Date

**Postal Address:**  
 Top Shippon  
 Home Farm, Hillend lane  
 Mottram  
 Hyde  
 Cheshire  
 SK146JP

**Contact Details:**  
 Francis Cheetham-Roberts - 07794706298  
 Christopher Cheetham-Roberts - 07768182137

The Design shown on this drawing is the property of THE WOODS AT HOME FARM and must not be communicated, disclosed or copied without permission.

**Drawing Title:**  
**THE WOODS AT HOME FARM - PROPOSED LAYOUT**

District:  
**TAMESIDE MBC - PLANNING & BUILDING CONTROL**

Project Title:  
**THE WOODS AT HOME FARM  
 ECO FRIENDLY CAMPSITE**

Purpose of Issue:  
**Approval**

Application Ref: P001	Original Sheet Size: A1	Date: 04/11/2020
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Drawn by: CCR	Checked by: FCR	Scale: AS-SHOWN
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Drawing number: P001-1-03	Rev:
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Plan  
 Scale 1:500



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Application Number 22/00723/FUL

Change of use of land to accommodate 4 yurts to be used for rental glamping holiday purposes, refurbishment of derelict building to washing facility, use of existing car park and toilet facility and associated works.

---

Photo 1: Location of site: Home Farm Holistic Livery



Photo 2: Location of Yurts





**Photo 3: Site Entrance**



**Photo 4: Current Car Park to livery**





**Photo 5: Central area within the woodland**



**Photo 6: Derelict building to be converted**



**Photo 7: View Looking North**



<b>Application Number:</b>	22/00836/FUL
<b>Proposal:</b>	First floor side extension.
<b>Site:</b>	28 Angel Close, Dukinfield, SK16 4XA
<b>Applicant:</b>	Mr & Mrs Dawson
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision has been requested by a member of the Council.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application relates to a two storey, semi-detached dormer bungalow sited within the cul-de-sac of Angel Close, Dukinfield. The application property is brick-built with a gable roof above and benefits from an existing single storey side extension and detached garage to the rear. There are gardens to both the front and rear with off-street parking to the side.
- 1.2 Angel Close is a suburban minor street comprising of a mixture of both detached and semi-detached dwellings. No.29 Angel Close adjoins the application property to the north, with the common boundary shared with the front gardens of nos 26 and 27 Angel Close adjacent to the west. The rear boundary is shared with Dukinfield Cricket Club, allocated as Protected Green Space within the Tameside UDP.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the erection of a first floor side extension and a porch extension to the front elevation.
- 2.2 The first floor side extension will be constructed above the existing single storey side extension.
- 2.3 The first floor side extension has a width of approximately 3.6m and a length of approximately 7.3m. The proposed extension has a pitched roof with a total height of approximately 7.1m and an eaves height of approximately 3.4m. Flat roof dormers are proposed to both the front and rear of the extension, with both dormers projecting approximately 1.7m front the roof slope of the proposed side extension. Windows are proposed to the front and rear and the extension.
- 2.4 The proposed porch extension matches that approved as part of a previous application under reference 22/00374/FUL, projecting approximately 1.8m from the existing front wall and with a width of approximately 2.3m. The porch has a gable roof above with a total height of 3.4m and an eaves height of approximately 2.9m.

## 3. PLANNING HISTORY

- 3.1 22/00374/FUL New off road parking to front, front porch and single storey rear extension – Granted 6 June 2022

- 3.2 03/00151/FUL Proposed conservatory to rear – Granted 9 April 2003
- 3.3 93/00662/FUL Erection of single storey extension on side elevation – Granted 5 July 1993

#### **4. PLANNING POLICY**

##### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 **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.

##### **Development Plan**

The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

##### Tameside Unitary Development Plan (2004)

- 4.5 **Tameside Unitary Development Plan (UDP) Allocation**
- 4.6 Unallocated, within the Ashton Waterloo Ward
- 4.7 **Part 1 Policies:**
- 1.3: Creating a Cleaner and Greener Environment;
  - 1.5: Following the Principles of Sustainable Development
- 4.8 **Part 2 Policies:**
- H10: Detailed Design of Housing Developments
  - C1: Townscape and Urban Form

##### **Supplementary Planning Documents**

Residential Design Guide Supplementary Planning Document:

- RED1: Acknowledge Character
- RED2: Minimum Privacy and Sunlight Distances
- RED3: Size of Rear Extensions
- RED5: Design of Side Extensions
- RED6: Design of Dormers
- RED9: Front Extensions

#### 4.9 **National Design Guide (2021)**

Illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

#### 4.10 **Places for Everyone**

The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

#### 4.11 **Other Considerations**

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## 5. **PUBLICITY CARRIED OUT**

- 5.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notification letter. A site notice was also displayed.

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



- 6.1 In response to the neighbour notification letters, there have been 3 representations received, two of which are from the same household one and including one call in request from Councillor Taylor. The following concerns have been raised within individual objection letters, which are summarised as follows:

Design issues:

- Development too big
- Visual amenity

Amenity issues:

- Impact on privacy, overlooking overshadowing and loss of light

*Other matters:*

- Noise and hours of operation
- Concerns regarding access due to site traffic

## **7. RESPONSES FROM CONSULTEES**

- 7.1 No consultees were consulted on this application.

## **8. ANALYSIS**

- 8.1 The main issues to consider in the determination of this application are:
- The principle of the development;
  - Design and local character and
  - Residential amenity.

## **9. PRINCIPLE**

- 9.1 The site is unallocated, is a residential property and a proposed extension to the property would maintain the residential intensity of the site and subject to design/ amenity considerations, as outlined below. The proposal is therefore acceptable in principle subject to both design and amenity.

## **10. DESIGN AND APPEARANCE**

- 10.1 Policies C1 and H10 of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of surrounding fabric and relationship between buildings and that housing developments should be of high quality, complementing and enhancing the character and appearance of the surrounding area.
- 10.2 Policy RED1 of the Residential Design Guide Supplementary Planning Document requires that proposals should apply an architectural style that reflects the existing dwelling and surrounding area and should not alter the scale and mass of the existing dwelling. Policy RED5 states that side extensions must align with their surroundings in terms of mass and scale and should be setback by a minimum of 1m at upper floors or 0.5m over both ground and upper floors in order to reduce a terracing effect and ensure existing scale and mass is retained; in some cases a greater setback is required to maintain an acceptable mass. Dormers to a property frontage will only be considered where the standards and guidelines of SPD Policy RED6 are met. Policy RED6 states that dormers must not:
- Detract from the character of the street / surrounding area;
  - Set an unwanted precedent;

- Fail to complement the existing roof scape of the surrounding area;
- Fail to align with the architectural style of the host dwelling and/or surroundings.

Policy RED9 sets out detailed principles for front extensions, acknowledging that they must not disrupt the existing building line, align with the architectural style of the property and surrounding area and so are not detracting, inappropriately proportioned, and does not impact on the neighbours outlook or natural light.

- 10.3 The application property is an existing dormer bungalow. The street scene along Angel Close is characterised by similar detached dwellings and pairs of semi-detached dormer bungalows. The proposed side extension is to be constructed above an existing single storey side extension, incorporating dormer extensions to both the front and rear of the proposed extension.
- 10.4 The proposed side extension is set back from the main front elevation of the existing house by approximately 200mm with the roof of the proposed extension set down from the main roof ridge, clearly identifying the proposed extension as a new addition to the host dwelling.
- 10.5 Although the set back of the proposed extension will not meet the requirements set out in SPD Policy RED5, the extension will not create a terracing effect in this instance due to the siting and orientation of the application property in relation to neighbouring properties, nos 26 and 27.
- 10.6 The use of a gable roof is an appropriate roof type, complementing the existing gable roof to the host dwelling. Proposed materials and fenestration are to match the existing throughout, which is suitable and reduces any impact the first floor side extension would have on the character and appearance of the host dwelling and the surrounding area.
- 10.7 Dormers are not encouraged at a property's frontage. They may be considered acceptable if they meet standards and guidelines as set out under SPD Policy RED6
- 10.8 The precedent of front and rear roof dormers already exists in the surrounding area, with dormer bungalows defining the character of Angel Close. As such, the dormers proposed to the front and rear of the first floor side extension would reflect the roof scape of the surrounding area.
- 10.9 The design of the front and rear dormers is acceptable, stepped back from the front eaves of the application property and in from the side of the roof plane. The overall height of the dormers is lower than the ridge height of the application property.
- 10.10 The proposed dormers to the front and rear mirror the architectural style of the dwelling and surrounding area, do not take up an unacceptable proportion of the front, nor the rear roof slope and are to be built with materials and fenestration that align with that of the existing dwelling. As such, the proposed dormers are acceptable on balance.
- 10.11 The proposed front porch extension would not disrupt the row of properties on Angel Close, given they are sited in a staggered form. Given its modest size/scale, the front porch would not dominate the building's façade. Further, there are several examples of front porch extension in the surrounding area. For these reasons, the proposed porch is not considered out of character or appearance within its context, in line with SPD policy RED9.
- 10.12 Overall, the proposed additions/alterations to the application property are considered to be acceptable, complying where appropriate with SPD Policies RED1, RED5, RED6 and RED9 and Policies C1 and H10 of the adopted Tameside UDP and the NPPF.

## 11. RESIDENTIAL AMENITY

- 11.1 Paragraph 130 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.
- 11.2 Locally, the adopted Tameside UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing.
- 11.3 In addition, Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD) contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties. Policy RED2 establishes guidelines for privacy and sunlight distances; in order to ensure that developments do not cause unacceptable overshadowing, loss of natural light, or reduce privacy to neighbouring properties, minimum distance allowances have been implemented between new extensions and existing properties. If a neighbour has an existing extension and this is the nearest habitable room window, the rule should be applied from the extension.
- 11.4 The Council acknowledges the concerns/objections that have been raised by neighbouring residents.
- 11.5 The first floor side extension adjacent to the boundary shared with neighbouring properties, nos 26 and 27 Angel Close projects approximately 3.6m from the existing sidewall with a total height of approximately 7.1m and an eaves height of approximately 3.4m. Windows are proposed to both the front and rear.
- 11.6 In respect of SPD Policy RED2, the distance between neighbouring properties, nos 26 and 27 and the sidewall of the proposed extension meets the requisite separation distance as outlined within RED2.
- 11.7 The ground floor window to the front elevation of the existing side extension of the neighbouring property, no.27 Angel Close is noted and is understood to serve a habitable room (bedroom).
- 11.8 Due to the orientation of the application property in relation to neighbouring property, no.27 Angel Close, SPD Policy RED2 requires a separation distance of 7m between the rear facing opening of the proposed first floor side extension and the window of the nearest habitable room within the existing side extension of no.27. It is noted that the separation distance between the rear facing opening of the proposed extension and the nearest habitable room window of no.27 is in excess of 16m, thereby complying with SPD Policy RED2.
- 11.9 For the aforementioned reasons, the proposed first floor side extension would not be expected to significantly harm the outlook from neighbouring occupiers, or result in a loss of privacy, outlook or natural light.
- 11.10 Owing to the small scale and size of the front porch, Officers are satisfied that the proposal would not cause undue harm to the amenities of the neighbouring residents and would be compliant with policies RED2 of the SPD.
- 11.11 The proposed windows/openings meet separation distances as outlined in Policy RED2 and the proposed extensions/alterations are not expected to cause undue harm to the amenities of the neighbouring residents.
- 11.12 In light of the above, the proposal is deemed acceptable, having regard to the standards and guidelines set out under SPD Policy RED2 and Policy H10 of the adopted Tameside UDP and the NPPF.

## RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted must begin 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, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following amended plans/details:  
2022-003-001 Plans and Elevations as Existing and Location Plan (received by the Council 15 August 2022)  
2022-003-002 Plans and Elevations as Proposed and Block Plan (received by the Council 15 August 2022)

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, RED3, RED5, RED6 and RED9 of the Tameside Residential Design SPD; Policies C1 and H10 of the Tameside UDP).

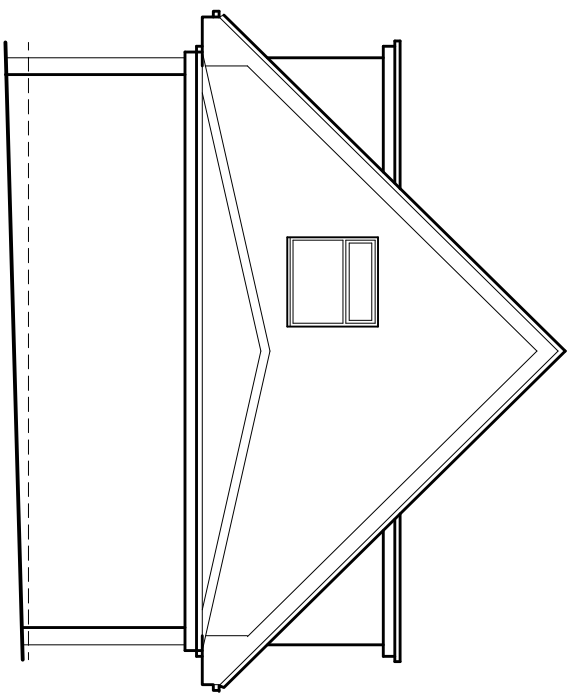
3. The external materials shall match those used in the existing building.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1: Townscape and Urban Form.

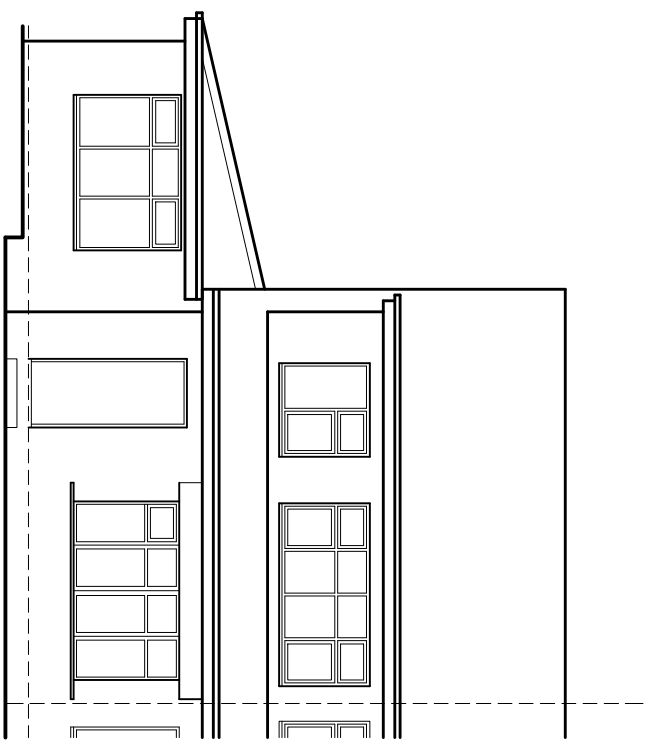
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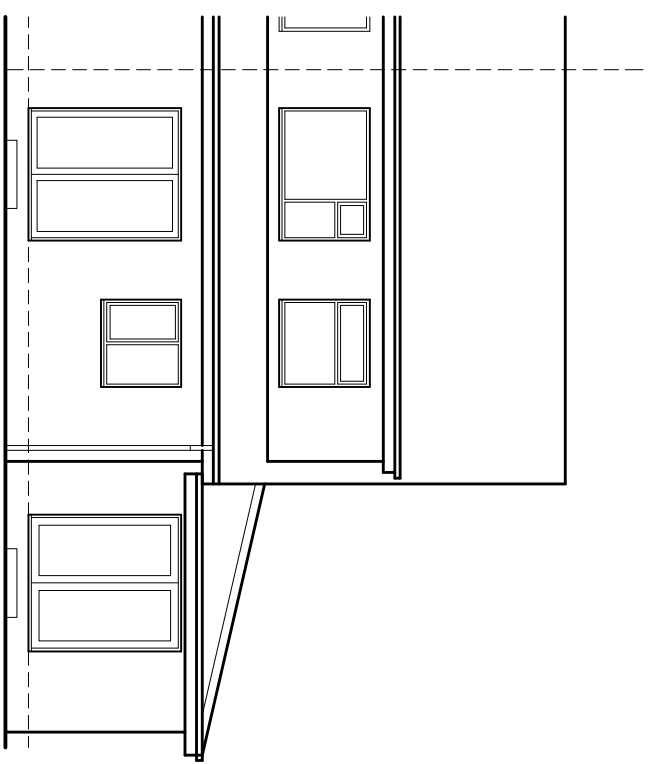
All dimensions are to be checked on site prior to construction, measurements are to be taken from the face of the work unless otherwise stated. All dimensions are given in millimetres and may be rounded by design. In construction any dimensions are to be reported to the nearest 50mm. All materials and workmanship to be in accordance with the current British Standards and codes of practice. All proprietary products are to be fixed in accordance with the manufacturer's instructions. The drawings to be used in conjunction with the contract documents are: Contract Documents, Contract Program and Contract Specifications and specifications. All details are to be in accordance with the DTI Building Approved Details and of materials, fixings, connections and details for cladding and external insulation. All drawings, floor and elevations, shall include the following information: 1) Project Name 2) Project Address 3) Dimensions to be measured of external and internal dimensions.



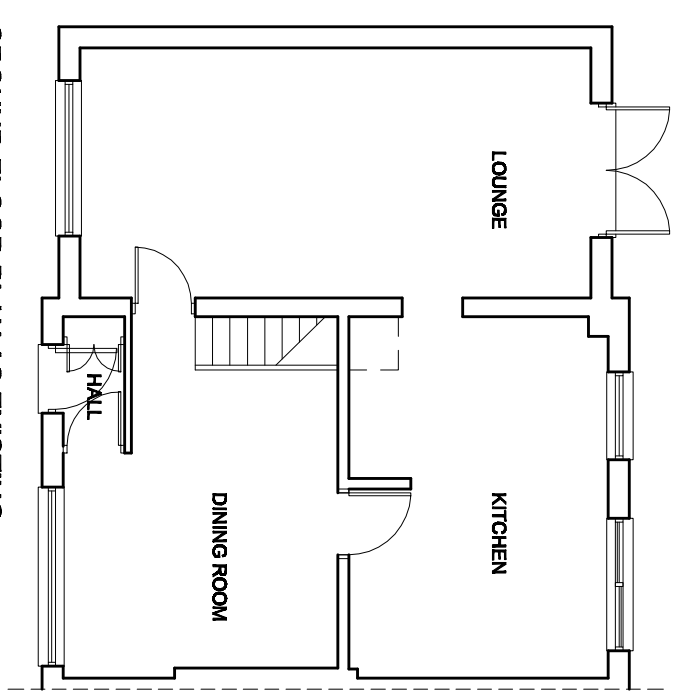
SIDE ELEVATION AS EXISTING



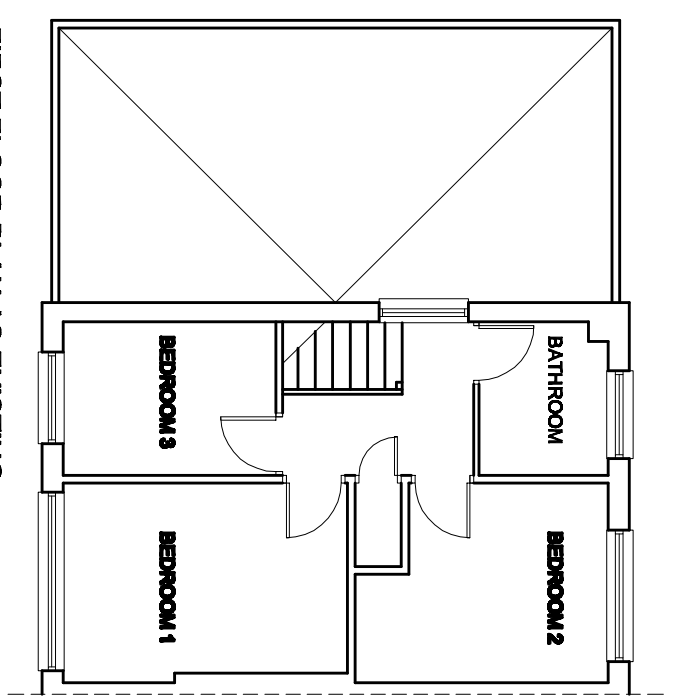
FRONT ELEVATION AS EXISTING



REAR ELEVATION AS EXISTING



GROUND FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS EXISTING



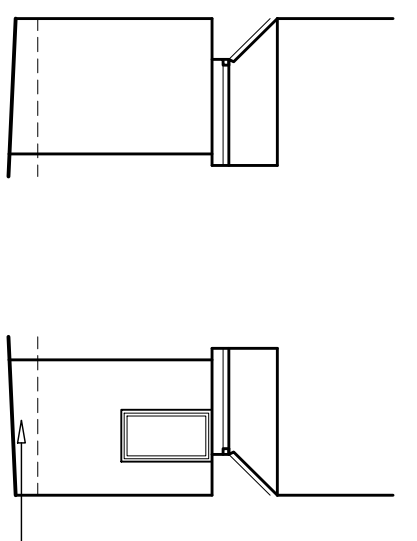
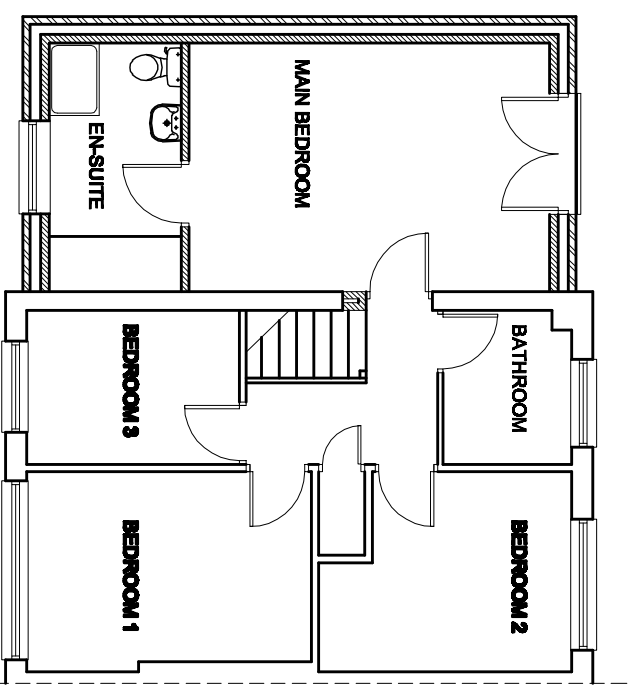
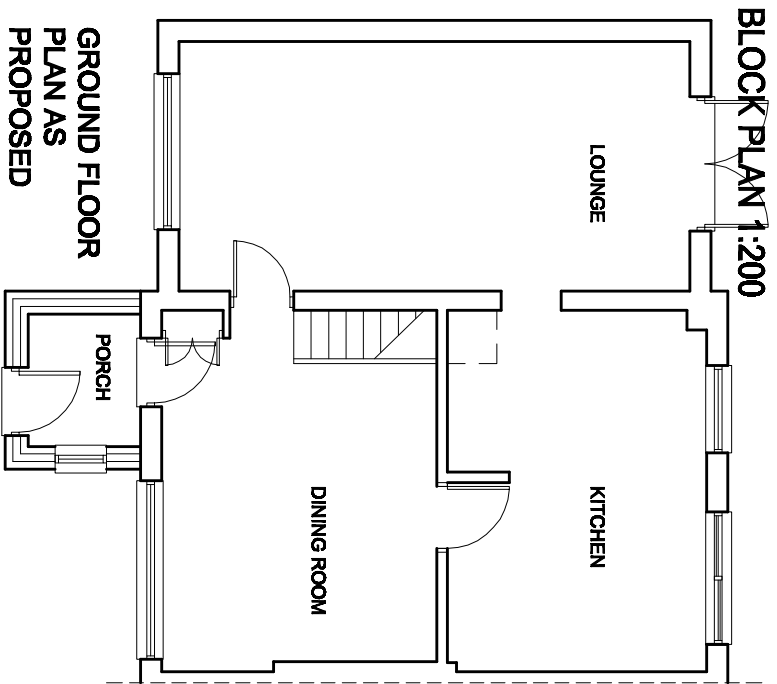
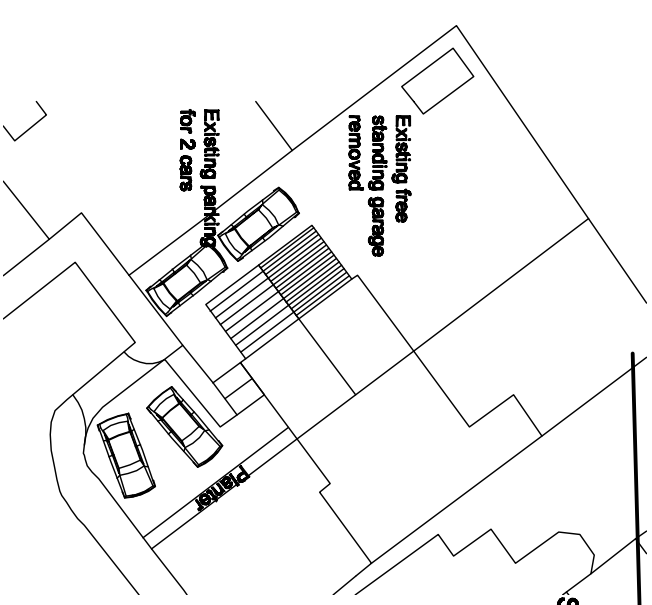
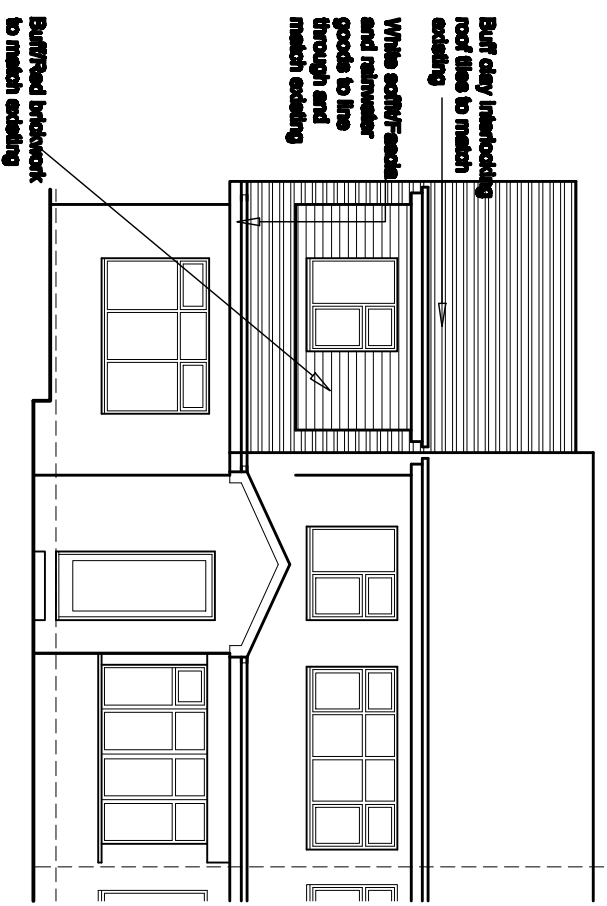
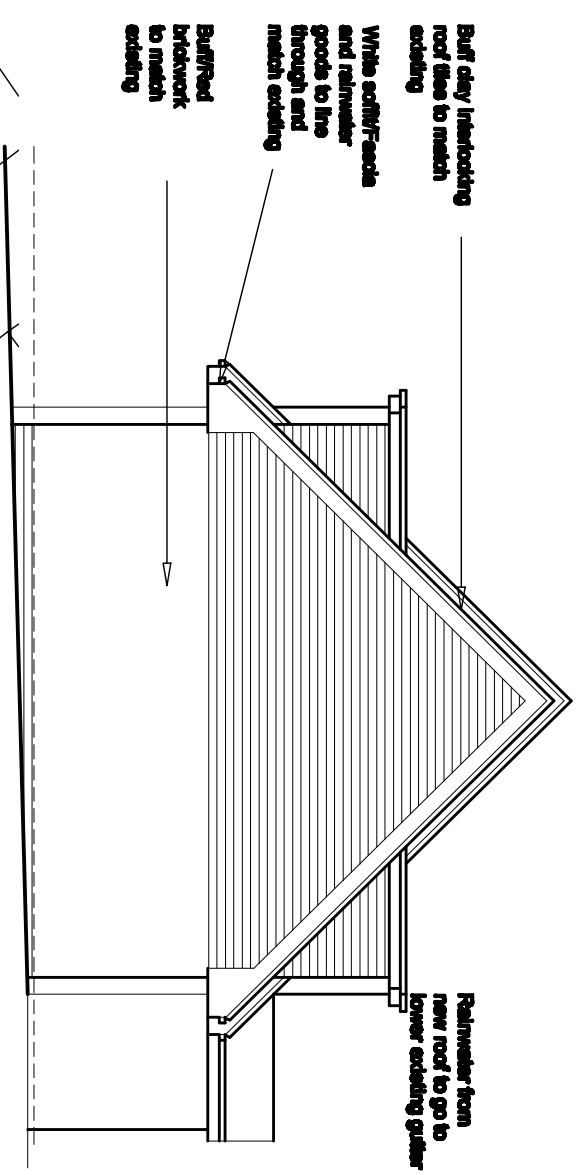
LOCATION PLAN 1:1250

client \_\_\_\_\_  
Mr & Mrs Dawson  
project \_\_\_\_\_  
Proposed first floor side extension to form main bedroom and en-suite at 28 Angel Close, Duddifield, SK18 4XA  
Drawing \_\_\_\_\_  
Plans and elevations as existing and location plan

drawing number \_\_\_\_\_ Scale \_\_\_\_\_  
2022-009-001 1:100 and 1:1250@A3  
revision \_\_\_\_\_  
date \_\_\_\_\_  
Drawn By \_\_\_\_\_

**PLANZ**  
K Myhill  
39 Market Street  
Bredfordom Hyde  
Cheshire  
SK14 6AX  
Tel : 01457 786723  
Mob : 07712 409024  
Email : planz@internetc.com

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All dimensions are to be checked on site prior to construction, measurements are given as a guide only. All dimensions are square and may be checked by drawing in construction. Any discrepancies are to be reported to the architect for resolution. All materials and workmanship to be in accordance with the current British Standards and codes of practice. All proprietary products are to be the Best Quality in accordance with the manufacturer's recommendations. The drawings to be used in conjunction with all relevant Building Regulations, Approved Documents, Building Regulations and Specialist Designers and specifications. All details are to be in accordance with the DTI/BSI Building Approved Details and all Building Regulations details for detailing and construction. All Scheduling, Floor and Structure, etc details are to be made in accordance with 'The Building Code' (B) Reference to the meaning of correct practices and procedures.

client   
 Mr & Mrs Dawson  
 project   
 Proposed first floor side extension to form main bedroom and en-suite at 29 Angel Close, Dulwich, SE16 6XA  
 Drawing   
 Plans and elevations as proposed and block plan  
 drawing number  Scale   
 2022-009-002 1:100 and 1:200@A3  
 revision   
 date   
 Drawn By   
**PLANZ**  
 K Myhill  
 39 Market Street  
 Borehampton Hyde  
 Cheshire  
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28 Angel Close front view



28 Angel Close





28 Angel Close side view



26 and 27 Angel Close



Aerial view

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<b>Application Number:</b>	22/00940/FUL
<b>Proposal:</b>	Two-storey extension at rear.
<b>Site:</b>	3 Downing Close, Ashton-under-Lyne, OL7 9LX
<b>Applicant:</b>	Mr Frank Tinnirello
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision has been requested by a member of the Council.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. SITE & SURROUNDINGS

- 1.1 The application relates to 3 Downing Close, a two storey detached dwelling set within a predominantly residential area of Ashton-under-Lyne. The application property is brick built with a gable roof above and benefits from an existing single storey garage extension to the side of the property and a single storey detached garage to the rear.
- 1.2 The site shares a common boundary with properties along Manor Farm Close to the south. The topography of the site is uneven, with ground levels increasing from north to south and from west to east. The properties along Manor Farm Close to the south sit at a higher ground level to the application site.

## 2. PROPOSAL

- 2.1 The application seeks planning permission for the erection of a two-storey/single-storey extension to the rear of the property.
- 2.2 This application is a resubmission of the previous refused planning application under reference 22/00283/FUL. The current proposal is broadly the same as the previous scheme ('Two storey extension at rear'), but the two-storey rear extension is now set back from the boundary adjacent to neighbouring property, no.10 Manor Farm Close by approximately 1.7m at the first floor level. Additionally, the windows proposed to the north and south facing side elevations of the original dwelling at the first floor level have been removed from the scheme.
- 2.3 The proposal will require the demolition of an existing conservatory.
- 2.4 The extension will project approximately 4m from the existing rear elevation at its further point with a maximum height of approximately 5.9m and an eaves height of approximately 5m.
- 2.5 In order to address concerns regarding scale and mass and undue impact by virtue of loss of light on the neighbouring property, new drawings were submitted by the agent on 3 November 2022, setting the rear extension away from the boundary with no.10 Manor Farm Close at the first floor level.

## 3. PLANNING HISTORY



- 3.1 18/00761/FUL Demolition of existing canopy and construction of single storey garage extension to front, side and rear of property. Single storey rear extension with external staircase to detached garage located to rear of property - Approved 5 November 2018.
- 3.2 22/00283/FUL Two storey extension at rear – Refused 13.06.2022

#### **4. PLANNING POLICY**

##### **National Planning Policy Framework**

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

- 4.4 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.

##### **Development Plan**

- 4.5 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

##### Tameside Unitary Development Plan (2004)

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

- 4.6 Unallocated, within the Ashton Waterloo Ward
- 4.7 **Part 1 Policies:**
- 1.3: Creating a Cleaner and Greener Environment;
  - 1.5: Following the Principles of Sustainable Development
- 4.8 **Part 2 Policies:**
- H10: Detailed Design of Housing Developments
  - C1: Townscape and Urban Form



## **Supplementary Planning Documents**

### 4.9 Residential Design Guide Supplementary Planning Document:

- RED1: Acknowledge Character
- RED2: Minimum Privacy and Sunlight Distances
- RED3: Size of Rear Extensions
- RED4: Design of Rear Extensions

### 4.10 **National Design Guide (2021)**

Illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

### **Places for Everyone**

4.11 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.12 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.13 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

### **Other Considerations**

4.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.15 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **5. PUBLICITY CARRIED OUT**

5.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and the Tameside Statement of Community Involvement, the adjoining owner or occupiers were notified of the proposed development by neighbour notification letters and display of a site notice.

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

- 6.1 In response to the neighbour notification letters, there have been 13 letters of representation received from 10 different households, one of which was from Councillor Choksi and included a call in request. The following concerns have been raised within individual objection letters, which are summarised as follows:

Design issues:

- Development too big
- Unwanted precedent
- Visual amenity
- The proposal is out of character

Amenity issues:

- Loss of Sun/Day Lighting/ Overshadowing
- Impact on privacy

Parking issues:

- Concerns regarding parking provision and traffic coming and going from the property

Other matters:

- Outstanding/ongoing enforcement issues – reports of the property being used as a business as well as works not carried out in accordance with the approved plans in relation to the previous approved planning application under reference 18/00761/FUL.
- Concerns that development will be used as a business
- Noise and hours of operation
- Surface water/drainage
- Concerns regarding noise and safety due to site traffic
- Conflict with land use policy
- Matters regarding land ownership (Removal of trees outside of the curtilage of the application property )
- Obscuring of view
- Concerns regarding vermin
- Concerns regarding structural works and stability considerations

## **7. RESPONSES FROM CONSULTEES**

- 7.1 No consultees were consulted on this application.

## **8. ANALYSIS**

- 8.1 The main issues to consider in the determination of this application are:
- The principle of the development;
  - Design and local character and
  - Residential amenity.

## **9. PRINCIPLE**

- 9.1 The site is unallocated, is a residential property and a proposed extension to the property would maintain the residential intensity of the site and subject to design/ amenity considerations, as outlined below. The proposal is therefore acceptable in principle subject to both design and amenity.

## **10. DESIGN AND APPEARANCE**

- 10.1 Policies C1 and H10 of the Tameside Unitary Development Plan (UDP) state proposals should respect the nature of surrounding fabric and relationship between buildings and that housing developments should be of high quality, complementing and enhancing the character and appearance of the surrounding area.
- 10.2 Policy RED1 requires that proposals should apply an architectural style that reflects the existing dwelling and surrounding area and should not alter the scale and mass of the existing dwelling. Policy RED4 of the Residential Design Guide states that extensions to the rear of a house must not dominate the host dwelling, align in terms of scale and mass and roof styles should align with the host dwelling.
- 10.3 The proposed removal of the existing single storey rear conservatory presents no concerns in terms of design and appearance.
- 10.4 The proposed addition to the application property is to the rear elevation. As such, it would not be expected that this proposal would cause any undue impacts to the character and appearance of the street scene along Downing Close, by virtue of being obscured from view from this location.
- 10.5 The proposed two-storey rear extension will increase the scale and bulk of the application property. However, overall, the increase is not considered a disproportionate addition, with the two-storey rear extension being a subordinate addition overall.
- 10.6 The use of a gable roof is an appropriate roof type, complementing the existing gable roof to the host dwelling. The roof of the proposed extension is reduced in relation to the main roof ridge, achieving subservience. The ground floor portion of the rear extension to the rear is likewise topped with an appropriate pitched roof.
- 10.7 Proposed materials and fenestration are to match the existing throughout, which is suitable and reduces any impact the proposal would have on the character and appearance of the host dwelling.
- 10.8 Overall, the proposed two storey rear extension is deemed to meet the standards and guidelines set out under SPD Policies RED1 and RED4, Policies C1 and H10 of the adopted Tameside UDP and the NPPF.

## **11. RESIDENTIAL AMENITY**

- 11.1 Paragraph 130 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.
- 11.2 Locally, the adopted Tameside UDP Policy H10 requires that any development, including extensions, should not have unacceptable impacts on the amenity of neighbouring properties through loss of privacy nor overshadowing.
- 11.3 In addition, Tameside Residential Design Supplementary Planning Document (March 2010) (the SPD) contains specific standards and guidelines for different development types to ensure that no undue amenity impacts are caused to the occupiers of neighbouring properties. Policy RED2 establishes guidelines for privacy and sunlight distances; in order to ensure that developments do not cause unacceptable overshadowing, loss of natural light, or reduce privacy to neighbouring properties, minimum distance allowances have been implemented between new extensions and existing properties. Policy RED3 of the SPD states that if rear extensions are badly designed they can result in overshadowing, loss of privacy and/or a reduced outlook for neighbouring properties and their inhabitants. In order

to avoid such issues, the Council will limit the size of extensions using 45 and 60 degree angle line rules. If a neighbour has an existing extension and this is the nearest habitable room window, the rule should be applied from the extension.

- 11.4 The Council acknowledges the concerns/objections that have been raised by neighbouring residents.
- 11.5 It is noted that neighbouring property, no.2 Downing Close is set lower than the application property due to the relief of the land in this locality. The single storey element of the proposed rear extension adjacent to the common boundary shared with no.2 Downing Close projects approximately 4m from the rear elevation of the application property and projects 3m at the first floor level. Given that the neighbouring property, no.2 Downing Close benefits from a single storey rear extension, Officers are satisfied that the two-storey/single-storey rear extension is compliant with the 60/45 degree rules as found under SPD Policy RED3.
- 11.6 The element of the proposed extension adjacent to the common boundary shared with neighbouring property, no.10 Manor Farm Close is set away from the boundary by approximately 3.4m at the ground floor level and by approximately 5.1m at the first floor level. The proposed height of the eaves is approximately 5m, with the highest part of the roof set approximately 7.6m away from the common boundary with no.10 Manor Farm Close. It is noted that no.10 Manor Farm Close benefits from an elevated position in relation to the application property.
- 11.7 In respect of SPD Policy RED2, the requisite separation distance between the proposed rear extension and the habitable room window of the rear extension of no.10 Manor Farm Close is 14m when measuring to the sidewall of the first floor element of the proposed extension and 10m when measuring to the sidewall of the single storey element. The proposed rear extension meets the standards and guidelines set out under SPD Policy RED2 at both the ground and first floor levels. The proposed extension would not be projecting any closer to the common boundary shared with no.10 due to being located entirely to the rear of the application property. Moreover, noting the raised positioning of the neighbouring dwellings on Manor Farm Close and the siting of no.10 Manor Farm Close to the south of the application property, it is not expected that there would be a significant loss of light to the neighbouring property as a result of the proposed extension.
- 11.8 The proposed windows meet separation distances as outlined in Policy RED2 and Officers are satisfied that the proposed extension would not cause undue harm to the amenities of the neighbouring residents.
- 11.9 In light of the above, the proposed rear extension is deemed acceptable, complying with the standards and guidelines set out under SPD Policies RED2 and RED3 and Policy H10 of the adopted Tameside UDP and the NPPF.

## **12. CONCLUSION**

- 12.1 The proposed two storey/single storey rear extension is considered to be sustainable development under the terms of the NPPF, whilst also complying with relevant policies of the Tameside Unitary Development Plan, as well as meeting the standards and guidelines set out in the Tameside Residential Design Supplementary Planning Document.

## **RECOMMENDATION**

That planning permission be granted, subject to the following conditions:

1. The development hereby permitted must begin 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, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following amended plans/details:

Site Location Plan 00 Rev F (received by the Council 3<sup>rd</sup> November 2022)

Existing Plans and Elevations 01 (received by the Council 21<sup>st</sup> September 2022)

Proposed Plans and Elevations 02 Rev F (received by the Council 3<sup>rd</sup> November 2022)

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance (Policies RED1, RED2, RED3 and RED4 of the Tameside Residential Design SPD; Policies C1 and H10 of the Tameside UDP).

3. The external materials shall match those used in the existing building.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1: Townscape and Urban Form.

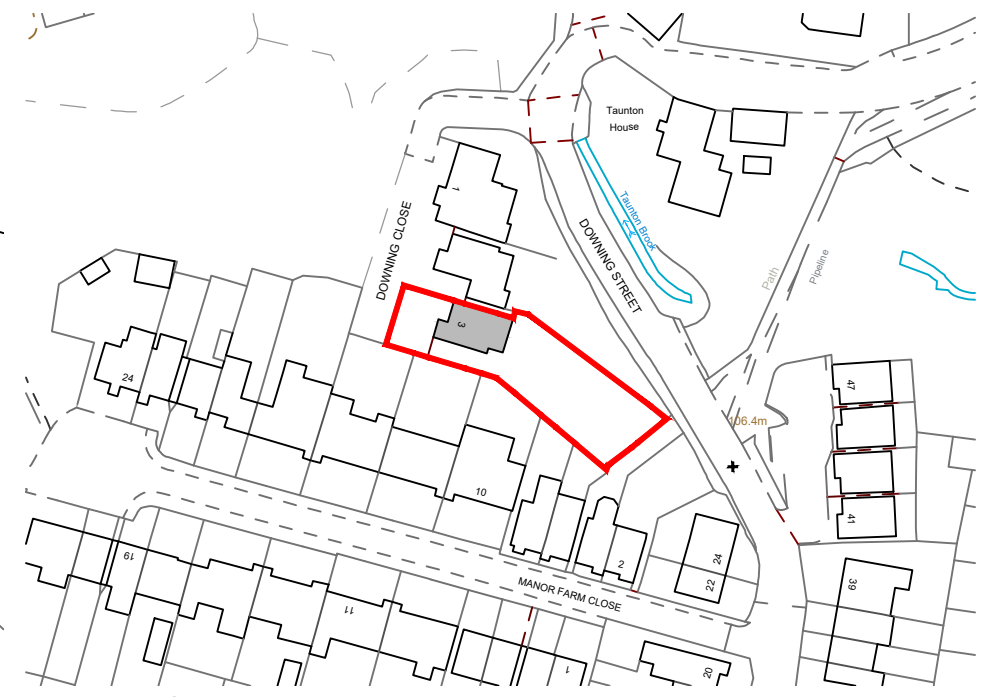
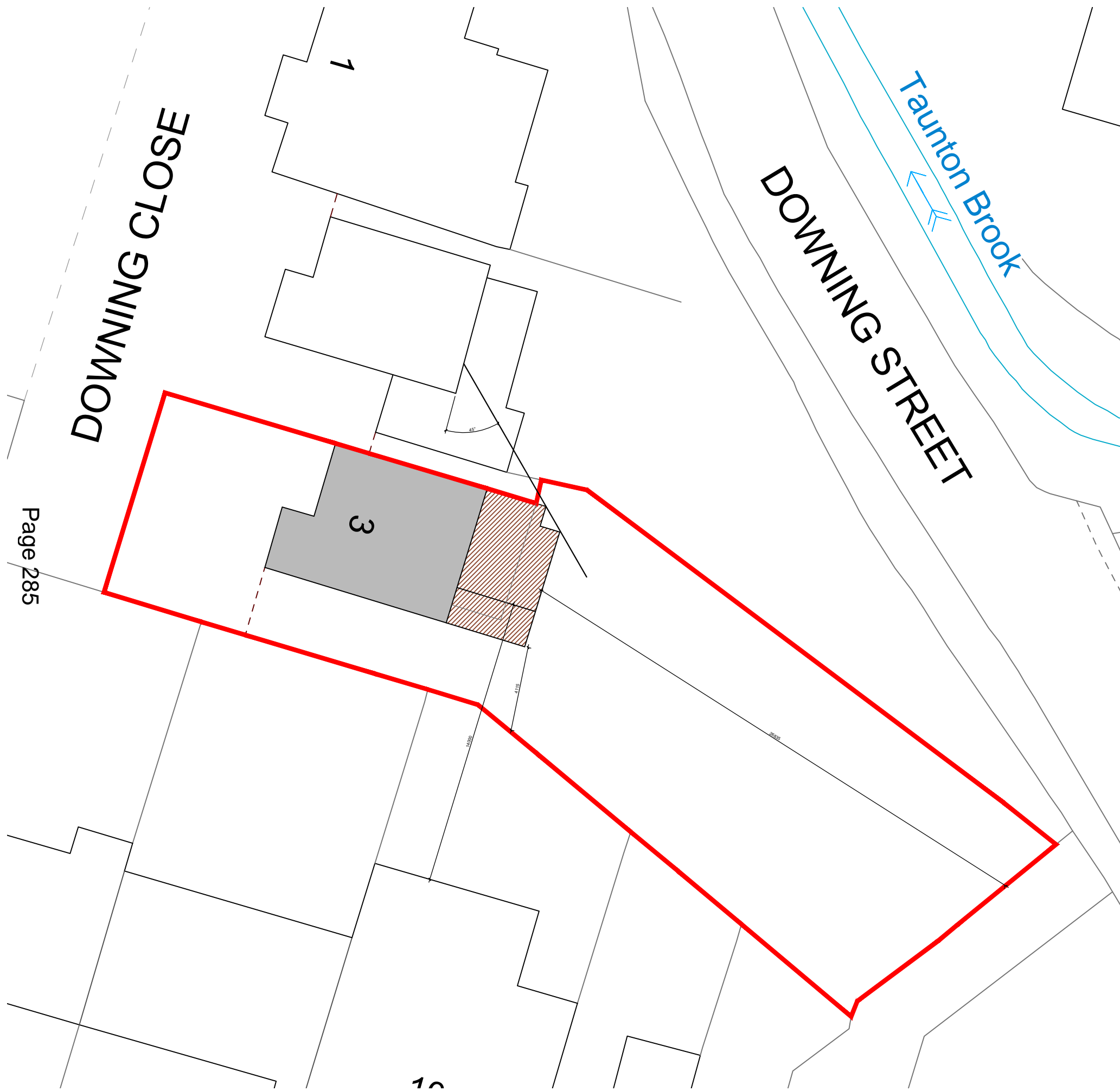


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DOWNING CLOSE



DOWNING STREET

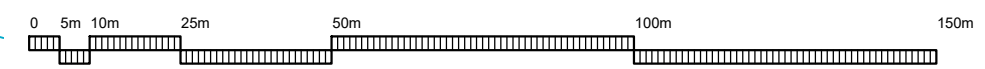
Taunton Brook



Existing Site Location Plan

Scale 1:1250 @ A3



Site Boundary   
 Existing Building 



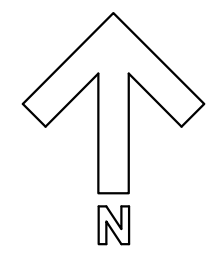
Page 285

Proposed Site Plan  
Scale 1:200 @ A3

Site Area - 524 SqM/ 5635 SqFt

Existing Building   
 Proposed Extension 

Site Boundary 



**NOTES:**

No scaling or dimensions other than those figured are to be taken from this drawing. All dimensions to be checked on site

This drawing is for use at the named location and for Planning Permission purposes only and as such should not be used at any other location or for any other purposes

Project Location:  
 3 DOWNING CLOSE,  
 ASHTON-UNDER-LYNE,  
 GREATER MANCHESTER,  
 OL7 9LX

Drawing:  
**00 Site Location  
 REV F**

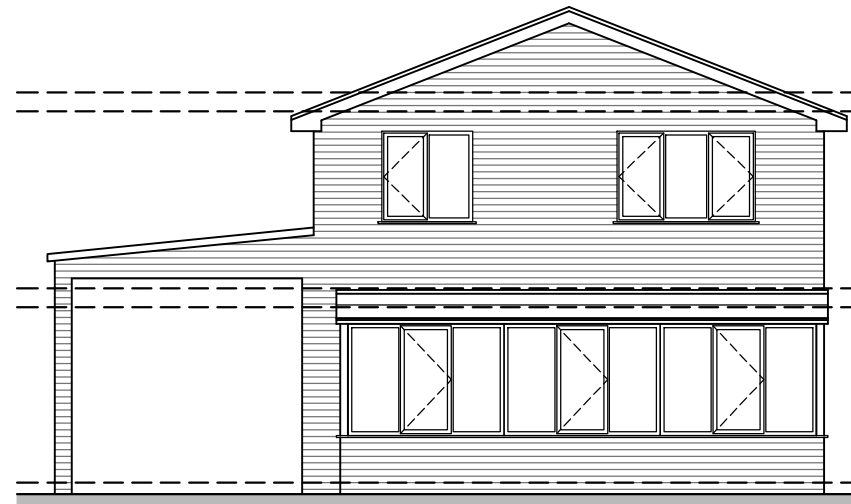
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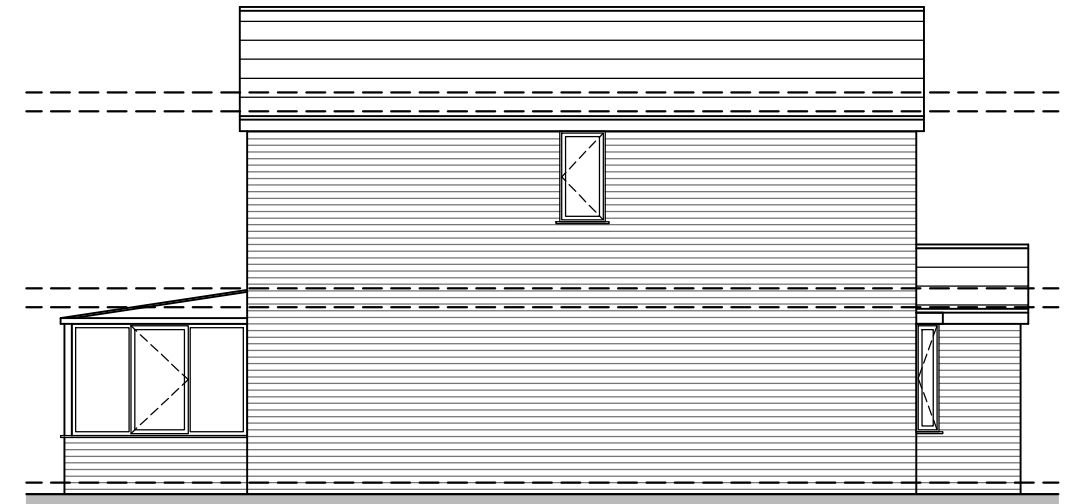
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REAR ELEVATION

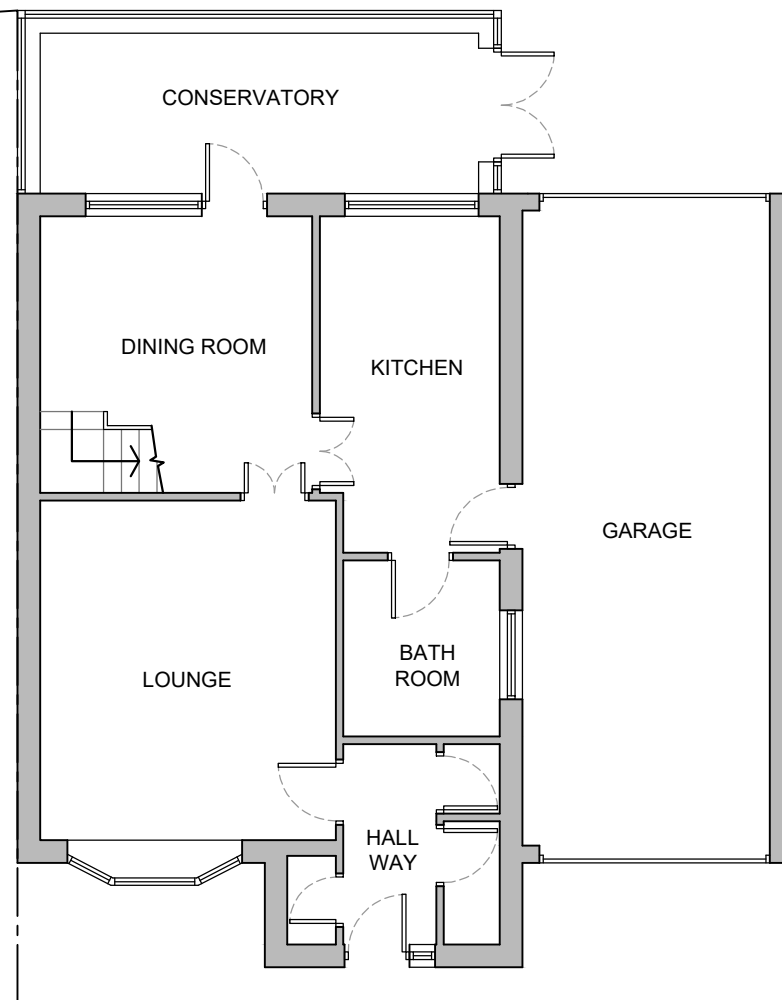
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SIDE ELEVATION

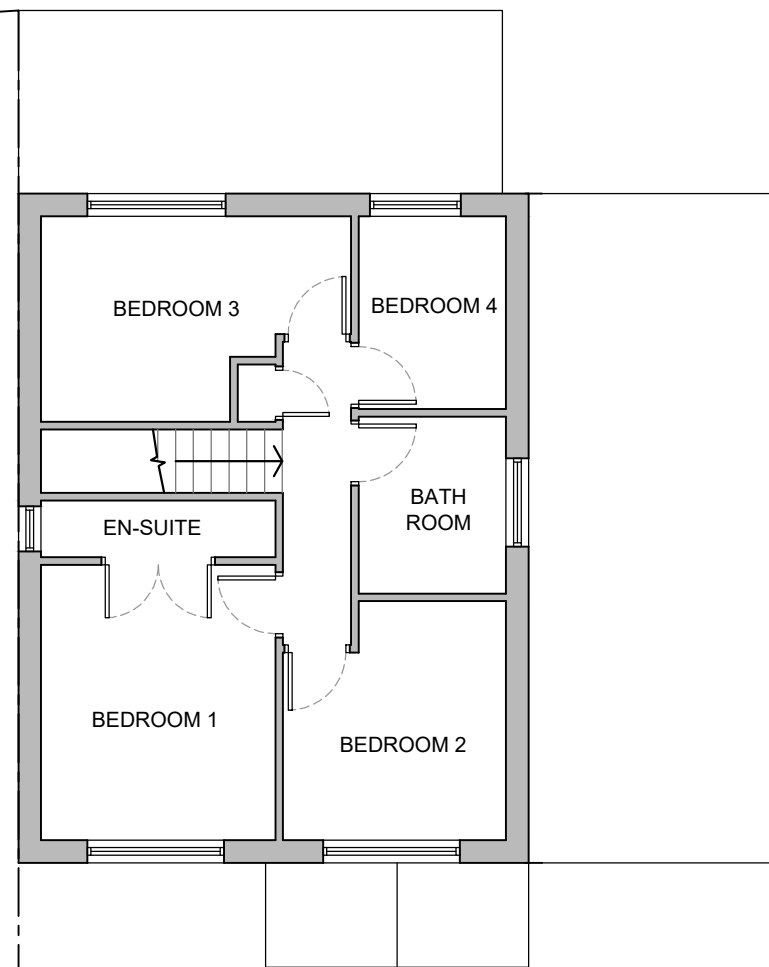
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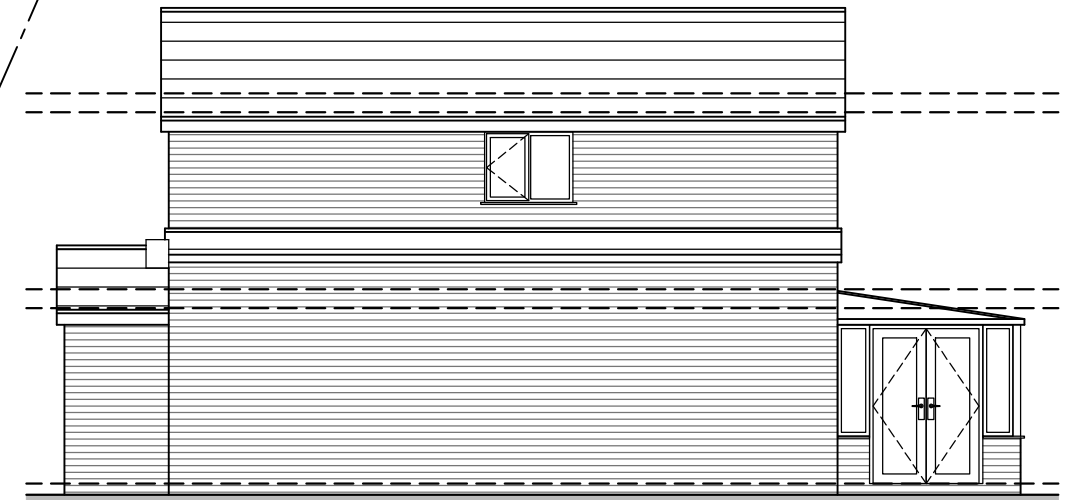
GROUND FLOOR

1:100



FIRST FLOOR

1:100



SIDE ELEVATION

1:100

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Project Location:

3 DOWNING CLOSE,  
ASHTON-UNDER-LYNE,  
GREATER MANCHESTER,  
OL7 9LX

Drawing:

01 Existing Building

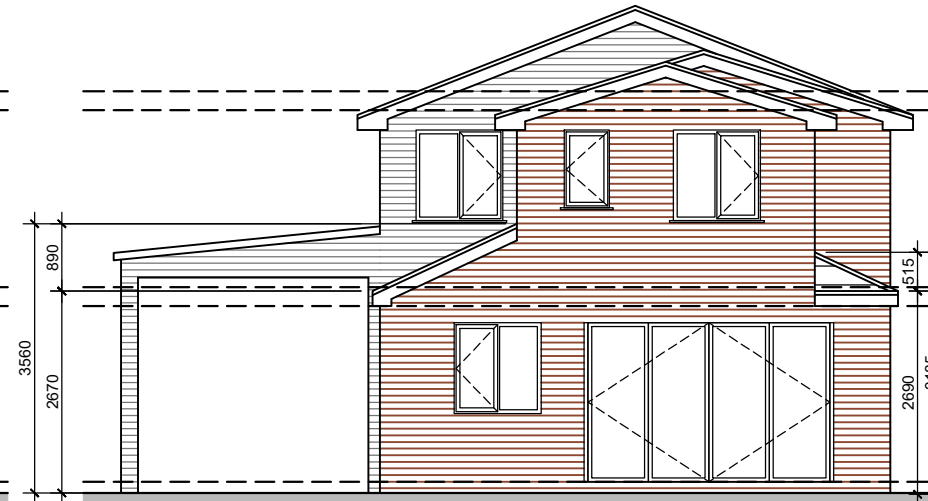
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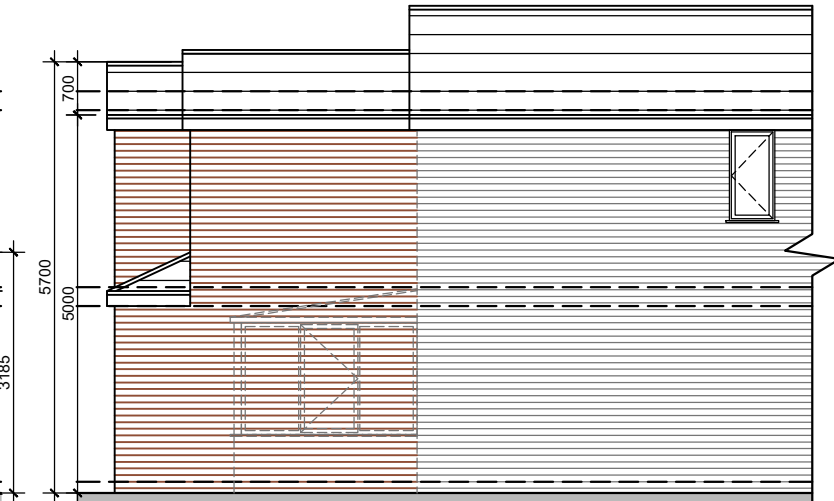




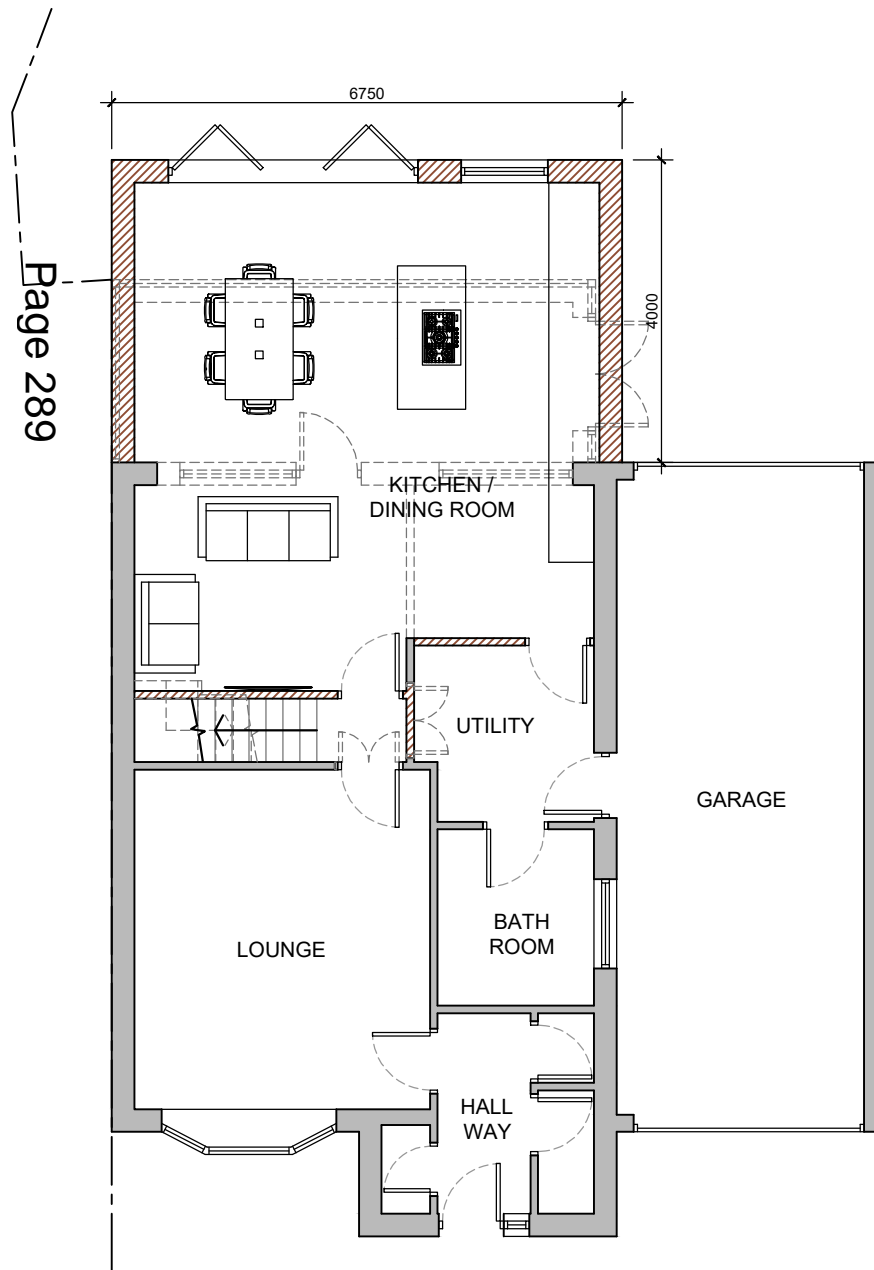
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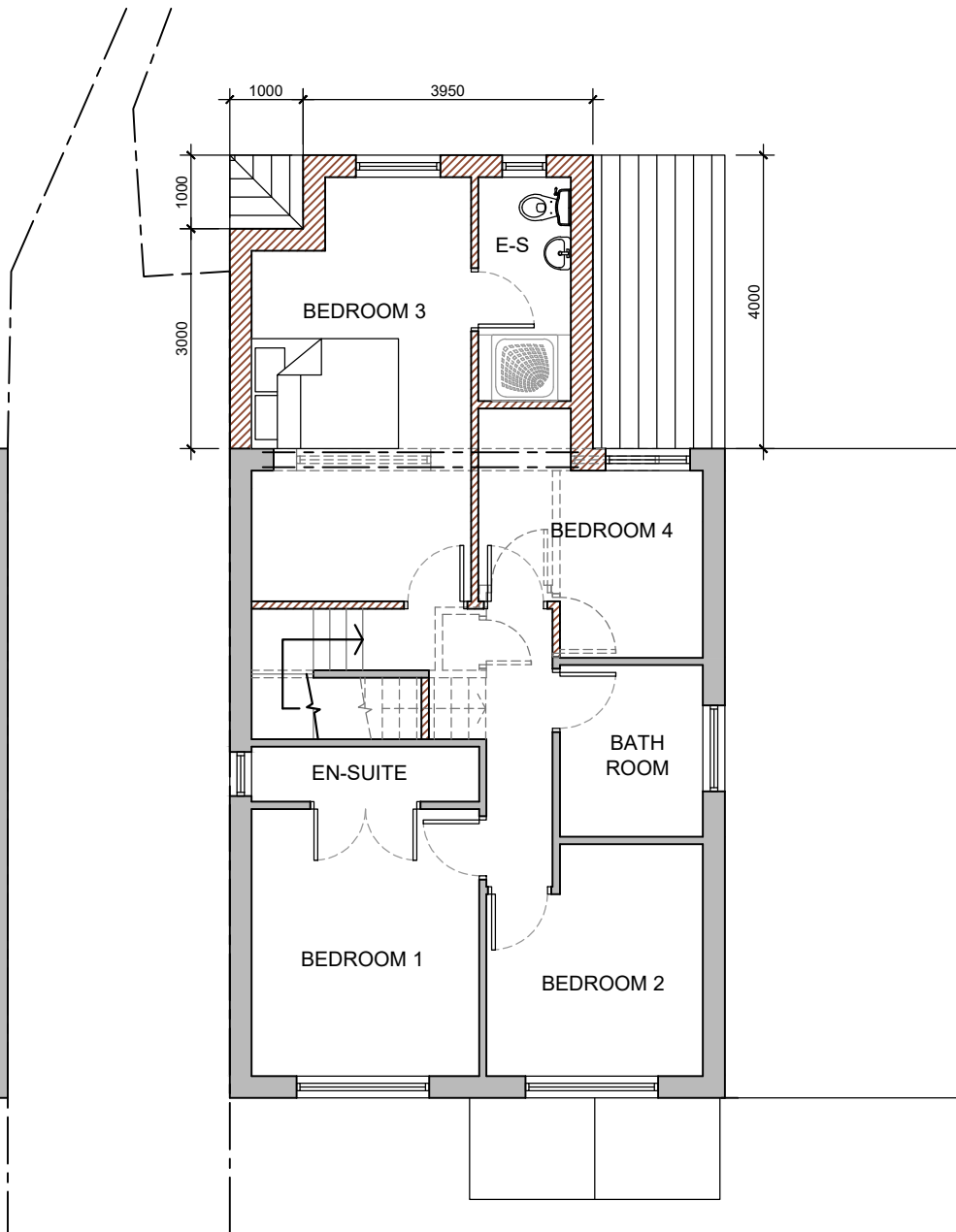
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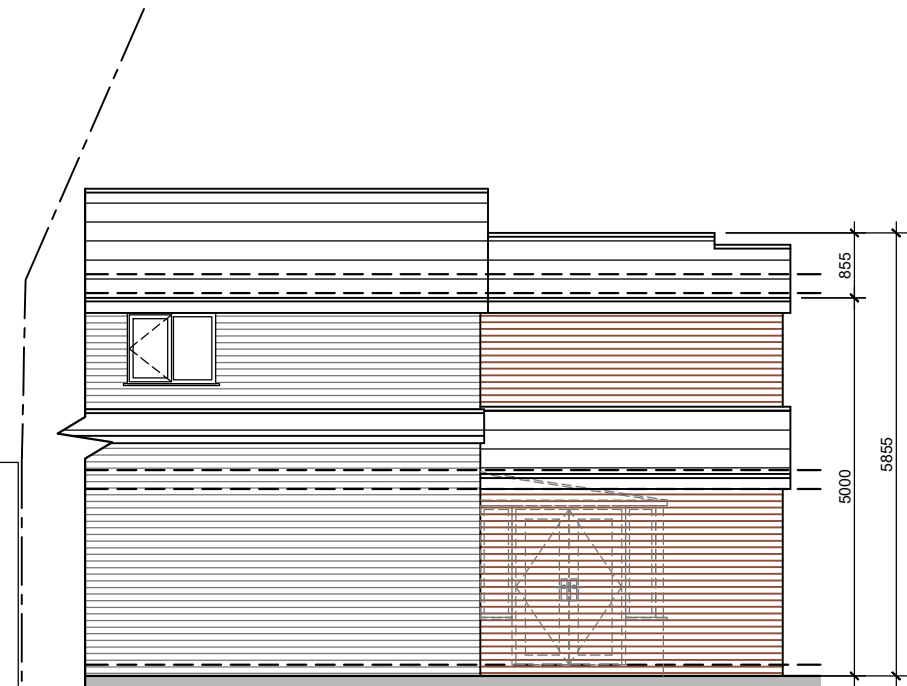
**SIDE ELEVATION**  
1:100



**GROUND FLOOR**  
1:100



**FIRST FLOOR**  
1:100



**SIDE ELEVATION**  
1:100

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Project Location:  
**3 DOWNING CLOSE,  
ASHTON-UNDER-LYNE,  
GREATER MANCHESTER,  
OL7 9LX**

Drawing:  
**02 Proposed Building  
REV F**

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<b>Application Number:</b>	21/01459/FUL
<b>Proposal:</b>	Erection of four storey building for use as a residential institution (Use Class C2), with access and associated infrastructure.
<b>Site:</b>	Amenity area adjacent to 25 Grosvenor Street, Stalybridge
<b>Applicant:</b>	Evans UK Property Ltd
<b>Recommendation:</b>	Grant planning permission, subject to conditions.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application constitutes a major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## 1. BACKGROUND

- 1.1 Members will recall that this application was considered at the meeting of Speaker's Panel held on the 14 September 2022. Members decided that the application be deferred, to allow officers to address the points raised by the objectors with the applicant.
- 1.2 The amended scheme seeks to address concerns regarding the scale of the proposed development, and its relationship to neighbouring uses.

## 2. SITE & SURROUNDINGS

- 2.1 The application relates to an area of derelict open space located adjacent to 25 Grosvenor Street close to the junction of Grosvenor Street and Trinity Street within the Stalybridge Town Centre Boundary. The site consists of 0.0327ha of previously developed space that is currently derelict, fenced off and unused.
- 2.2 The sites boundaries are defined by Grosvenor Street to the north, a Tesco petrol filling station (west), the rear of residential properties on Kenworthy Street to the south and the blank side gable of commercial properties on Grosvenor Street to the east.
- 2.3 As well as being situated within the Town Centre Boundary, the site lies adjacent to the Stalybridge Town Centre Conservation Area, which borders Grosvenor Street to the north.

## 3. PROPOSAL

- 3.1 This full application seeks planning permission for the erection of a four storey building, for use within Use Class C2 (residential institution). The facility would provide living accommodation for adults, who would receive care at the facility.
- 3.2 The original proposal measured four to five storeys in height, and contained 21 apartments.
- 3.3 The revised, four storey proposal would provide 17 apartments, four of which would be two bedroomed and the remaining thirteen would be one bedroomed. At ground floor, an office with staff facilities such as a bedroom, kitchen and toilets would be provided; alongside a bin store, cycle store, plant room. A lift would be provided alongside stairs to access upper floors.

- 3.4 The building would measure a maximum height of 13.1 metres (m). The building at its far eastern elevation would include a curved appearance. It would have a flat parapet roof throughout. The building would consist of a primarily red brick finish at the first three levels, with soldier brick courses and plinth style details present at each storey. A secondary grey brick finish would be utilised on the fourth floor of the building. Aluminium doors and UPVC windows are proposed, both finished black.
- 3.5 The applicant has indicated that the development would provide long term accommodation for individuals. The proposals demonstrate that each of the apartments would be self-contained, and self-sufficient per se, all including bedroom, bathroom, kitchen/dining and living space facilities. The apartments would operate as supported living accommodation, with care provided by staff who are based on site 24 hours per day. They would assist residents on a daily basis, and the level of care provided would depend upon the needs of each resident.

#### **4. PLANNING HISTORY**

- 4.1 17/00012/OUT – Erection of part 3, part 4 storey apartment building to accommodate up to 14 units (Outline – all matters reserved) – Approved June 2019

#### **5. PLANNING POLICY**

##### **National Planning Policy Framework**

- 5.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 5.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 5.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

##### **Development Plan**

- 5.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

##### Tameside Unitary Development Plan (2004)

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

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;



- 1.6: Securing Urban Regeneration;
- 1.7: Supporting the Role of Town Centres;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

## 5.6 **Part 2 Policies**

- H4: Type, Size and Affordability of Dwellings
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- N3: Nature Conservation Factors
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- S4: Retail Dominance and Shopping Frontages
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

## **Places for Everyone**

5.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

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5.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

## **Other Considerations**

5.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

5.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

## **6. PUBLICITY CARRIED OUT**

- 6.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press.

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

- 7.1 In response to the neighbour notification letters, there were 35 letters of objection, submitted prior to the amendments to the scheme. The concerns raised within the letters of objection are summarised below:

- The proposed development would cause amenity concerns, including loss of sunlight and privacy through overlooking;
- The development would affect views from adjacent developments due to its height;
- The development proposes no off-street parking, which would cause highway safety issues;
- The development may not be safe being sited directly adjacent to the fuel station;
- The area is already busy and noisy during night time hours, and the proposed development would contribute to this issue;
- Construction of the development would cause traffic and access disruption;
- The area is currently landscaped and this would be lost as a result of the development;
- Other empty buildings in Stalybridge would be better suited to the proposed use;
- The development would not aid the town centre vibrancy of Stalybridge, nor assist the high street.

- 7.2 Councillor Doreen Dickinson has objected to the proposed development. The concerns raised within this letter of objection, submitted prior to the amendments to the scheme, are summarised below:

- Although understanding that the development would save the Council money, the proposed facility should not be situated on a prime site, within the town centre. The town was awarded the Town Centre Challenge fund, with £2m being spent on Market Street. The development follows the development of the Old Police Station building recently. Planning proposals within a town centre should look at a town as a whole, not just a particular site which has become available;
- The town centre should be supported to encourage people to shop and live within the area. Although facilities providing care are required, sites just outside of the town centre within walking distance should be considered;
- Such developments would unlikely result in the town centre becoming more upmarket;
- The proposed development would overshadow the sunlight enjoyed by the adjacent Summers Quay development, and would alter the quality of life for those who reside in that development;
- If balconies are proposed on the building, would they be placed on the south facing side, to catch the sunlight which has been denied to the Summers Quay development.

## **8. RESPONSES FROM CONSULTEES**

- 8.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a demolition and construction management plan; submission of a Green Travel Plan; and a scheme for secured cycle storage. A financial contribution to off-site highway works is also requested.

- 8.2 United Utilities (UU) – No objections, subject to a condition requiring the scheme be implemented in accordance with the submitted drainage scheme. Notes the presence of a water main and public sewer in the vicinity of the site, and recommends the applicant makes contact prior to works commencing.
- 8.3 Lead Local Flood Authority (LLFA) – No objections, following the submission of additional information, subject to a condition requiring a surface water drainage scheme.
- 8.4 Greater Manchester Ecology Unit – No objections. Considers the risk of the development to bats is negligible, with no further information required. The risk to nesting birds is low, and an informative is recommended. Notes the small loss of ecological value at the site, and recommends a financial contribution should be secured for off-site ecological compensation measures.
- 8.5 Environmental Health – No objections, subject to conditions requiring acoustic mitigation measures outlined within the submitted Noise Impact Assessment to be implemented; and restrictions on construction working hours. The proposed waste and recycling facilities may not be sufficient for the future development, and a revised bin storage area should be provided.
- 8.6 Contaminated Land – No objections, subject to conditions requiring a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and verification plan; and that recommended remedial measures be implemented prior to use.
- 8.7 Transport for Greater Manchester – No objections. Offers advice regarding access points should be formally closed if necessary; cycle storage provision; Travel Plan and Traffic Regulation Orders.
- 8.8 Greater Manchester Police Designing out Crime Officer – No objections. The physical security measures and layout considerations included within the Crime Impact Statement should be implemented.
- 8.9 Waste Management – No objections following clarification that the use would be commercially operated. Notes a private waste contract would be required.
- 8.10 Canal and River Trust – No comment on the application.
- 8.11 Coal Authority – No objections, the site falls outside of the defined Development High Risk Area.
- 8.12 Arborist – No objections. The site includes a number of self-seeded trees, and two mature trees, a sycamore and a cherry tree, to the rear. These offer a low amenity value, classed as Category C trees, therefore not of the highest quality or worthy of retention.

## **9. ANALYSIS**

- 9.1 The site lies wholly within the Stalybridge Town Centre boundary, as identified within the Tameside Unitary Development Plan (UDP). Policy S4 of the UDP states that outside of the primary shopping areas of the town centres (as shown on the Proposals Map), the Council will permit a diversity of uses which contribute to the overall appeal of the town centre, help to minimise the extent of empty properties, and improve the appearance of the centre.
- 9.2 The condition and appearance of the site is considered to have deteriorated over time. The site remains in an untidy and derelict state since the previous application at this site. Given previous permissions had not been implemented and had lapsed, it remains that the site is undeveloped and reflects negatively on the local environment. It is considered that the site

serves little positive benefit to the immediate area, exacerbated by the prominent location on a corner plot. The planning application presents an opportunity to address this in a positive manner, which adheres to the principles of sustainable development through the reuse of a previously developed site.

- 9.3 The application proposes a residential care facility (Use Class C2). This would involve residential accommodation for service users, alongside staff facilities for those staff employed to provide care to future service users. Whilst the site is situated within the Town Centre boundary, it is not situated within a Primary Shopping Area (as defined within the UDP), and the potential retail function of the site is not subject to any protection, where the use would be appropriate within this area of the town centre. The proposed development would contribute to the vitality and viability of Stalybridge Town Centre by generating a source of footfall and encouraging the occupation of what is otherwise a vacant site, which presently detracts from the Stalybridge Conservation Area, within a highly sustainable and prominent location.
- 9.4 The site is located within a highly accessible area within a town centre, connected to public transport, local services and employment uses within Stalybridge. In light of the above, the principle of the proposed facility in this location is considered to be acceptable.

## **10. DESIGN & LAYOUT**

- 10.1 Policies within the UDP and NPPF are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 10.2 As noted earlier, the site remains in an undeveloped state. In its undeveloped state, the site offers little positive benefit to the immediate area, consisting of grassland, hardstanding and self-seeded trees, in a prominent corner plot location.
- 10.3 It is considered that a number of the neighbouring buildings have common material finishes, often consisting of red brick or millstone grit and slate, with contrasting embellishments. To the north of the site, immediately opposite on the other side of Grosvenor Street, is a modern apartment development measuring a maximum of seven storeys in height, Summer's Quay. This building consists of facing brick with contrasting brick at lower levels, and grey cladding at higher levels of the building.
- 10.4 The proposed development would complement the siting of Summer's Quay, providing a high quality gateway to Grosvenor Street from Trinity Street. The previous scheme measured four to five storeys in height, and the amended scheme has been reduced to a four storey building. At a maximum four storeys in height, the building would complement the Summer's Quay development, which measures four storeys (three storeys at street level) at the immediate entrance to Grosvenor Street, with a curved appearance in this location, in order to soften the edge of the building. The previous residential apartment scheme (17/00012/OUT), approved on this site in June 2019, measured a maximum height of four storeys, and therefore the amended scheme follows a similar precedent as that previous.
- 10.5 The fenestration to the building, in the same manner as Summer's Quay, would provide a strong vertical and horizontal alignment. The scale and proportions of the building would reflect the industrial heritage of the town, and would provide some context to the proportions and vertical emphasis of the mill buildings within the local area.
- 10.6 The material palette would consist of a primarily red brick finish, complementing the brickwork to the Grosvenor Street edge of the adjacent Summer's Quay development. Soldier brick courses and plinth style details are present at each storey of the building. A secondary grey

brick finish would reduce the massing of the structure at the fourth floor, and would complement the grey clad finish to the upper floors of the adjacent Summer's Quay development. The mix of materials would reference the colouring of local stone as mentioned earlier, and the grey brick at the upper level would serve to break down the overall massing of the building to reflect local slate and darker industrial tones.

- 10.7 To the northern elevation of the building, facing Grosvenor Street, the building would provide glazed openings and the main building entrance at street level, creating an active frontage. This would create a welcoming gateway to the retail quarter further westward along Grosvenor Street, ensuring an overlooked area and lighting levels emanating from the building during hours of darkness, assisting with a good sense of safety and security to this area. The contrasting grey brick upper floors of the building would be visible due to height in an eastward direction along Grosvenor Street, and it is considered that the material choice at that level would complement the grey coloured roof line of the two storey buildings adjacent, reducing its prominence.
- 10.8 Each floor of the building would also include fenestration onto Kenworthy Street, situated to the rear of the site. This is particularly welcomed, considering the majority of the retail units fronting Grosvenor Street back onto Kenworthy Street, creating a primarily servicing strip along this highway. Although the building would include servicing access to the rear, it would include a ground floor window, and multiple windows at first floor level upwards, creating overlooking of this street and a further sense of security to the area.
- 10.9 As noted earlier, a four storey residential scheme was previously approved on this site, and therefore the amended scheme seeks to follow a similar precedent. In light of the above, the design and scale of the building is appropriate in this location, compliant with policies contained within the UDP and the NPPF.

## **11. IMPACT UPON HERITAGE ASSETS**

- 11.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 11.2 Policy C2 of the UDP states that the character and appearance of the Borough's Conservation Areas will be preserved or enhanced through the control of development, the promotion of improvement measures, or both.
- 11.3 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 11.4 Paragraph 200 states that any harm to, or total loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 11.5 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 11.6 The site lies adjacent to the Stalybridge Town Centre Conservation Area.



- 11.7 The Stalybridge Conservation Area Appraisal and Management Proposals Document provides an up to date assessment of the conservation area by analysing its built form, historical context and natural setting to define the special interest of the area. It also identifies key positive and negative impacts, erosion of character and potential threats and considers the appropriateness of the conservation area boundary. The document makes recommendations for future policy and action by the Council to preserve and/or enhance the area's special character.
- 11.8 No demolition is proposed as part of this application. However, the appearance of this underused site is having a negligible impact upon the character of the Conservation Area. The redevelopment proposed would enhance the character and appearance of the conservation area, particularly enhancing the gateway location to the Grosvenor Street retail quarter, with a building consisting of modern architecture and high quality materials, subject to a planning condition requesting further details of such. The proposed development would provide an active frontage to Grosvenor Street, enhancing the environment of those who utilise this highway and walking route.
- 11.9 Furthermore, it is considered that the proposed development would enhance the environment on Kenworthy Street to the rear, which is primarily utilised at the back of neighbouring Grosvenor Street properties for servicing access. The development as a whole would enhance the Conservation Area and its sense of security.
- 11.10 Due to the positioning of the site, and the screening afforded from the Summers Quay development, which has a total height above this development, the views across to Armentieres Square and the canal would be largely unaffected. The Square, being an important open civic space, is already affected by contemporary design of modern developments (such as Summers Quay) which surround it, and the proposed development being of a similarly contemporary design would complement this redevelopment.
- 11.11 In light of the above, the proposed development would enhance an underused site in the conservation area, and would complement existing contemporary developments within close proximity, improving the environment for users of this area of the conservation area. The amended scheme follows a similar precedent to the previously approved four storey residential development on this site. The development is therefore not considered to be causing any harm to the designated heritage asset.
- 11.12 The Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, according with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, as well as the UDP and NPPF.

## **12. RESIDENTIAL AMENITY**

- 12.1 It is important that the proposed development protects the amenity of surrounding residential uses.
- 12.2 The main neighbouring developments affected by the proposal would be Summers Quay residential apartments to the north, and Grosvenor Gardens to the south.
- 12.3 Summers Quay is a four to seven storey building to the opposite side of Grosvenor Street, and at its closest point to the site in question measures four storeys in height, but three at street level opposite the site. Regarding the future relationship between the proposed development and Summers Quay, both buildings include windows fronting Grosvenor Street which serve habitable rooms.

- 12.4 Policy RD5 of the Tameside Residential Design Supplementary Planning Document (SPD) states that a distance of at least 14.0m should be maintained between habitable room windows, on a relationship between one to two storey or two to two storey rooms, on street frontages. This policy applies to conventional layouts and between new and existing developments. Acknowledging that the building would measure more than two storeys in height, this policy also stipulates that an additional 3.0m should be incorporated for every additional storey, to a maximum of 36.0m.
- 12.5 The proposed building would be sited approximately 13.2m from Summers Quay to the north, at its closest point. Whilst the proposed building would include habitable room windows within this elevation serving bedrooms, kitchens and living areas as their main outlook, the windows situated to the southern-most point of Summers Quay are smaller secondary windows, serving primarily kitchen and living areas. Residents within those units affected benefit from larger habitable room windows serving the same rooms internally, to the east and west of the building. Therefore, although the separation distances outlined above would not be met, it is considered that the residents of Summers Quay would not be unduly affected by the proposed development, given they benefit from larger outlooks to alternative elevations of the building which would remain unaffected. In terms of privacy, the secondary windows could, in theory, be screened by affected residents of Summers Quay, without reducing their main outlooks to those other areas. The significant distances (over 42.0m) between the main outlooks of apartments within Summers Quay facing southward into their shared courtyard area, and the proposed development, would not significantly affect privacy or amenity of this development.
- 12.6 It is accepted that the proposed development would overlook the parking and outdoor amenity space serving Summers Quay, within the courtyard area, however, although gated, this area is visible from the street scene. Furthermore, it is already overlooked by a number of the different residents within the development itself.
- 12.7 The separation distance, at 13.2m, as outlined above does not meet the above separation distances. In terms of the amenity of future occupiers, this area of the town centre is characterised by closely spaced development, as viewed along Grosvenor Street to the west. Notwithstanding, given the windows within the southern elevation of Summers Quay are smaller secondary windows serving habitable rooms, it is considered that the amenity of future occupiers would not be unduly affected.
- 12.8 Further, in the majority of cases, the living accommodation within the proposed development would be provided with alternative outlooks which would not directly face the southern elevation of Summers Quay. For example, the two bed apartment ('Apt Type 3') situated within the eastern-most portion of the building would be served by two windows to the kitchen/living space – one to the north and one to the east. Similarly, the central two bed apartment ('Apt Type 2') would include a kitchen/living space directly facing the southern elevation, but a bedroom which would have an oblique relationship facing towards the courtyard area. This relationship overall is thereby considered to be acceptable.
- 12.9 Each of the proposed apartments are provided with internal space which at least meet the Nationally Described Space Standards, therefore providing for a sufficient level of amenity for future occupiers.
- 12.10 To the south of the development, a residential apartment block, Grosvenor Gardens is situated beyond Kenworthy Street. Although habitable room windows are proposed to the south of the proposed development, the orientation of the two properties would result in no direct overlooking or direct facing between the two. The building would be situated between 7.7m and 9.3m from the boundary wall to the garden area serving Grosvenor Gardens. Although this relationship is considered to be relatively close, the boundary serving Grosvenor Gardens includes landscaping, reducing the prominence of the height of the proposed building within this area and also reducing the level of overlooking. Further, it is

considered that some level of overlooking would already occur from the rear facing windows within the first floors of properties to the south of Grosvenor Street, albeit at an increased distance to the proposed. On balance, considering the screening which exists within this area, it is not considered that the relatively close relationship would be detrimental to the amenity of those utilising the garden area.

- 12.11 The submitted Solar Shading Study demonstrates that, by nature of the position of the development, Grosvenor Gardens to the rear would not be overshadowed by the proposed development. A minimal impact on overshadowing for existing residential properties at Summers Quay to the north is demonstrated, however as mentioned earlier those units to the south benefit from alternative outlook within the east and west of that building, thereby reducing any impact.
- 12.12 The applicant has submitted a Noise Impact Assessment in order to assess the amenity of future occupiers with regards to noise and disturbance from surrounding uses. This is particularly relevant within this busy town centre location, with some evening opening uses within the vicinity, including the Tesco filling station to the east, and public houses to the west, for example. The Noise Impact Assessment makes recommendations, including installation of specific glazing and acoustic ventilation options to be installed, in order to reduce internal noise within the apartments to acceptable levels. The Council's Environmental Health Officers have reviewed this document, and recommend a condition to ensure the mitigation measures are installed. Such a condition is thereby recommended. They also recommend that any construction works be undertaken during daytime hours, and a condition stipulating this is also recommended.
- 12.13 In light of the above, the amenity of both future and existing occupiers is considered to be acceptable.
- 12.14 In light of the above, the development is acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, and not causing undue noise and disturbance to residential uses.

### **13. HIGHWAY SAFETY & ACCESSIBILITY**

- 13.1 The proposed development would generate only a small amount of vehicle movements that are considered to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 13.2 The development proposes no dedicated car parking provision. The LHA initially raised concerns, noting that this falls below the recommendation to provide parking for such uses. However, the applicant presented additional information, noting that the site is located within a town centre location, and typically the proposed use does not attract the same levels of car ownership as a residential use. Furthermore, the applicant indicated that a maximum of two staff would ordinarily be based on-site at any one time, dependent on shift patterns and some crossover. In this instance, it is considered appropriate that no parking is provided. The town centre includes a variety of shops and services, accessible to both future residents and the staff to be based at the development. Notwithstanding, it is considered that any residents with cars, in addition to visitors and staff, would be required to utilise off-street parking elsewhere within the town centre, or on-street parking close to the development, much of which is subject to restrictions on stay. As a result, it is considered appropriate to reduce reliance upon the private car, and incentivise future users of the development to travel utilising public transport, or via walking and cycling. The LHA thereby recommended that a Green Travel Plan be submitted, in order to raise awareness of opportunities for reducing travel by car and including a range of measures and initiatives promoting a choice of transport mode. The plan should also include a clear monitoring regime with agreed targets. Such a condition is therefore recommended.

- 13.3 The submitted plans demonstrate that a room would be provided at ground floor for storage of cycles. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 13.4 Further to the internal cycle storage provision to be created, the LHA have recommended that facilities for cyclists be improved close to the site, in order to encourage sustainable transport links. Within the vicinity of the site lies Mottram Road, and which is subject to a long term plan to upgrade infrastructure for cyclists, to improve links to and from Stalybridge town centre. The LHA requested a commuted sum of £15,000 in order to contribute to such works, which the applicant has agreed to. These measures would encourage future users of the site to access the site sustainably, rather than the development becoming reliant upon the private car.
- 13.5 It is reasonable to impose a condition requiring the submission and approval of a demolition and construction management plan relating to the construction phase of the development.
- 13.6 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a Green Travel Plan would encourage use of sustainable transport methods for future users of the development, with improvements for cyclists made within the vicinity, subject to the recommended conditions and commuted sum. The proposals would not result in a detrimental impact on highway safety.

#### **14. DRAINAGE AND FLOOD RISK**

- 14.1 The site is situated within Flood Zone 1.
- 14.2 The applicant has submitted a Drainage Strategy alongside the planning application. United Utilities have reviewed the supporting information and consider it to be acceptable, recommending that the development be undertaken in accordance with the same. A relevant condition is therefore recommended requiring the drainage scheme to be implemented as proposed. United Utilities also note that water mains and public sewers are situated in the vicinity of the site, and state that they would not permit building over or in close proximity to such, and it is the responsibility of the developer to demonstrate the relationship between this and the development, prior to works commencing. An informative is therefore recommended which advises the applicant to contact United Utilities in advance of any works taking place.
- 14.3 The Lead Local Flood Authority (LLFA) have reviewed the submitted information, and initially requested that further detail be provided, including additional attenuation measures for the proposed development. The LLFA have reviewed this information, and raise no objections providing a full drainage scheme is agreed and implemented. Therefore, a condition requiring a full sustainable drainage scheme to be submitted is recommended,
- 14.4 Subject to imposition of conditions as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.

#### **15. GROUND CONDITIONS**

- 15.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a Coal Mining Risk Assessment is not required.
- 15.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The report noted that, based on the history of the site, contamination

on the site could be associated with made ground from the possible demolition of historical residential dwellings built pre-1852. This could include heavy metals, Polycyclic Aromatic Hydrocarbons, sulphates, Asbestos Containing Materials and ground gas. In addition, there may also be localised spillages of fuel and/or volatile contamination from the adjacent petrol station. The EPU raise no objections to the application, and recommend that a condition is attached to any approval which would require a full site investigation strategy to be undertaken, followed by an options appraisal/remediation strategy and a verification plan, in order to address any unacceptable risks posed by contamination. The condition would ensure any recommended remedial works and measures be implemented prior to first use.

- 15.3 The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and subject to its imposition the application is thereby considered acceptable in this regard.

## **16. ECOLOGY AND TREES**

- 16.1 Greater Manchester Ecology Unit (GMEU) have reviewed the application. They note that although the site has a low ecological value at present, there would nonetheless be a loss of ecological value at the site as a result of the proposed development. As a result, they consider that off-site compensation should be provided.
- 16.2 A Biodiversity Metric has been provided in support of the application, in order to categorise the loss in question. This has calculated a loss of 0.09 biodiversity units. As the loss is very small scale, it is recommended that a financial contribution be provided as an alternative to on-site provision, in order that habitat creation and enhancement works could be carried out within the local area, on an alternative site, in order to offset the loss of biodiversity at this site. It is proposed that a financial contribution of £1,350 be provided, which has been agreed with the applicant, and this would fund tree and scrub planting in order to offset the current provision at this site.
- 16.3 The submitted ecology information confirms that the wall of the adjacent building has a negligible bat roosting potential. A tree on the site has also been assessed as having a low potential, however GMEU consider that this is unreasonable, and unlikely to be utilised by roosting bats. GMEU therefore considered that the risk to bats as a result of the development is low, and do not require further information or precautions. They do however advise that the risk to nesting birds is low, and recommend an informative advising the applicant of their responsibility should nesting birds be affected by the development.
- 16.4 The Council's Arborist notes that the site includes a number of self-seeded trees, and two mature trees, a sycamore and a cherry tree, to the rear. The Arborist considers that these offer a low amenity value, classed as Category C trees, therefore not of the highest quality or worthy of retention. There are therefore no objections to the scheme offered by the Arborist.
- 16.5 The application is thereby considered acceptable in these regards.

## **17. DEVELOPER CONTRIBUTIONS**

- 17.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.



- 17.2 As noted earlier, the proposed development would lead to a loss of ecological value at the site. Noting that the loss would be small in scale, it would not be appropriate or practical to replace the loss with enhancements on site, and therefore an off-site contribution of £1,350 is sought.
- 17.3 The applicant will be required to make a contribution to the provision of cycle infrastructure upgrades within the local area, in accordance with Policy T13 of the adopted UDP. A contribution of £15,000 is to be secured towards improvements to cycle infrastructure.
- 17.4 The developer contribution calculation takes into account the level of biodiversity loss on-site, and the level of works necessary to offset this loss elsewhere. Similarly, the upgrades to the cycle facilities would improve access to the proposed development, and would encourage sustainable transport links, reducing reliance upon the private car.
- 17.5 The development proposed is for a C2 (residential institution) use rather than a C3 (residential) use, and therefore there is no requirement in policy terms for provision of affordable housing, green space or education contributions. Should residential development be proposed at the site in future, a planning application would be required to change the use of the proposed building.
- 17.6 The biodiversity and cycle contributions would meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the loss of biodiversity provision on site; and the limited cycle facilities available at present), directly related to the development (as the loss of biodiversity is occurring on the site; and as the close proximity ensures that future users are likely to use these facilities: and proportionate in that the sums are based on the size of the development).

## **18. OTHER MATTERS**

- 18.1 The application has been accompanied with a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded that the contents of the statement are sufficient. The Designing Out Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The applicant is advised of this via an informative.
- 18.2 The application has been accompanied by a Waste Management Strategy, which has been reviewed by the Council's Environmental Health and Waste Management officers. They note that, as a commercial premises falling under Use Class C2, the development would unlikely be served by the Council's waste management services and vehicles. A private waste contractor would therefore be employed by the applicant to establish future waste provision and collection. Assuming a private waste contractor is employed as would be required, it is considered that the proposed development would be adequately served for the purposes of waste collection, according with the requirements of the National Planning Policy for Waste (NPPW).

## **19. CONCLUSION**

- 19.1 The application proposes the erection of a four storey building which would be utilised for commercial purposes, operating as a facility where care is provided to residents. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 19.2 The site is situated within a busy town centre, close to shops and services. The town centre benefits from public transport links including bus and rail, and provides sustainable

connections to surrounding areas, reducing reliance upon the private car. Encouraging town centre living accords with the strategy outlined both locally within the UDP and nationally within the UDP, with a diversity of uses within these areas.

- 19.3 The design and scale of the development is considered to be acceptable, located opposite a modern apartment building, Summers Quay. The development would be designed in a similar manner, and it is considered that the development would be appropriate visually, enhancing this area of the town centre. The maximum height of the building has been reduced from five to four storeys in height, since the previous Panel meeting where it was deferred by members. The revised scheme seeks to follow the precedent set by the previous planning permission, whereby a four storey building was approved for residential development on this site.
- 19.4 Following an assessment of the relationship between the development and surrounding heritage assets, namely the Stalybridge Town Centre Conservation Area, it is considered that no harm would be caused to the character of such as a result of the development. The proposals would improve the site, and would complement other modern developments within this area of the town centre.
- 19.5 The proposal is considered not to be detrimental to residential amenity, with the relationship between the building and those surrounding to be considered acceptable. In particular, the relationship between the building and Summers Quay situated to the north of the site has been assessed in detail and is considered appropriate.
- 19.6 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 19.7 There are no objections to the proposals from the statutory consultees in relation to the proposals which is considered to be an efficient use of an existing site.
- 19.8 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## **RECOMMENDATION**

Grant planning permission, subject to the following conditions:

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

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

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

- Location plan. Dwg no. 12188-AEW-XX-XX-DR-A-0500, rev. PO1;
- Proposed elevations. Dwg no. 12188-AEW-XX-XX-DR-A-0510, rev. PO2;
- Proposed ground floor plan. Dwg no. 12188-AEW-XX-XX-DR-A-0504, rev. PO4;
- Proposed first floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0505, rev. PO3;
- Proposed second floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0506, rev. PO3;
- Proposed third floor plan. Dwg no. 12188-AEW-XX-ZZ-DR-A-0507, rev. PO3;
- Proposed roof plan. Dwg no. 12188-AEW-XX-XX-DR-A-0509, rev. PO2;
- Proposed site plan. Dwg no. 12188-AEW-XX-XX-DR-A-0503, rev. PO2;

- Proposed site plan – ground floor. Dwg no. 12188-AEW-XX-XX-DR-A-0502, rev. PO1;

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

- 3) Notwithstanding any description of materials in the application form and shown within the Design & access Statement no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the building; 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 polices OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

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

1. A site investigation strategy, based on the submitted E3P Phase 1 Geoenvironmental Site Assessment (ref: 15-417-R1-1), detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

2. The findings of the site investigation and detailed risk assessment referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

3. Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.

4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) have been fully implemented including any requirements for long term monitoring and maintenance.

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 184 of the National Planning Policy Framework.

- 5) Prior to first occupation of the development hereby approved, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA). If during development, contamination not previously identified is encountered, then no further development (unless otherwise agreed with the LPA), shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

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

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 184 of the National Planning Policy Framework.

- 6) With exception of site clearance and demolition, and notwithstanding the submitted plans / information, no further development shall commence until a detailed surface water drainage scheme and associated strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:
- Investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof), to include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - A restricted rate of discharge of surface water, if infiltration is discounted by the investigations;
  - Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - Be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
  - Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
  - Demonstrate that foul and surface water shall drain on separate systems;
  - Shall include details of ongoing maintenance and management. The development shall be completed and maintained in full accordance with the approved details.

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 Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 7) Prior to the first occupation of the development hereby approved, the principles outlined in the submitted Foul and Surface Water Drainage Design (dwg ref: 4/8284-100, rev. 1, dated 17.12.2021, prepared by Clancy) shall be implemented in full.

For the avoidance of doubt, surface water shall drain at the restricted rate of 5l/s.

The measures shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 8) No development shall commence until a Demolition and Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
- Wheel wash facilities for construction vehicles;

- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases;
- Details of on-site storage facilities;
- Details of mitigation measures to ensure free flow of traffic on the surrounding streets during the construction phase.

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

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

- 9) Prior to the first occupation of the development hereby approved, details of secured cycle storage to be installed to serve the development shall be 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 shall be installed in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Policy T1 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 10) Prior to the first occupation of the development hereby approved, the noise mitigation measures outlined in the submitted Noise Impact Assessment (undertaken by Hann Tucker Associates, ref: 29377/NIA1) shall be implemented in full, with evidence of such implementation submitted to and approved in writing by the Local Planning Authority. The measures shall be retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 11) Prior to the first occupation of the development hereby approved, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be designed to raise awareness of opportunities for reducing travel by car, and shall feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with set targets. The Green Travel Plan shall thereafter be implemented as per a timetable agreed within the approved details.

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 and T11 Travel Plans.

- 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 and 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: In the interest of residential amenity in accordance with Policy H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

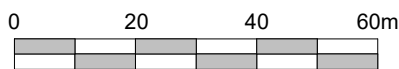
- 13) All windows shall be constructed with a minimum 65mm deep external reveals (or recesses).



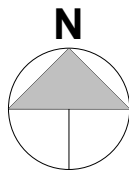
Reason: In the interests of the visual amenities of the locality, in accordance with policies OL10: Landscape Quality and Character and C1: Townscape and Urban Form.

- 14) Prior to the first occupation of the development hereby approved, 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 thereafter 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.



Scale @ 1:1250



**NOTES**

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- This drawing contains the following model files: -

12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

**CDM 2015**

Client notified of duties:

Principal Designer:

Unless noted below, all known hazards have been highlighted on the drawing:

P01	21.12.21	DS	BR
Issued For Planning			

REV	Date	Drawn by: -	Checked by: -
S2			

Status	Purpose of Issue
S2	Planning

drawing stage **Developed Design**

client  
**Evans UK**

project  
**Stalybridge - Grosvenor Street**

drawing title  
**Location Plan**

date	10.12.21	drawn	DS
scale @ A4	1 : 1250	checked	BR

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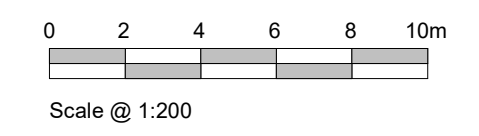
**NOTES**

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

**CDM 2015**

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing:



**Street Scene E**  
Scale @ 1 : 200



**Street Scene N**  
Scale @ 1 : 200



**Street Scene S**  
Scale @ 1 : 200

P02	07/10/22	DS	BR
Building height revised			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		

drawing stage **Developed Design**

client

**Evans UK**

project

**Stalybridge - Grosvenor Street**

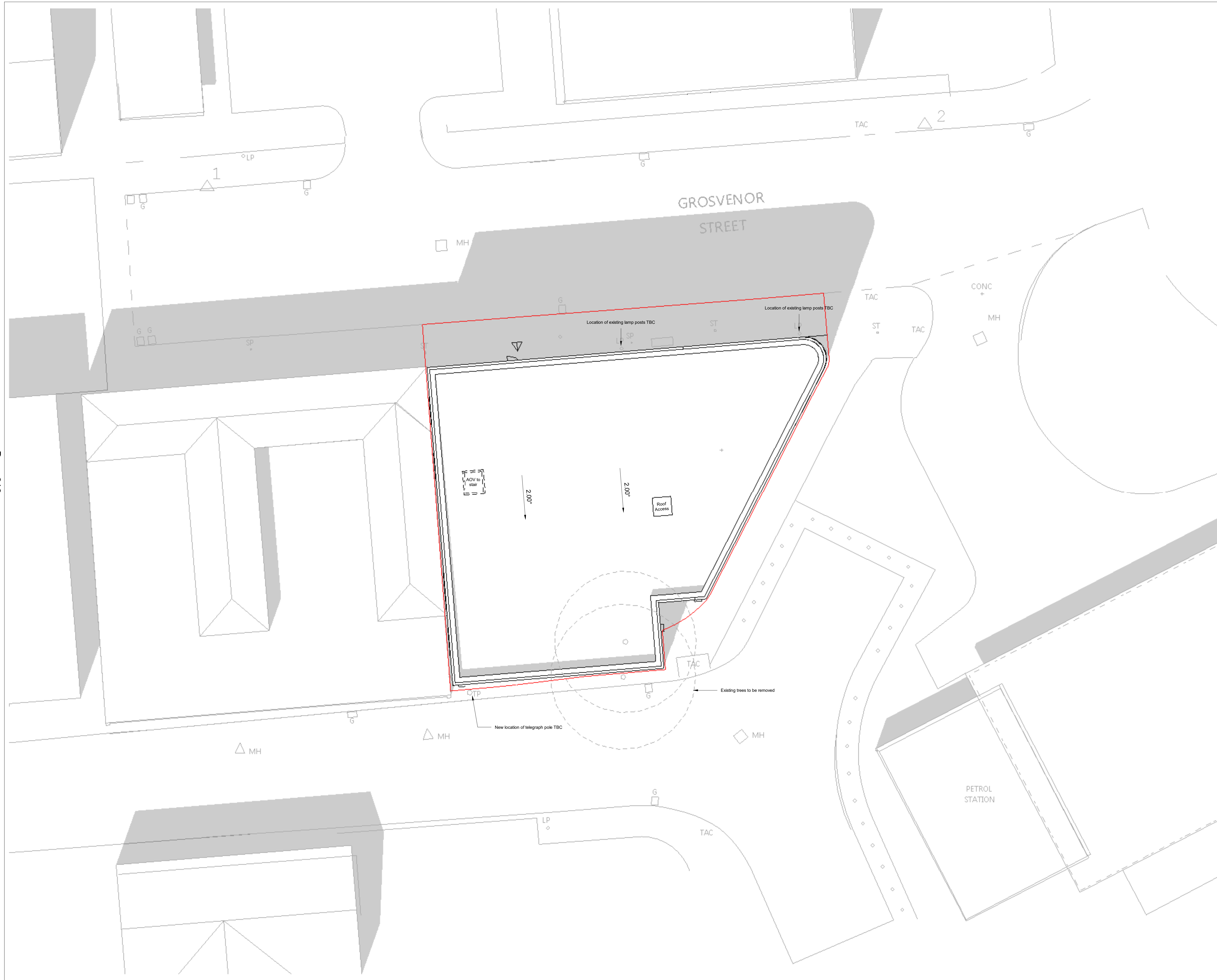
drawing title

**Proposed Street Elevations**

date 17.12.21 drawn JFS  
scale @ A1 1 : 200 checked DS

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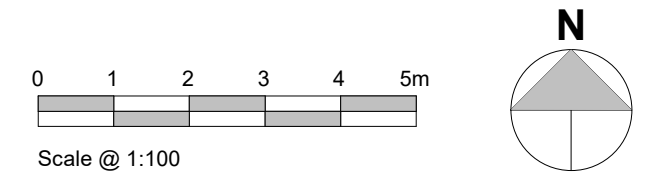


NOTES

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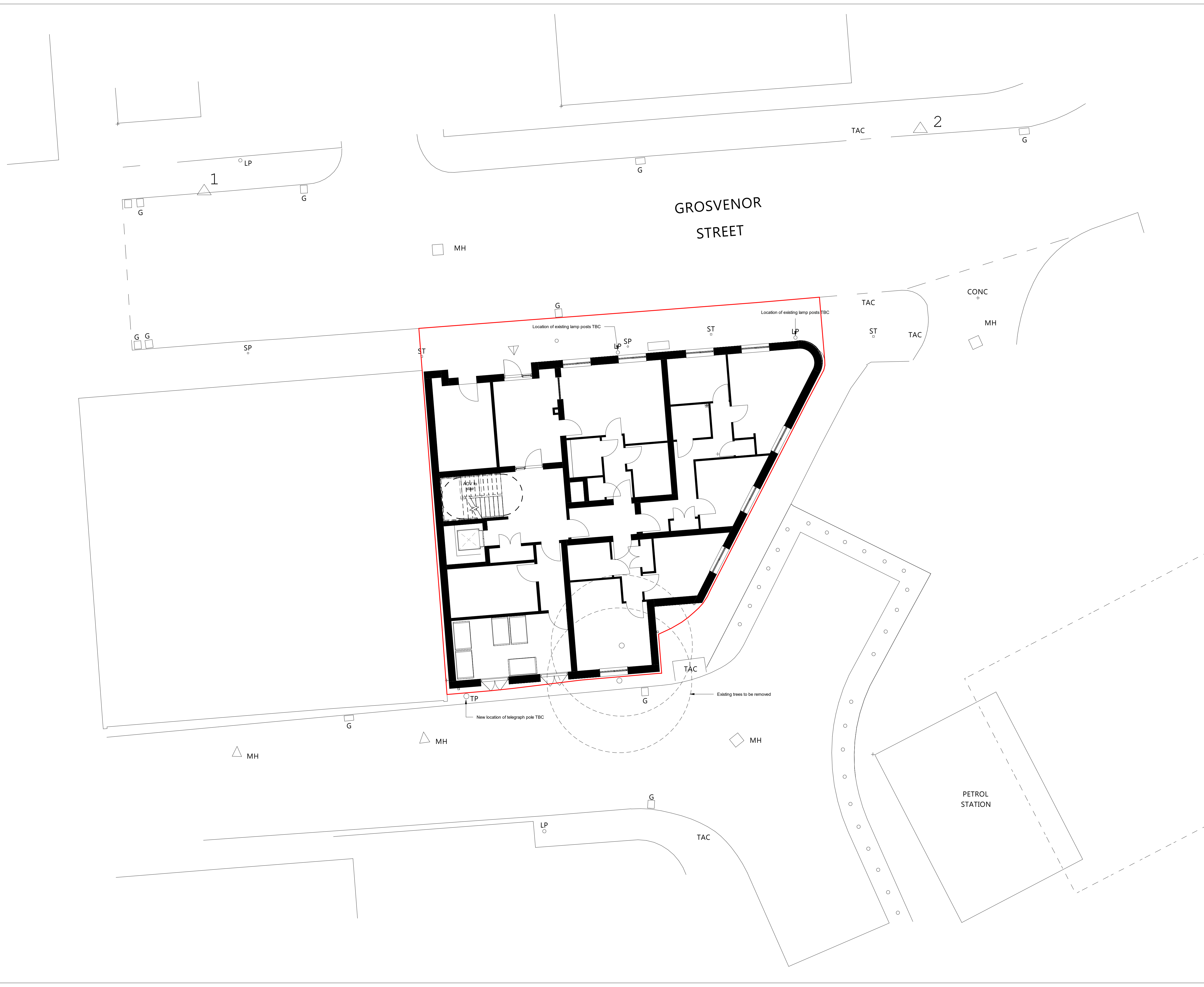
CDM 2015

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing.



P02	07/10/22	DS	BR
Building height revised			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		
drawing stage	Developed Design		
client	Evans UK		
project	Stalybridge - Grosvenor Street		
drawing title	Proposed Site Plan		
date	10.12.21	drawn	DS
scale @ A1	1:100	checked	BR

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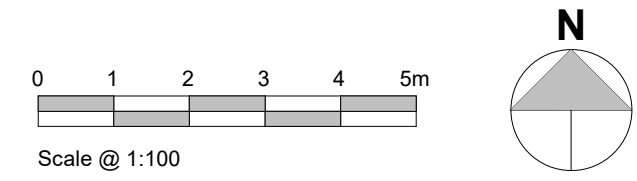


NOTES

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing.



P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		
drawing stage	Developed Design		
client	Evans UK		
project	Stalybridge - Grosvenor Street		
drawing title	Proposed Site Plan - Ground Floor		
date	21.12.21	drawn	DS
scale @ A1	1 : 100	checked	BR

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NOTES

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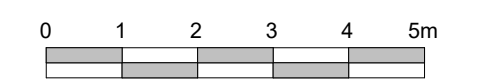
This drawing contains the following model files:-  
12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:

Principal Designer:

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Scale @ 1:100

Materials Key

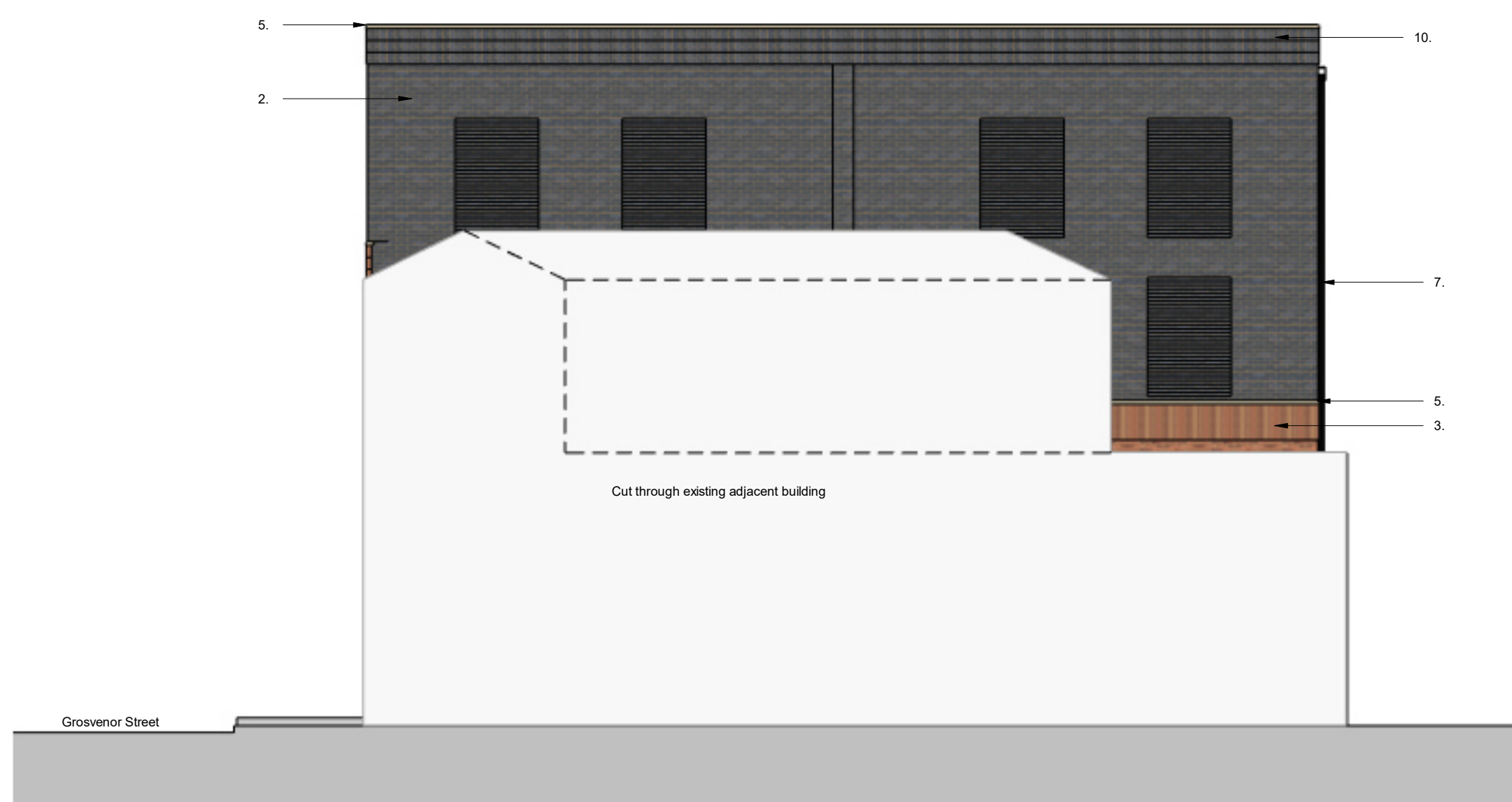
- Red Facing Brick
- Alternative facing brick - dark
- Red Soldier course brick detailing band
- Corduroy feature brick detailing - Red/alternative
- Art stone band/Parapet capping
- Upvc windows - Black
- Black Upvc Rainwater pipe & Hoppers
- Aluminium Framed entrance door - Black
- Aluminium/composite door - Black (CycleBin Store & Roof Access)
- Parapet to roof
- Indicative building signage position - Wording, materials, size to be agreed



East  
Scale @ 1 : 100



North  
Scale @ 1 : 100



West  
Scale @ 1 : 100



South  
Scale @ 1 : 100

P02	07/10/22	DS	BR
Building height revised			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		
drawing stage	Developed Design		
client	Evans UK		
project	Stalybridge - Grosvenor Street		
drawing title	Proposed Elevations		
date	21.12.21	drawn	DS
scale @ A1	1 : 100	checked	BR

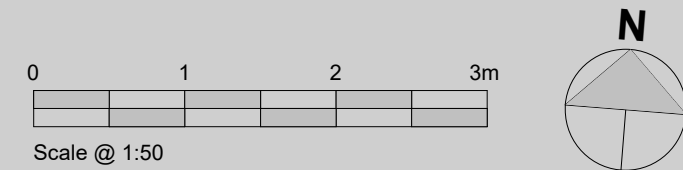


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Existing adjacent building



Proposed 00 Ground Floor  
Scale @ 1 : 50



NOTES

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:  
Principal Designer:

Unless noted below, all known hazards have been highlighted on the drawing.

Area Schedule (Gross Building - GEA)		Area Schedule (GIA)	
Level	Area	Level	Area
00 Ground Floor	312.6 m <sup>2</sup>	00 Ground Floor	282.9 m <sup>2</sup>
01 First Floor	314.9 m <sup>2</sup>	01 First Floor	285.4 m <sup>2</sup>
02 Second Floor	314.9 m <sup>2</sup>	02 Second Floor	285.4 m <sup>2</sup>
03 Third Floor	314.9 m <sup>2</sup>	03 Third Floor	285.4 m <sup>2</sup>
	1257.4 m <sup>2</sup>		1139.1 m <sup>2</sup>

Area Schedule (Rentable)			
Name	Level	Area	Comments
Apartment Type 3	00 Ground Floor	61.3 m <sup>2</sup>	4
Apartment Type 4	00 Ground Floor	43.7 m <sup>2</sup>	4
Apartment Type 1	01 First Floor	41.6 m <sup>2</sup>	4
Apartment Type 2	01 First Floor	42.3 m <sup>2</sup>	4
Apartment Type 3	01 First Floor	61.2 m <sup>2</sup>	4
Apartment Type 4	01 First Floor	43.7 m <sup>2</sup>	4
Apartment Type 5	01 First Floor	41.7 m <sup>2</sup>	4
Apartment Type 1	02 Second Floor	41.6 m <sup>2</sup>	4
Apartment Type 2	02 Second Floor	42.3 m <sup>2</sup>	4
Apartment Type 3	02 Second Floor	61.2 m <sup>2</sup>	4
Apartment Type 4	02 Second Floor	43.7 m <sup>2</sup>	4
Apartment Type 5	02 Second Floor	41.7 m <sup>2</sup>	4
Apartment Type 1	03 Third Floor	41.6 m <sup>2</sup>	4
Apartment Type 2	03 Third Floor	42.3 m <sup>2</sup>	4
Apartment Type 3	03 Third Floor	61.2 m <sup>2</sup>	4
Apartment Type 4	03 Third Floor	43.7 m <sup>2</sup>	4
Apartment Type 5	03 Third Floor	41.7 m <sup>2</sup>	4
17		796.2 m <sup>2</sup>	

P04	07/10/22	DS	BR
Building height revised			
P03	15/03/22	DS	BR
Internal Layout amendments following client feedback - For comment			
P02	07/03/22	DS	BR
GEA Added to drawing			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		

drawing stage **Developed Design**

client

Evans UK

project

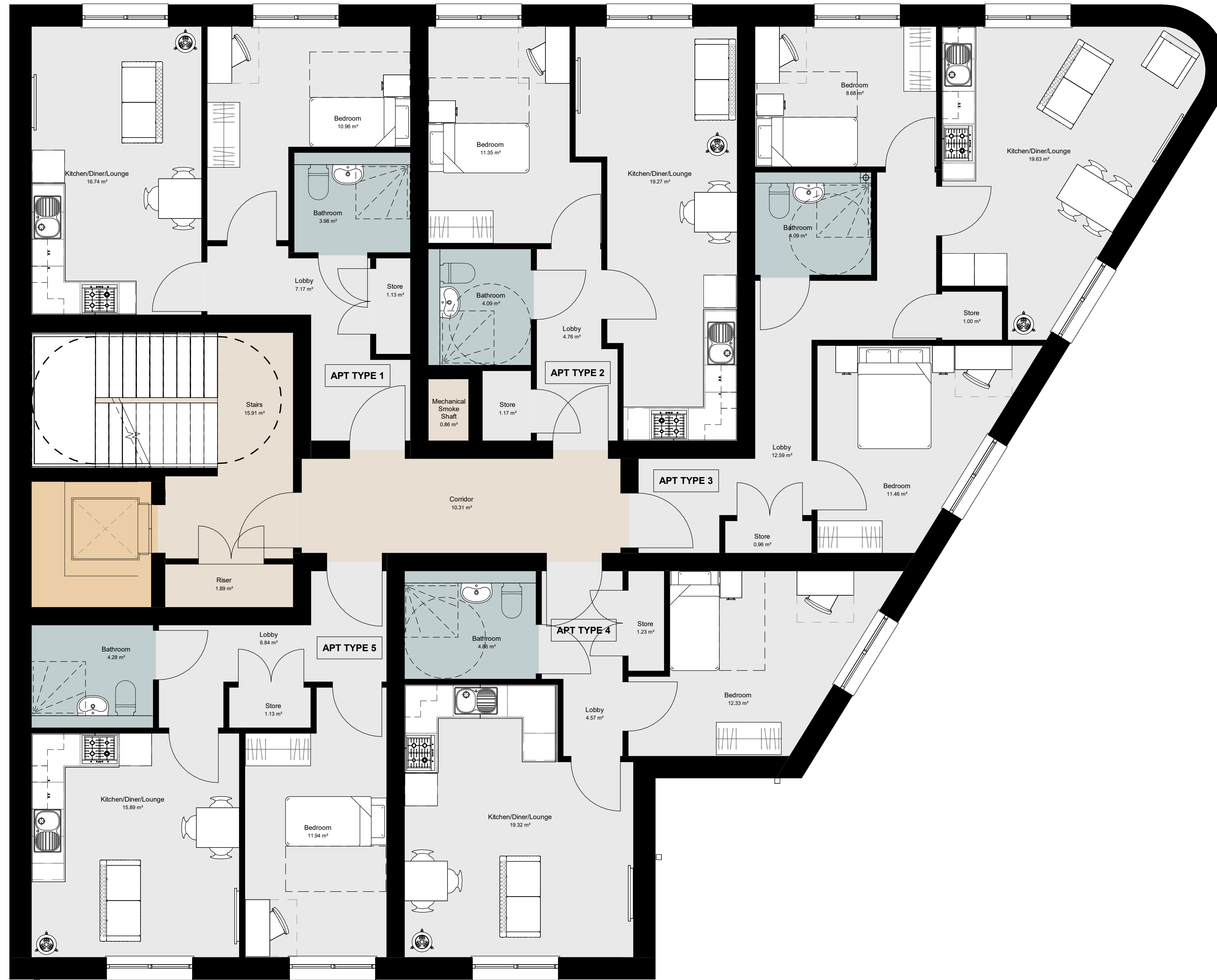
Stalybridge - Grosvenor Street

drawing title

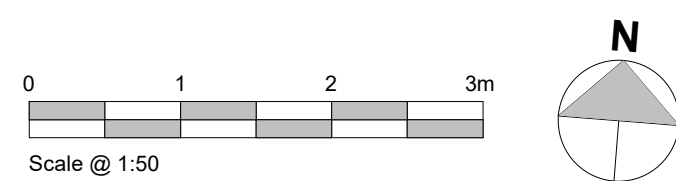
Proposed Ground Floor Plan

date 09.12.21 drawn JS  
scale @ A1 1 : 50 checked BR

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Proposed 01 First Floor  
Scale @ 1 : 50



NOTES

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing.

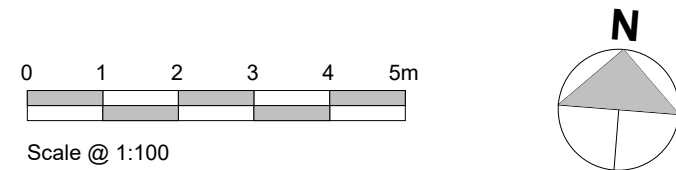
P03	07/10/22	DS	BR
Building height revised			
P02	15/03/22	DS	BR
Internal Layout amendments following client feedback - For comment			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		
drawing stage	Developed Design		
client	Evans UK		
project	Stalybridge - Grosvenor Street		
drawing title	Proposed First Floor Plan		
date	09.12.21	drawn	JS
scale @ A1	1 : 50	checked	BR

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Proposed 02 Second Floor  
Scale @ 1 : 50



NOTES

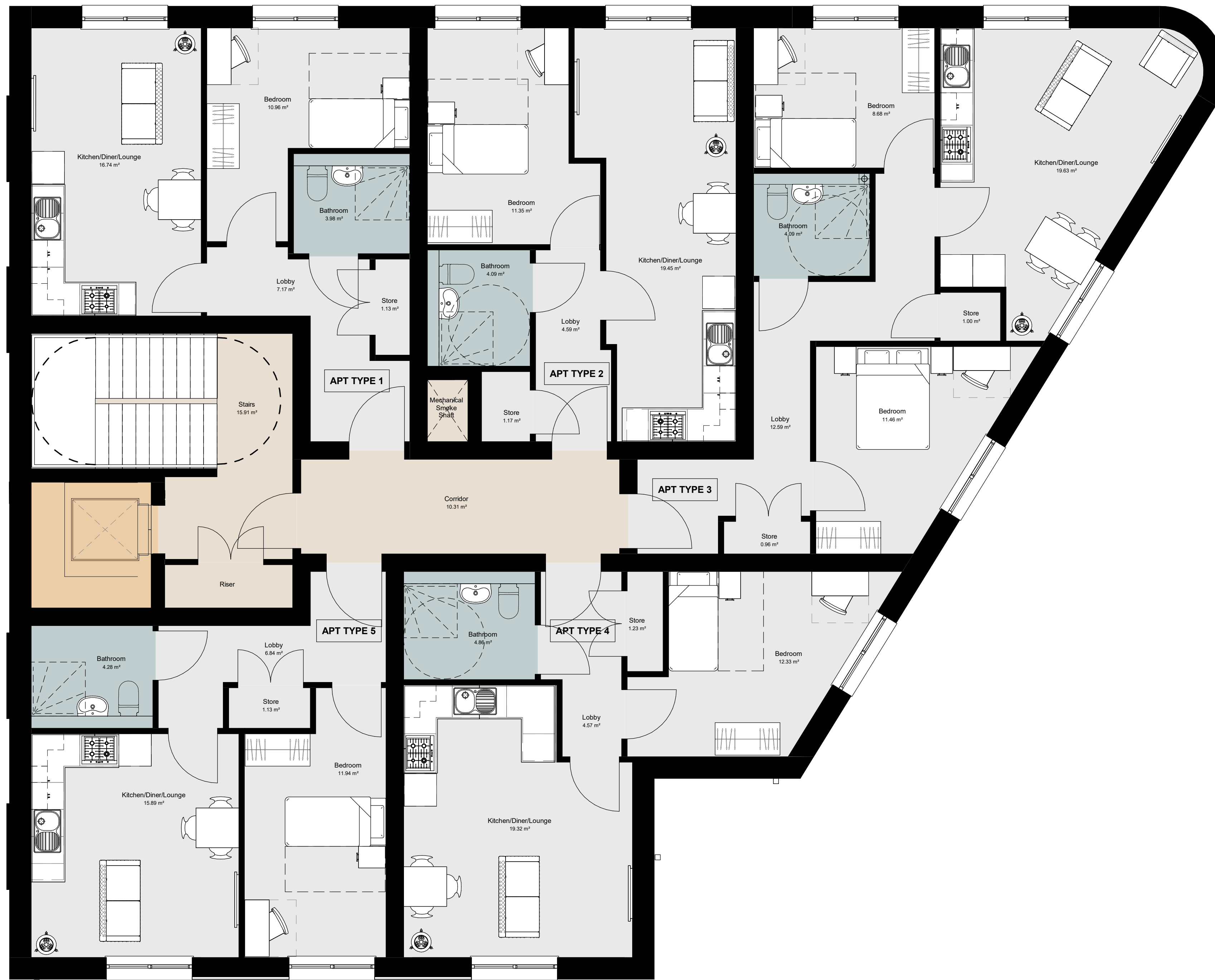
- All dimensions and levels are to be checked on site.
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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

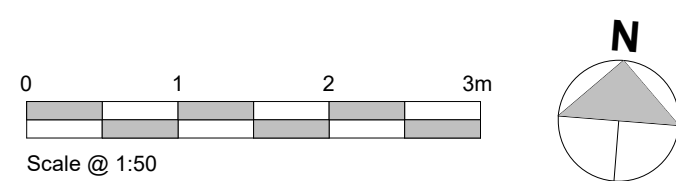
Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing.

P03	07/10/22	DS	BR
Building height revised			
P02	15/03/22	DS	BR
Internal Layout amendments following client feedback - For comment			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		
drawing stage <b>Developed Design</b>			
client			
Evans UK			
project			
Stalybridge - Grosvenor Street			
drawing title			
Proposed Second Floor Plan			
date	16.12.20	drawn	JS
scale @ A1	1 : 50	checked	BR

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Proposed 03 Third Floor  
Scale @ 1 : 50



NOTES

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing.

P03	07/10/22	DS	BR
Building height revised			
P02	15/03/22	DS	BR
Internal Layout amendments following client feedback - For comment			
P01	21.12.21	DS	BR
Issued For Planning			
REV	Date	Drawn by -	Checked by -
Status	Purpose of Issue		
S2	Planning		

drawing stage **Developed Design**

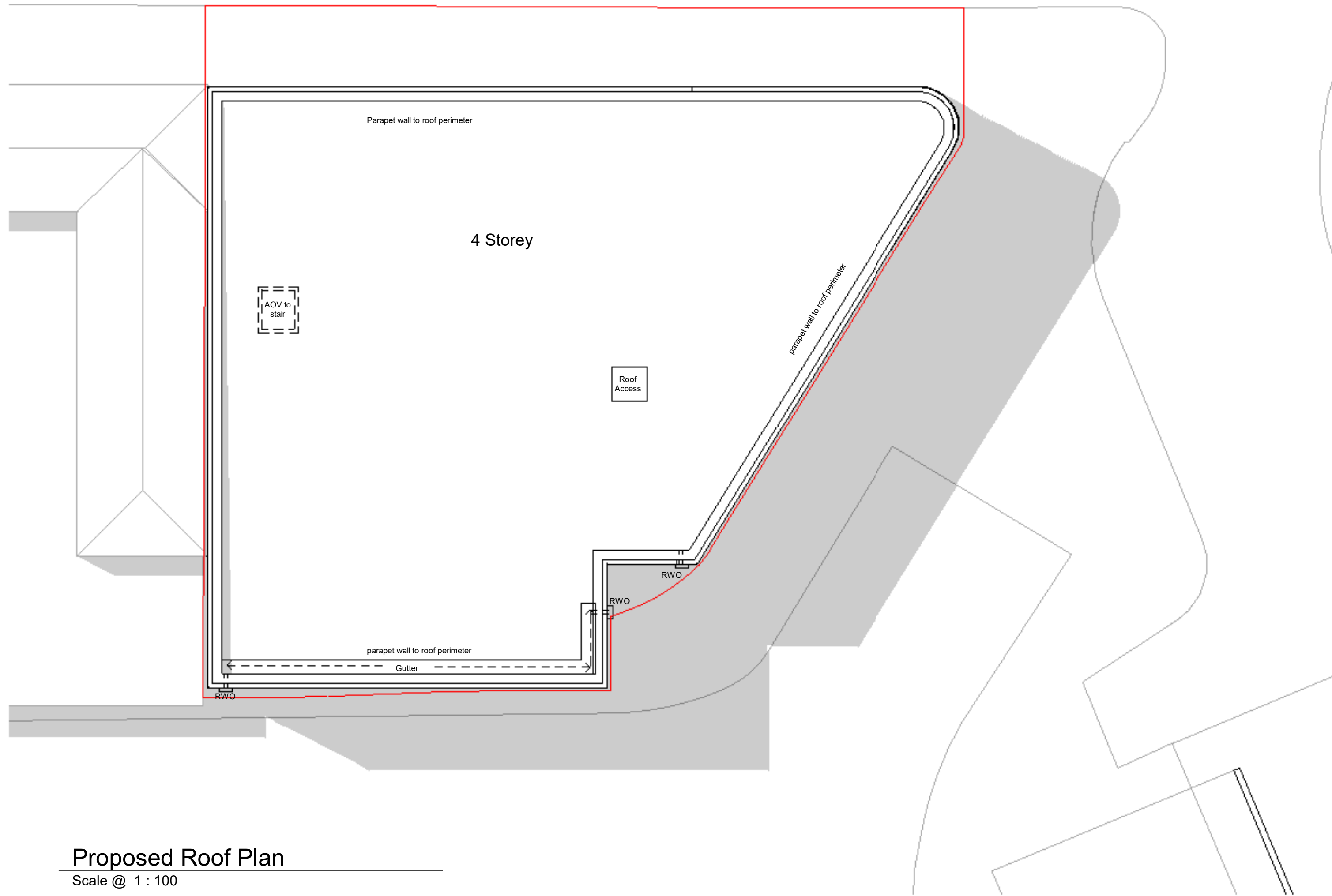
client  
**Evans UK**

project  
**Stalybridge - Grosvenor Street**

drawing title  
**Proposed Third Floor Plan**

date 16.12.20 drawn JS  
scale @ A1 1 : 50 checked BR

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NOTES

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12188-AEW-XX-XX-M3-A-001-Main Model [P0.1] [S0]

CDM 2015

Client notified of duties:  
Principal Designer:  
Unless noted below, all known hazards have been highlighted on the drawing:

P02	07/10/22	DS	BR
Building height revised			

P01	21.12.21	DS	BR
Issued For Planning			

REV	Date	Drawn by: -	Checked by: -
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Status	Purpose of Issue
S2	Planning

drawing stage **Developed Design**

client

**Evans UK**

project

**Stalybridge - Grosvenor Street**

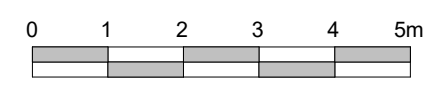
drawing title

**Proposed Roof Plan**

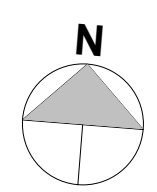
date	10.12.21	drawn	DS
scale @ A2	1 : 100	checked	BR

Proposed Roof Plan

Scale @ 1 : 100



Scale @ 1:100





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**Application Number 21/01459/FUL**

**Erection of five storey building for use as a residential institution (Use Class C2), with access and associated infrastructure**

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**Photo 1: Aerial view of site**



**Photo 2: Site as viewed from Grosvenor Street**



**Photo 3: Site as viewed from Kenworthy Street**



**Photo 4: Site as viewed in a westward direction along Grosvenor Street. The existing Summers Quay development is visible opposite the site, to the north.**









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## Appeal Decision

Site visit made on 25 October 2022

by **C Rafferty LLB (Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> November 2022

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**Appeal Ref: APP/G4240/W/22/3298511**

**Land at end of Foundry Street, Foundry Street, Dunkinfield SK16 5PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Cornerstone and Telefonica UK Ltd against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 21/01168/NCD, dated 31 August 2021, was refused by notice dated 9 November 2021.
  - The development proposed is the proposed installation of a 17.5m monopole supporting 6 no antenna, 1 no dish, together with the installation of 2 no equipment cabinets and ancillary development thereto.
- 

### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the proposed installation of a 17.5m monopole supporting 6 no antenna, 1 no dish, together with the installation of 2 no equipment cabinets and ancillary development thereto at Land at end of Foundry Street, Foundry Street, Dunkinfield SK16 5PH in accordance with the terms of the application Ref 21/01168/NCD, dated 31 August 2021 and the plans submitted with it including: Site Location Maps Drawing No. 100 Rev A dated 29 June 2021; Existing Site Plan Drawing No. 200 Rev A dated 29 June 2021; Proposed Site Plan Drawing No. 201 Rev B dated 29 June 2021; Existing Site Elevation Drawing No. 300 Rev A dated 29 June 2021; Proposed Site Elevation Drawing No. 301 Rev A dated 29 June 2021.

### Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The Council requested that plans were amended to include an area of hardstanding. Plans were submitted with the appeal incorporating this change. I am satisfied these are minor alterations and, as part of the appeal, the Council have had the opportunity to provide comments. As such, and having regard to the Wheatcroft

principles<sup>1</sup> and guidance<sup>2</sup>, I am satisfied there is no risk of prejudice if I take the amended plans into account. I have therefore determined the appeal on this basis.

### **Planning Policy**

4. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

### **Main Issues**

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Reasons**

#### *Character and appearance*

6. The site is a grass verge on Foundry Street, adjacent to residential properties. It is bounded to the north by a supermarket with floodlights and vertical signage, and to the south by the carriageway and dwellings in Jura Close. A regular arrangement of streetlights lines the carriageway, along with a cluster of trees by the site. A mast is located at the opposite end of Foundry Street. The proposal is an upgrade to the service provided by this mast, which is shared with, and would continue to be used by, another operator.
7. While there are limited direct views of the site from nearby dwellings, it remains readily visible from the main carriageway, where it reads as an open and exposed grassed area among the surrounding uses. Due to its position at this site, clear views of the proposal would remain for pedestrians and vehicular users of the carriageway, including long distance views in both directions.
8. Although sited among lampposts, the monopole would be notably greater in height with additional bulk due to its antennas. While necessary for technical and operational reasons, this height and bulk would result in the proposal appearing unduly prominent in the area, with little screening offered by nearby trees. Viewed in the context of the adjacent residential properties, the monopole would appear incongruous, towering above the dwellings and at odds with the immediate residential character of this section of Foundry Street, to which it is particularly near.
9. Two cabinets are also proposed, designed to have a similar appearance to other service boxes. While these could be installed as permitted development the appeal before me relates to the scheme in its entirety and I am not persuaded of a greater than theoretical possibility of the cabinets being installed independent of the rest of the proposal. As such, despite their design, when combined with the monopole they would create a level of clutter in an area of highway that currently provides a visual break in built form. Overall the proposal would appear disruptive to the immediate character of the site and read as visually jarring and out of place.

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<sup>1</sup> Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

<sup>2</sup> 'Procedural Guide Planning Appeals – England'

10. However, the wider area is characterised by a range of uses and, from certain viewpoints, the proposal would also be experienced against the commercial backdrop of the supermarket and car park. In addition, while it would be set back from, and differ in shape and design to, the signage, floodlights, and existing mast, it remains that a variety of vertical structures are present in the vicinity. The proposal, as a result of its prominent position, scale of the monopole, and introduction of development in an open space, would remain a dominant feature. However, nearby commercial uses and vertical development would go some way to assist in assimilating it within the surrounds, reducing the overall level of visual harm caused.
11. The appellant refers to a decision<sup>3</sup> relating to a similar development close to the site, which the Inspector concluded would not have a detrimental effect on the appearance of the street. However, I note that this is in a less open and exposed area than the appeal site, surrounding by a greater variety of street furniture. Each proposal must be assessed on its own site specific circumstances and reference to development nearby carries little weight.
12. For the above reasons, I therefore conclude that the siting and appearance of the proposal would result in a moderate level of harm to the character and appearance of the area.

#### *Suitable Alternatives*

13. Paragraph 114 of the Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. This is acknowledged by other appeal documents provided<sup>4</sup>. Furthermore, the Framework is clear that planning decisions should support the expansion of electronic communications networks. The area does not have a 5G service, which would be addressed by the proposal. It would enhance communication facilities to meet current and future demand. Accordingly, the economic and social benefits of the proposal, particularly as a result of the COVID-19 pandemic increasing network reliance, are acknowledged and attract significant weight.
14. Paragraph 117 of the Framework states that applications such as this should be supported by the necessary evidence to justify the proposed development. For a new mast or base station, this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant has set out the sequential approach followed. It has considered upgrading the existing mast, which would result in a taller and bulkier structure than the proposal that would result in a greater level of visual harm. As it is replacing the existing service, the proposal must provide coverage in the same area but be at least 30 metres from the mast to prevent interference. Sites within this range have been considered and discounted with reasonable justification. The Council has raised no concerns regarding the sequential approach and has suggested no further sites. Accordingly, there is no evidence to indicate suitable alternative sites.
16. I have concluded that the siting and appearance of the proposal would result in a moderate level of harm to the character and appearance of the area. However, the appellant has adequately investigated the possibility of alternative sites, concluding that none exist. Along with the social and economic benefits of the proposal, this

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<sup>3</sup> APP/G4240/W/21/3268575

<sup>4</sup> Ofcom Online Nation 2021 Report; Ofcom Online Nation 2020 Summary Report; Local Government Association A Councillor's Guide to Digital Connectivity; National Needs Assessment; DDCMS & MHLG 'Collaborating for digital connectivity' 2019; DDCMS Future Telecoms Infrastructure Review

attracts significant weight in favour of the scheme given the importance attached to supporting the expansion of electronic communications in the Framework.

17. Overall, I consider that the absence of a suitable alternative site means that the need for the installation to be sited as proposed taking into account any suitable alternative outweighs the moderate harm that would occur to the character and appearance of the area due to the siting and appearance of the proposal.

### **Conditions**

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the Local Planning Authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
19. The appellant has suggested that the colour of the proposal could be amended. However, the GPDO 2015 does not provide any authority for imposing additional conditions beyond those within Class A of Part 16. It would not therefore be reasonable to impose such a condition.

### **Conclusion**

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*C Rafferty*

INSPECTOR

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## Appeal Decision

Site visit made on 30 August 2022

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4 November 2022**

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**Appeal Ref: APP/G4240/W/22/3298608**

**1 Bowland Road M34 2GD**

- 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 Richard Keary against the decision of Tameside Metropolitan Borough Council.
  - The application Ref 21.01271, dated 2 December 2021, was refused by notice dated 27 January 2022.
  - The development proposed is erection of a detached dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. An amended plan, A915/X001, was submitted by the appellant. As the Council has had the opportunity to comment on the plan, and due to the changes being internal and relating to a window facing the appellant's property, no injustice would arise if I were to consider the amended plan. As such, I have determined the appeal on the basis of the amended plan.

### Main Issues

3. The main issues are the effect on:
  - the character and appearance of the area; and
  - living conditions for future occupiers, with regard to internal space, and the living conditions for the current and future occupiers of 1 Bowland Road with regard to overlooking.

### Reasons

#### *Character and Appearance*

4. The appeal site comprises an area of hard standing with grass to the rear. It fronts Bowland Road, at the corner with Sherwood Road. The immediate area is generally characterised by semi-detached bungalows and houses arranged in a largely consistent building line, set back from the road behind front gardens and paved driveways. The properties generally have hipped roofs and several have extensions and alterations which mainly respect the original building form.
5. The proposal is for a detached dwelling at this infill site which would be a contrast to the existing mix of property types in the area. I note that the plot is



not large enough for two semi-detached properties, and the width of the frontage of the proposed property may well be similar to the single semi-detached property at 1 Bowland Road and 6 Sherwood Road. However, the proposal would not reflect the overall scale and massing of the surrounding semi-detached properties as a whole, resulting in a noticeable difference in the built form. Even though the frontage would be similar to adjacent properties, the overall scale of the building would differ.

6. Policy RD22 of the Tameside Residential Design Supplementary Planning Document (SPD) (2010) advises that building lines are an important consideration for infill sites. The plans show the proposal to be located closer to the road and would not follow the existing building line at 1 Bowland Road and the other properties on this side of the street.
7. As such, the proposal would result in the uniform building line in this section of Bowland Road being broken, which would not respect the character and appearance of the area. I note the proposed property has been located forward of the building line to provide a greater garden at the rear and in attempt to avoid any loss of light for the occupants of 1 Bowland Road. However, a property in this location would have a negative effect on the character and appearance of the area. While a revised siting may address this, I must determine the appeal on the basis of the plans before me.
8. Additional landscaping would, to a degree, screen the proposal. However, the roof and forward siting relative to adjoining properties would still be visible. Moreover, the proposal would introduce a gable roof in a generally hipped roofscape, drawing the eye and detracting from the existing roofscape.
9. For the reasons above, the proposals would cause harm to the character and appearance of the area. This would be in conflict with policies H9, H10 and C1 of the Tameside Unitary Development Plan Written Statement (2004). Amongst other things, these policies seek housing proposals that respect and complement the character and appearance of the area and do not cause serious detriment to the character of the area to be enjoyed by other residents.
10. The proposal is also contrary to the provisions of the National Planning Policy Framework (2021) (the Framework) in relation to design, including Paragraph 130 which seeks development that adds to the overall quality of an area and maintains a strong sense of place using the arrangements of streets, spaces and building types.

### *Living Conditions*

11. The Council's calculation that the proposal would have a total floor area of 68.8 square metres is undisputed. A revised plan has been submitted showing a two-bedroom property to overcome the Council's concerns regarding individual room sizes. I note that the Residential Design SPD (2010) at Policy RD18 contains advice on space standards. However, the Council have based their assessment on the nationally described space standards which are not adopted as part of the development plan. There is no clear policy-based explanation for departing from the Council's adopted standards, so I have no reason not to apply those in the SPD.
12. To ensure form and function, and good design is achieved, Policy RD18 of the SPD recommends a minimum space standard of 66 square metres for a 2-

bedroom property. Accordingly, the proposal as shown on the revised plan would meet this standard, ensuring adequate space is provided in line with the provisions of the adopted SPD.

13. The Council have concerns regarding a first-floor side window which would face 1 Bowland Road, resulting in overlooking. The removal of the window, as shown on the amended plan provided with the appeal, would address any issue of overlooking.
14. Consequently, the revised plan would not cause harm to the living conditions of future occupiers, with regard to internal space, and the living conditions for the current and future occupiers of 1 Bowland Road with regard to overlooking, in accordance with Policy H10 of the Tameside Unitary Development Plan Written Statement (2004). This policy seeks the layout of proposed housing developments to be of a design that meets the needs of the occupiers, and to not have an unacceptable impact on the amenity of neighbouring properties through the loss of privacy.
15. The proposal is also in line with the provisions of the Framework (2021) in relation to achieving well designed places, including Paragraph 130, which seeks development that creates a high standard of amenity for existing and future users.

#### **Other Matters**

16. The Council confirm that it cannot demonstrate a five-year housing land supply and paragraph 11(d)(ii) of the Framework (2021) falls to be considered. The proposal is in an accessible location and, therefore, the provision of housing would be a clear benefit. However, the harm caused to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the limited increase in supply in housing that would result. Therefore, the proposal would not benefit from the presumption in favour of sustainable development outlined in the Framework at paragraph 11.

#### **Conclusion**

17. While there would be no harm to living conditions, my above findings in respect of character and appearance bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed

*F Harrison*

INSPECTOR

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