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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 18 January 2023
Time: 10.00 am
Place: Guardsman Tony Downes House, Manchester Road,
Droylsden, M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence from Members of the Panel.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 21 December 2022, having been circulated, to be signed by the Chair as a correct record.	1 - 4
4.	PLANNING APPLICATIONS To consider the schedule of applications:	
a)	21/01143/FUL - 61 STOCKPORT ROAD, ASHTON-UNDER-LYNE, OL7 0LF	5 - 52
b)	22/00510/FUL - CARSON HOUSE CARE CENTRE, 30 STAMFORD STREET, STALYBRIDGE, SK15 1JZ	53 - 74
c)	22/00940/FUL - 3 DOWNING CLOSE, ASHTON-UNDER-LYNE, OL7 9LX	75 - 94
5.	APPEAL DECISION NOTICES	
a)	APP/G4240/D/22/3298117 - 32 UXBRIDGE STREET, ASHTON-UNDER-LYNE, OL6 7DA	95 - 96
6.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	
7.	DATE OF NEXT MEETING To note that the next meeting of the Speakers Panel (Planning) will take place on 22 February 2023.	

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

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Agenda Item 3

SPEAKERS PANEL (PLANNING)

21 December 2022

Commenced: 10:00am

Terminated: 10.30am

Present: Councillor McNally (Chair)
Councillors Affleck, Dickinson, Mills, Quinn and Ricci

Apologies: Councillors Bowerman, Owen and Pearce

38. DECLARATIONS OF INTEREST

There were no declarations of interest from Members of the Panel.

39. MINUTES

The minutes of the proceedings of the meeting held on 16 November 2022, having been circulated, were approved and signed by the Chair as a correct record.

40. PLANNING APPLICATIONS

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

RESOLVED

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

Name and Application No:	22/00678/FUL Anwyl Homes Lancashire and Robertson Construction North West Limited
Proposed Development:	New school for pupils with special educational needs or disabilities (SEND); consisting of single storey building, alongside grass playing pitch, artificial surface playing pitch, with car parking, access and associated infrastructure. Longdendale Playing Fields, off Manley Grove, Mottram-in-Longdendale
Speaker(s)/Late Representations	The case officer advised that since publication of the agenda, two late representations had been received in relation to the application. The first representation, circulated to Members, referred to a restrictive covenant in relation to the land for the proposed development site. Reference was also made to the monetary value of the land swap and issues with traffic in the vicinity. In response, the case officer advised that the first two matters were not material planning considerations, whilst the third concerning traffic had been covered at length within the report. The second representation was received from Jonathan Reynolds, Member of Parliament for Stalybridge and Hyde. Mr Reynolds welcomed the expansion of SEN school provision

	<p>within Tameside provided there was suitable open space on the development site for community use. As outlined in the report, both the proposed grass playing pitch and artificial surface playing pitch would be suitable for community use.</p> <p>Kylie Ward addressed the Panel objecting to the application.</p> <p>Michael Conroy, on behalf of the applicant, addressed the Panel in relation to the application.</p>
Decision:	That planning permission be granted, subject to the conditions as detailed within the submitted report.

41. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal Decision
APP/G4240/W/22/3299916 Area of footpath off Lower Bennett Street, Hyde, SK14 4PP	Proposed new 18m high Phase 8 3HG street pole and associated 3no. equipment cabinets.	Appeal dismissed.
APP/G4240/Z/22/3303866 1 Hamilton Street, Stalybridge, SK15 1LL	Proposed upgrade of existing 48-sheet advert to support digital poster.	Appeal dismissed.
APP/G4240/W/22/3294392 19 Stockport Road, Ashton-under-Lyne, OL7 0LA	Proposed change of use of dwelling (Use Class C3) to 8 person House in Multiple Occupation (Sui Generis use) and construction of rear dormer.	Appeal dismissed.
APP/G4240/D/22/3298607 86 King Edward Road, Hyde, SK14 5JJ	Proposed demolition of existing detached garage and construction of single storey side/rear extension.	Appeal dismissed.

42. URGENT ITEMS

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

43. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 18 January 2023.

CHAIR

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Application Number:	21/01143/FUL
Proposal:	Change of use of building from storage and distribution (Use Class B8) to 43no. apartments (Use Class C3), including infill roof extension, external alterations, and car parking, following partial demolition.
Site:	61 Stockport Road, Ashton-under-Lyne, OL7 0LF
Applicant:	Infinity Property Investing Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	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, which is a maximum of three storeys in height, also including some two and single storey sections. The building was last used as a mattress warehouse. It is believed to have been vacant for over nine years.
- 1.2 The building includes some attractive features, particularly to its front and side elevation. To the frontage, a traditional shop frontage remains at ground floor level, and although requiring repairs, includes features such as panelled stallrisers and cills, with vertical pilasters and a traditional fascia board. Existing windows within the upper floors of the building are proportioned with the traditional style of the building, and include original features such as stone headers and sills. Windows and doors at ground floor, as well as some windows at first floor, are currently covered with security grills.
- 1.3 The site is situated outside of the defined area of Ashton town centre, but within walking distance of it, including the shops and services offered.

2. PROPOSAL

- 2.1 This full application seeks planning permission for the change of use of the building to 43no. apartments.
- 2.2 Externally, the existing shop front would be replaced, including repositioned windows and doors, with retention of some traditional features.
- 2.3 Replacement and reconfiguration of window openings are proposed at upper floors, and to the rear and side of the building, including change from some doors to windows.
- 2.4 A single storey section of the building would be partially demolished, adjacent to the frontage, and would be set back within the plot in order to create a courtyard and access. This section of the building would then be reconstructed in facing brickwork, in order to match the existing building, with a roof infill section above the ground floor.
- 2.5 The applicant has indicated that the development would include an element of supported living for future occupiers. 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 submitted basement and ground floor plans show that staff facilities, including a staff office and store area, would be provided.

- 2.6 The proposed scheme will provide 43 specialist supported living apartments comprising 41 one bedroom apartments and 2 two bedroom apartments. The scheme will enable residents to live independently, where they would perhaps not be able to otherwise. A dedicated staff team will be available on site, to assist residents where required. This model is intended to assist residents in finding employment or education, or establish roots within the local community, with the intention that they would eventually move into the private rented sector in future.

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

- 1.3: 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**

- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- C1: Townscape and Urban Form
- N3: Nature Conservation Factors
- 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 person's 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 was one letter received, which is of a neutral opinion (not objecting or supporting the development). The issues raised within the letter are summarised below:
- Unclear what parking arrangements are proposed. Would raise concerns if parking is on-street only;
 - Unclear whether the proposed development would be utilised as social housing or as private market housing.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority – No objections, subject to conditions requiring a scheme for secured cycle storage; a travel plan; a construction environment management plan; and a surface water drainage scheme. A financial contribution for reinstatement to the footway/kerb line, and road lining at the junction of Stockport Road, is also requested.
- 7.2 United Utilities – No objections. Recommends a condition requiring a surface water drainage scheme be submitted, including that foul and surface water be drained separately.
- 7.3 Lead Local Flood Authority – Limited drainage information provided, and infiltration should be further investigated. Further detail regarding rain water recycling and a potential green roof should be investigated.
- 7.4 Greater Manchester Ecology Unit – No objections. Recommends an informative advising that works should cease if bats are present.
- 7.5 Environmental Health – No objections, subject to conditions requiring restrictions on construction working hours; bin storage provisions; acoustic mitigation measures outlined within the submitted Noise Assessment to be implemented; and submission of an air quality impact assessment.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a programme of investigation, followed by a remediation strategy as necessary, and that remedial measures be implemented prior to use.
- 7.7 Transport for Greater Manchester – Raises concerns should new vehicular access onto Stockport Road be introduced. Provides guidance regarding cycle storage provision.
- 7.8 Waste Management – Provides guidance regarding bin store capacity and future requirements.

8. ANALYSIS

- 8.1 In terms of the principle of housing development, Members will be aware that the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear

that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 43 apartments would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.

- 8.2 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Policy H2 (Unallocated Sites) states that 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. Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas, given the sites location within walking distance of Ashton town centre, with links to services which would meet the sustainable policy objectives.
- 8.3 It is evident that the building has been vacant for at least nine years. It remains that the site is undeveloped and reflects negatively on the local environment.
- 8.4 There is no doubt that the site constitutes previously developed land (PDL) for the purposes of the planning assessment. The proposal presents an opportunity to address this by instating long-term stewardship of the site. The opportunity to make a positive contribution to housing supply by the redevelopment of a brownfield site is considered to be highly sustainable and this is afforded significant weight in the determination of the application. The site is situated outside of the defined area of Ashton town centre, but within walking distance of it, including the shops and services offered, and would be an appropriate re-use of previously developed land.
- 8.5 The site is located within a highly accessible area close to the town centre, connected to public transport which runs close to the site, and local services and employment uses within Ashton. In light of the above, the principle of residential development in this location is considered to be acceptable.

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 building consists of an existing part two storey, part three storey commercial building. The building includes some attractive features, particularly to its front and side elevation. To the frontage, a traditional shop frontage remains at ground floor level, and although requiring repairs, includes features such as panelled stallrisers and cills, with vertical pilasters and a traditional fascia board. Existing windows within the upper floors of the building are proportioned with the traditional style of the building, and include original features such as stone headers and sills. Windows and doors at ground floor, as well as some windows at first floor, are currently covered with security grills.
- 9.3 The majority of alterations to the building would be made at the ground floor, to the frontage. The existing shop front design, not considered practical for the future use of the building, would be replaced with new but smaller fenestration, including repositioned windows and doors. Traditional features, however would be retained in part, with vertical pilasters

remaining in between the new fenestration. Traditional features above the existing fascia board would be retained upwards, with protruding stone supports remaining in place, meaning the proportions of the frontage at first and second floor levels remain largely as original. The new windows and doors would be of an appropriate design, with stone headers and cills, and of a proportion which reflects the remainder of the building. Replacement of windows at upper floor levels and removal of security grills would improve the appearance of the building further. It is important that works are undertaken in sympathetic materials, similar in style and appearance to the existing, and a condition is recommended ensuring details be submitted for approval prior to their use.

- 9.4 The single storey section of the building would be partially demolished adjacent to the frontage, and would be set back within the plot in order to create parking and site access within this area. This section of the building would then be reconstructed in facing brickwork, in order to match the existing building, with a moderate roof infill section above the ground floor. This section of the building is not considered of the highest visual merit when compared against the frontage of the main building, and is not considered worthy of retention in its current form. The proposal would create openness to this area, allowing for easier access and movement, and the rebuilt section of building would appear acceptable visually. The single storey section of building would also have a small infill roof section, which is considered acceptable, not widely visible from public vantage points.
- 9.5 To the rear and side elevations of the building, other external alterations would primarily consist of additional window openings and change of some doors to windows. These would largely be undertaken sympathetically, with appropriate designs, siting and both headers and sills included where possible. These are considered to be acceptable visually.
- 9.6 In light of the above, the alterations to the building are considered appropriate in this location.

10. RESIDENTIAL AMENITY

- 10.1 Windows which would serve habitable rooms would be positioned within each of the four elevations of the building. Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14m apart on street frontages. For buildings of three or more storeys, this should be increased by an additional three metres extra (17m total) for each additional storey. The building in this case is a maximum of three storeys in height.
- 10.2 Windows serving habitable rooms are to be positioned in each elevation of the building. Residential properties on Bollington Street to the rear, as well as Stockport Road to the side and to the front, would be affected by the proposed development. The property situated closest to the building are nos. 1 and 2 Bollington Street, whose frontage are situated approximately 16.7m from the rear of the building. This relationship is acceptable, falling only slightly below the recommended distance of 17m as set out above, and retaining an acceptable relationship between both existing buildings. The relationship between no. 59 Stockport Road, whose gable elevation faces the side elevation of the building, is considered to be acceptable at a distance of 15.5m, with no habitable room windows within that elevation. The rear garden area of that property would not be unduly overlooked at that distance, and adequate privacy between the two would be maintained. The relationship between the building and those units to the opposite side of Stockport Road which include first floor flats are considered to be acceptable, considering the distances involved largely comply with the above guidance.
- 10.3 Windows within upper floors of the building, serving habitable rooms, positioned within the southern elevation of the building would face towards the gable wall and boundary shared with no. 67 Stockport Road. At present, the boundary forms part of the single storey element of the building, part of which is to be demolished. This would continue to afford some privacy

to that residential property, particularly adjacent to the rear garden. A bin store and small amenity area would be formed adjacent to the rear garden, and a condition is recommended to ensure a suitable boundary treatment is installed to protect the amenity of that property from those utilising this area. The upper floor windows would continue to be positioned approximately 11.0m from the boundary with no. 67, and the property does not include habitable room windows within its gable. The condition as mentioned previously would require the applicant to provide a boundary treatment between the front proposed parking area (adjacent to the section of building to be demolished), which would further protect the amenity and privacy of occupiers of no. 67. It is thereby considered that the relationship between the two would be acceptable.

- 10.4 Outlook afforded for future occupants of the proposed apartments (those externally facing) would largely be acceptable, with their relationships compared with distances from neighbouring properties above. Windows serving habitable rooms positioned to apartment numbers 11, 12, 13 and 14, would face towards an existing wall at ground floor level, achieving a distance of just over 4.3m between the two. Although none of the habitable windows would directly face, this would still fall below the 14m distance identified above. Notwithstanding this relationship, as no windows would directly face, therefore a lesser separation distance could be acceptable. The windows would face out into a common courtyard entrance area, rather than out onto a public highway, and therefore would unlikely be significantly trafficked aside from those residing within the development, and amenity and privacy concerns would therefore be less. Buildings within the vicinity area relatively closely spaced, as is the character of this area. It is also considered the case that urban locations such as this may not achieve the same level of separation and amenity expectations of other areas.
- 10.5 On balance, although the outlook for apartment numbers 11, 12, 13 and 14 would achieve a separation distance below the standard outlined in paragraph 11.1, it is acceptable in this scenario. It is noted that the building is situated within an urban location, where considerably lower separation distances than those within the SPD are commonplace, and this scheme would bring a vacant building back into a viable use, according with the aims of the NPPF wishing to achieve greater use of town centre living.
- 10.6 With regard to the amenity of future occupiers, it is noted that each of the apartments would achieve at least 37 square metres (sqm) internally, and some would exceed this, which is the minimum size expected to achieve a reasonable standard of amenity, as outlined within the Government Technical Housing standards document (nationally described space standard), for single bedrooms normally occupied by one person. Those apartments which, still having one bedroom but to be normally occupied by two persons, would exceed 50sqm internally, which is the minimum expected for that standard of accommodation. Finally, those apartments which have two bedrooms would exceed 70sqm internally, which is the minimum expected for that standard of accommodation. On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 10.7 The site lies within a busy urban location, with commercial uses situated within close proximity, including the within the properties to the west to the opposite side of Stockport Road. Highways lie to three sides of the building, with Stockport Road operating as a busy thoroughfare. Associated background noise from those uses and highways are likely, and the applicant submitted a noise impact assessment with the application, which recommends a range of mitigation measures to ensure better soundproofing of the future accommodation. The application has been reviewed by the Council's Environmental Health officers, who raise no objections but recommend that the mitigation measures be implemented prior to occupation of the accommodation. A relevant condition is thereby recommended.
- 10.8 The Council's Environmental Health officers have also recommended a condition restricting the hours of conversion of the proposed development to daytime hours only. As set out

above, the site is in a busy mixed use location. For this reason, it is considered that such a condition is necessary to protect the amenities of residential properties.

- 10.9 In light of the above, the development is acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, and not causing undue noise and disturbance to residential uses.

11. HIGHWAY SAFETY & ACCESSIBILITY

- 11.1 The development proposes no dedicated car parking provision. Initially, the LHA raised objections to this, considering that the proposed use would likely generate some level of vehicle movements and associated demand for parking. The applicant in response carried out an on-street parking survey, in order to measure the availability of on-street parking at certain times of day, during the week, and to ascertain whether this would be acceptable to justify a lower level of off-street parking dedicated to the development. The LHA reviewed this, and considered that the site is situated in a highly sustainable location, within walking distance of the town centre of Ashton, with its shops, services and public transport provision operating close to the site. They also noted that cycle parking provision would be required within the development, and that a travel plan is recommended to encourage future occupiers to use more sustainable transport modes other than the private car. These measures are discussed in further detail, but this combined with the parking survey, which demonstrated that capacity exists on surrounding streets for parking with few restrictions, led the LHA to remove their objection to the proposals. Further, they noted that a vehicular access onto Stockport Road, which is a busy thoroughfare, would not be appropriate for highway safety reasons, and therefore no parking is to be provided on-site.
- 11.2 The travel plan to be submitted would seek 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.
- 11.3 The submitted plans demonstrate that cycle storage would be provided at ground floor level, with additional provision within the basement area. The LHA considers that 30no. spaces should be provided for use by cycles. These are important matters to promoting sustainable travel and can be addressed by way of a condition.
- 11.4 As noted above, the LHA does not consider that a vehicular access should be provided to the front of the site onto Stockport Road. The LHA have requested a financial contribution, to ensure the current dropped kerb to the front of the building is reinstated, in order to prevent vehicular access, and to implement waiting restriction lining along Stockport Road, in order to prevent vehicles waiting which may cause a highway safety issue. Although this is considered to be reasonable and necessary, a condition for off-site highway works would be appropriate and is therefore recommended.
- 11.5 The LHA further recommend that a construction environment management plan be provided, to ensure that the construction of the development would have no undue impacts upon highway safety. This is considered reasonable and a relevant condition is recommended.
- 11.6 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, and a travel plan would encourage use of sustainable transport methods for future users of the development, with cycle parking also provided. The site lies close to the town centre, within walking distance. Subject to the recommended conditions, the proposals would not result in a detrimental impact upon highway safety.

12. DRAINAGE AND FLOOD RISK

- 12.1 The site lies within Flood Zone 1, at the least risk of flooding. The site is a previously developed site, formerly in an industrial use with sales.
- 12.2 The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA initially noted that limited drainage information had been provided, and that the infiltration capability of the site should be further investigated. They also considered that limited foul and surface water drainage detail had been provided. The LLFA reviewed further submitted information, and concluded that infiltration methods were discounted, however further information was required. They also required further detail regarding rain water recycling and a potential green roof, which could be accommodated within the development.
- 12.3 United Utilities have reviewed the submission, and have raised no objections subject to proposal and implementation of a surface water drainage scheme.
- 12.4 In light of the comments from both drainage bodies, it is considered appropriate to recommend a condition which requires a sustainable drainage scheme to be proposed and implemented. This would be submitted to both drainage bodies for their comment before it is implemented, and would ensure that the development is adequately drained and flood risk reduced.
- 12.5 Subject to imposition of the condition as set out above, it is considered that the proposals would be adequately drained, subject to an acceptable scheme being agreed. The proposals would therefore not result in a detrimental impact upon flood risk or drainage capacity, in line with the provisions of national and local planning policy.

13. GROUND CONDITIONS

- 13.1 The Environmental Protection Unit (EPU) have reviewed the submitted information. They note that potential sources of contamination at the site could be associated with the former industrial uses of the site (i.e. works, tyre re-treading and mattress manufacture). This could include volatile contamination and leaks from any fuel/oil/chemical storage. If this is present, it may present a ground gas/vapour risk. In addition, when considering the age of the building, it is likely that asbestos containing materials may be present. However, no soft landscaping is to be included within the proposals. The EPU raise no objections to the proposals, and recommend that a condition is attached to any approval, which would require a programme of investigation to be carried out in order to assess the future contamination risks at the site, followed by a remediation strategy as necessary, in order to address those risks. The condition would ensure any recommended remedial works and measures be implemented prior to first use.
- 13.2 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 subject to its imposition the application is thereby considered acceptable in this regard.

14. ECOLOGY

- 14.1 It is noted that the building has not been in active use for some time, and may be utilised by protected species such as bats. The applicant submitted a bat scoping survey alongside the application, which found no evidence of bats, and considered the building to have a low roosting potential. Greater Manchester Ecology Unit (GMEU) reviewed the survey, and noted

that it recommended that one dusk/dawn survey be undertaken, which had not been carried out. The applicant in response submitted a bat emergence and re-entry survey.

- 14.2 The additional information has since been reviewed by GMEU, who have confirmed they are satisfied with this, as it found that the building has no evidence of roosting bats. Considering that bats are highly mobile creatures, and can be discovered in locations where they may be unexpected, an informative is recommended to advise the applicant of their responsibility to cease works should bats be discovered.
- 14.3 Subject to the recommended informative, the application is considered acceptable, minimising risks to protected species. The application is thereby considered acceptable in these regards and complies with the provisions of national and local policy.

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 and education contributions as per the requirements of policies H4, H5 and H6 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 The applicant identifies that the accommodation would be provided on a social/affordable rent basis, proposed to be operated by Express Housing Ltd, who are a registered provider, or a similar organisation. The intention would be to lease the apartments in consultation with the Council's housing service, and they are intended to be accommodated by those requiring supported living. The proposal therefore represents a 100% affordable development exceeding the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF.
- 15.5 The affordable housing requirement would be exceeded through the applicant's intention to provide all of the apartments on an affordable basis. The affordable housing contribution carries significant weight in the assessment of the application. In the circumstances of the application, it is considered reasonable to secure the affordable housing via a planning condition.
- 15.6 Beyond improvements to the site entrance, reinstating an existing dropped kerb and improving lining on Stockport Road, there are no highway impacts associated with the development which would warrant off-site mitigation via a commuted sum. The off-site improvements listed are considered to accord with the highways policies outlined within the UDP, and with the NPPF, in order to ensure the development does not unduly affect highway safety. These provisions can be secured by means of a planning condition.
- 15.7 Likewise, with reference to green space, although none is proposed to be delivered on-site, within close proximity to the north of the site is situated West End Park, with established pedestrian crossing facilities between the site and the park allowing for convenient access. Noting that the apartments would be primarily one bedroomed (aside from two which would

be two bed), the accommodation is not deemed to be suited to family accommodation. Contributions towards education would therefore not be warranted.

16. OTHER MATTERS

- 16.1 Part of the site sits within an Air Quality Management Area. The Council's Environmental Health officers consider that an air quality impact assessment is therefore required, in order to determine if any mitigation measures would be required in order to protect the health of the future occupants of the apartments that sit within that area. For example, dedicated ventilation with nitrogen dioxide filtration may be required. A condition is therefore recommended which would require the submission of an air quality impact assessment, alongside any necessary mitigation measures to be provided prior to the first occupation of the apartments.
- 16.2 The submitted plans demonstrate that a bin store would be provided as part of the proposals. The Council's Waste Management officers have provided guidance regarding the requirements of the bin store, in terms of number of bins and apparatus which would need to be accommodated for the size of the development. Waste officers consider that the provision would need to be larger than that shown on the plans, or the types of bins provided would need to be altered. A condition is recommended therefore requiring further details of the bin store to be provided pre-occupation of the development, in order to ensure that adequate waste storage provision is provided. Assuming the condition is attached should the application be approved, it is considered that the proposals would meet the requirements of the National Planning Policy for Waste (NPPW).

17. CONCLUSION

- 17.1 The application proposes the change of use of a former industrial building, which would be utilised for residential use. The site is previously developed, brownfield land, and is not allocated for other purposes.
- 17.2 The site is situated outside of a town centre, but within walking distance of it, close to shops and services. The adjacent highway benefits from public transport links including bus, and tram and train services run from Ashton town centre, within close proximity, providing sustainable connections to surrounding areas, reducing reliance upon the private car. Re-use of a brownfield site such as this accords with local and national policy, introducing a diversity of uses within these areas.
- 17.3 The design and scale of the development is appropriate for this location. The external alterations are considered to be visually acceptable, with relatively moderate alterations to the building and retention of original features where possible.
- 17.4 The proposal is considered not to be detrimental to residential amenity, given the nature of the proposed use and the distance and intervening uses between residential uses. In particular, the relationship between four of the proposed flats internally has been assessed in detail and is considered appropriate.
- 17.5 The development would not cause undue impacts to highway safety, and would be considered acceptable subject to the imposition of conditions.
- 17.6 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.

17.7 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 three years from the date of this permission.

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

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

- Location plan.
- Site plan as proposed. Dwg no. P-12, rev. B.
- Basement and ground floor plans as proposed. Dwg no. P-08, rev. D.
- Mezzanine floor plan as proposed. Dwg no. P-09, rev. B.
- First floor plan as proposed. Dwg no. P-10, rev. B.
- Second floor plan as proposed. Dwg no. P-11, rev. B.
- Front and gable elevations as proposed. Dwg no. P-13, rev. B.
- Rear and gable elevations as proposed. Dwg no. P-14, rev. B.

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 3) Notwithstanding any description of materials in the application form and shown within the Design & access Statement no conversion works shall take place until samples and/or full specification of materials to be used externally on the building have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

- 4) Prior to any above ground works commencing on the site, plans at a scale of 1:20 of the window openings to be installed on the elevations of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a section plan showing the thickness of the frames and the depth of the recess of the frames from the outer face of the host elevation. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with Policy C1 of the adopted Tameside Unitary Development Plan.

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

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

- 6) 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.

- 7) Prior to the commencement of 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 scheme shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The scheme shall demonstrate that

foul and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The scheme shall also include details of ongoing maintenance and management arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with Policy U3 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 8) Prior to the first occupation of the apartments hereby approved, details of secured cycle storage to be installed to serve the apartments 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 apartments 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.

- 9) Prior to the first occupation of the development hereby approved, full details of the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arising. The approved facilities shall be implemented in conjunction with the approved method statement prior to the first use or occupation of the development and shall be retained as such thereafter.

Reason: In the interests of encouraging recycling and visual amenity in accordance with Policies C1 and H10 of the adopted Tameside Unitary Development Plan and the National Planning Policy for Waste.

- 10) Prior to the first occupation of the apartments hereby approved, the noise mitigation measures outlined in the submitted Noise Assessment (undertaken by dBx Acoustics Ltd, dated 1 December 2021) 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) 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.

- 12) Prior to the first occupation of the development hereby approved, a 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 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.

- 13) 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; and
- 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.

- 14) Prior to the commencement of the development hereby approved, an air quality management assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall determine what the impact of the existing air quality will have on the future occupiers of the development. Any required mitigation measures identified as being necessary shall be implemented in full, with evidence of such implementation submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development. The scheme shall be retained and maintained at all times thereafter.

Reason: In the interest of impact upon air quality and associated health risks in accordance with Policy MW14 of the adopted Tameside Unitary Development Plan and the National Planning Policy Framework.

- 15) No development, other than site clearance, demolition and site compound set up, shall commence until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:

- a. Phasing plan of highway works;
- b. Details of alterations to kerb lines and footway at access point; and
- c. Details of carriageway markings/lining at the junction of Stockport Road.

The approved scheme of highway works shall be constructed and completed prior to the first occupation of any part of the development.

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.

- 16) No development, other than site clearance, demolition and site compound set up, shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved

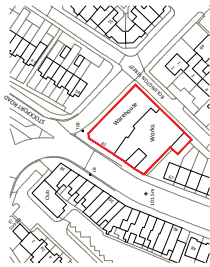
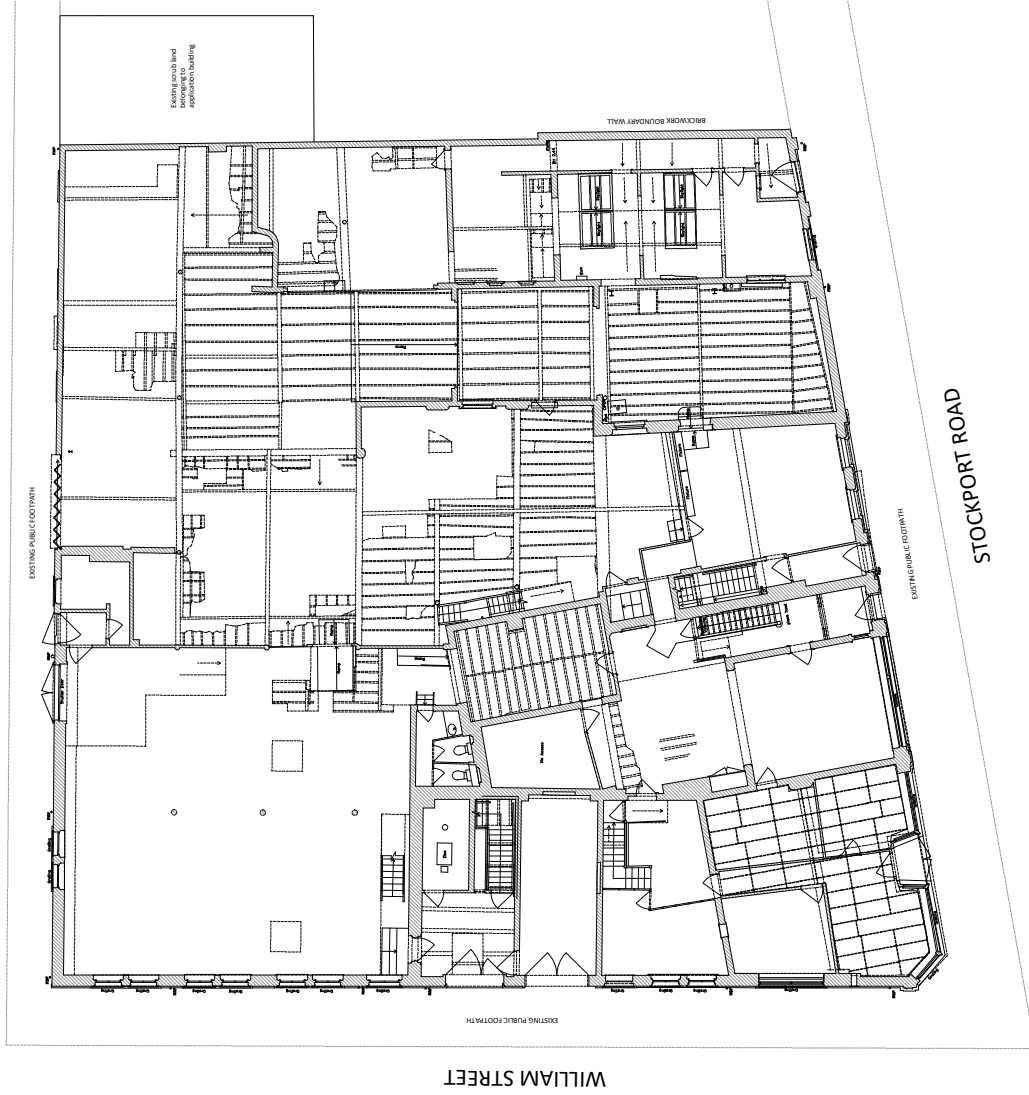
scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location within the block of the affordable housing provision to be made which shall consist of not less than 100% of housing units;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with UDP Policy H4 Type, Size and Affordability of Dwellings.

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BOLLINGTON STREET



Location Plan
 Scale @ 1 : 1250



Site Plan as Existing
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
		INFINITY PROPERTY INVESTMENTS LTD 61-63 STOCKPORT ROAD, ASHTON-UNDER-LYNE	
		CONVERSION OF EXISTING BUILDING TO FLATS	
		Site Plan as Existing and Location Plan	
		Project Number: 870-01	
		Drawing Number: P-07	
		Date: 07.06.2021	
		Drawn by: DM	
		Checked by: OLS	
		Current Revision: A1	

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Basement Floor Plan as Existing
 Scale @ 1 : 100



Ground Floor Plan as Existing
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
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INFINITY PROPERTY INVESTMENTS LTD

61-63 STOCKPORT ROAD,
 ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

Basement and Ground Floor Plans as Existing

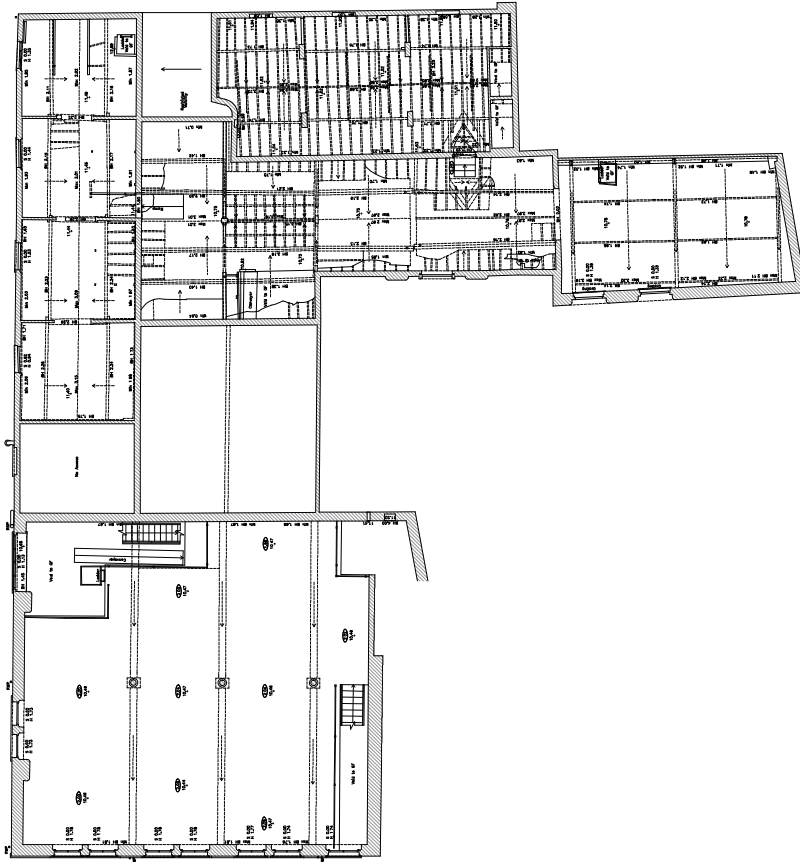
Drawing Number	Project number	873-01
P-01	Date	07.06.2021
Current Revision	Drawn by	DM
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	Scale @ A1	As indicated

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Mezzanine Floor Plan as Existing
 Scale @ 1:100

PLANNING

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 CONVERSION OF EXISTING
 BUILDING TO FLATS

Mezzanine Floor Plan as Existing

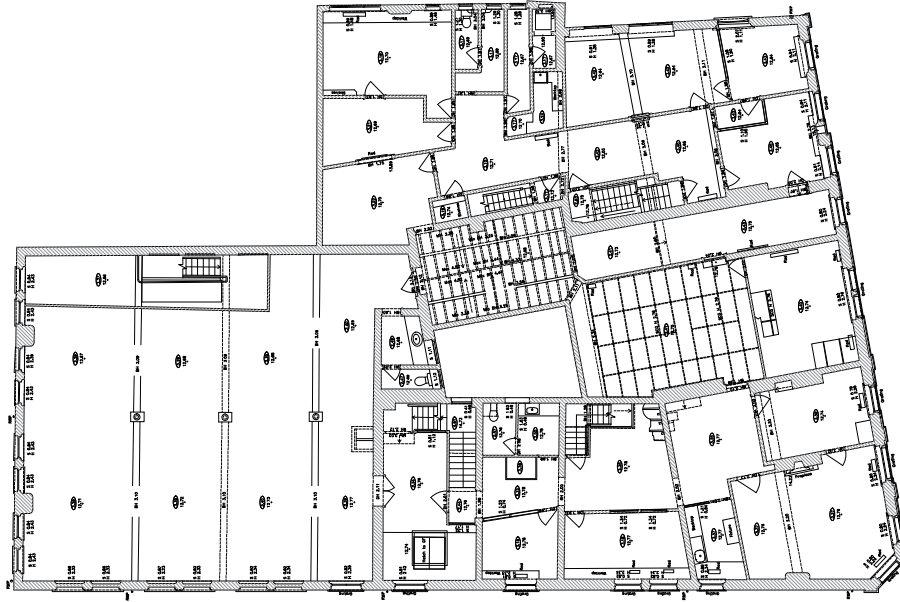
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P-02	Date	07.06.2021
Current Revision	Drawn by	DM
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First Floor Plan as Existing
 Scale @ 1 : 100

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		CONVERSION OF EXISTING BUILDING TO FLATS	
		First Floor Plan as Existing	
Drawing Number	Project Number	Date	870-01
P-03	07.00.2021	Drawn by	DM
Current Revision	Checked by	Scale @	A1 Indicated

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Second Floor Plan as Existing
 Scale @ 1 : 100

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CONVERSION OF EXISTING
 BUILDING TO FLATS

Second Floor Plan as Existing

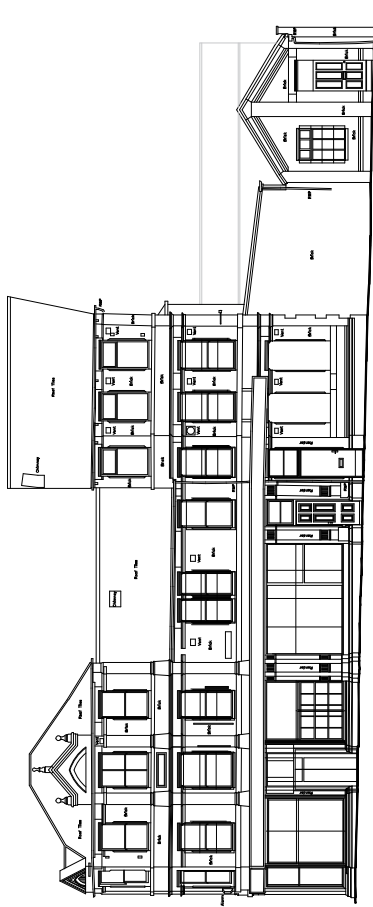
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P-04	Date	07.06.2011
Current Revision	Drawn by	DM
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Front Elevation as Existing
 Scale @ 1 : 100



Gable Elevation as Existing
 Scale @ 1 : 100

PLANNING

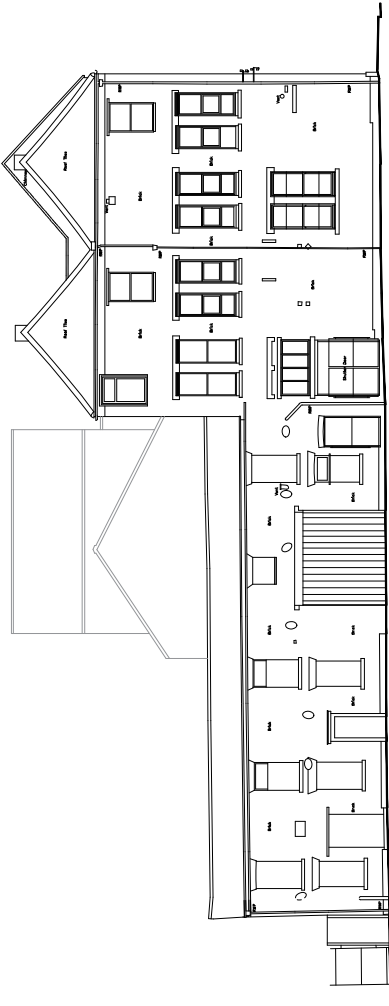
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		CONVERSION OF EXISTING BUILDING TO FLATS	
		Front and Gable Elevations as Existing	
		Project Number P-05	870-01
		Date 07.06.2021	07.06.2021
		Drawn by DM	DM
		Checked by OL3	OL3
		Current Revision None @ A1	A1 Indicated

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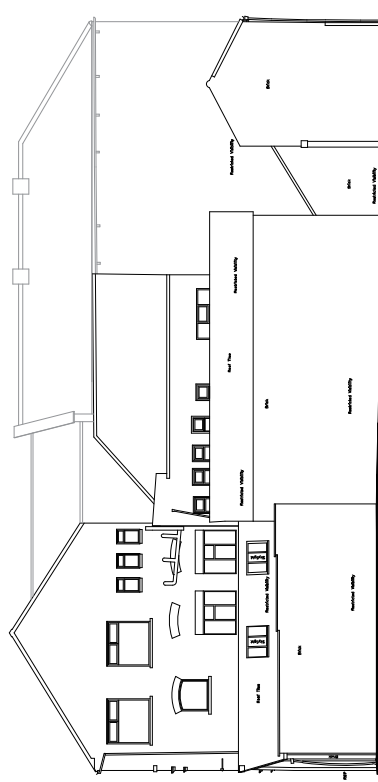
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Rear Elevation as Existing
 Scale @ 1 : 100



Gable Elevation as Existing
 Scale @ 1 : 100

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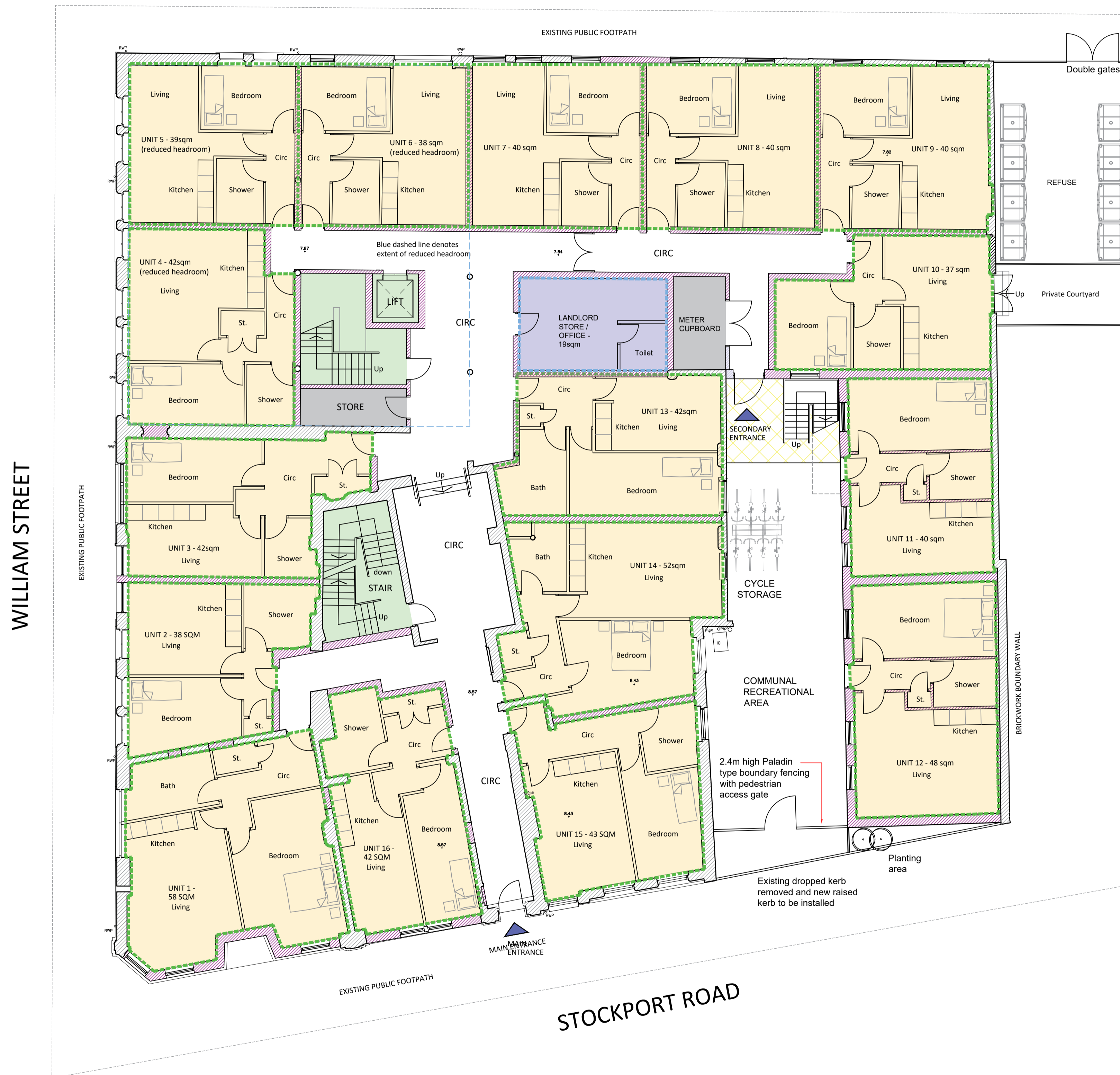
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		CONVERSION OF EXISTING BUILDING TO FLATS	
		Rear and Gable Elevations as Existing	
		Project Number P-06	8703-01
		Date 07.06.2021	DM
		Drawn by Checked by Scale @ 1/1	DM O13 As Indicated

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BOLLINGTON STREET



PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

INFINITY PROPERTY INVESTMENTS LTD

61-63 STOCKPORT ROAD, ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

Site Plan as Proposed

Drawing Number	Project number	873-01
P-12	Date	07.06.2021
Current Revision	Drawn by	DM
B	Checked by	OL3
	Scale @ A1	As indicated

Site Plan as Proposed
 Scale @ 1 : 100

STUDIO OL3
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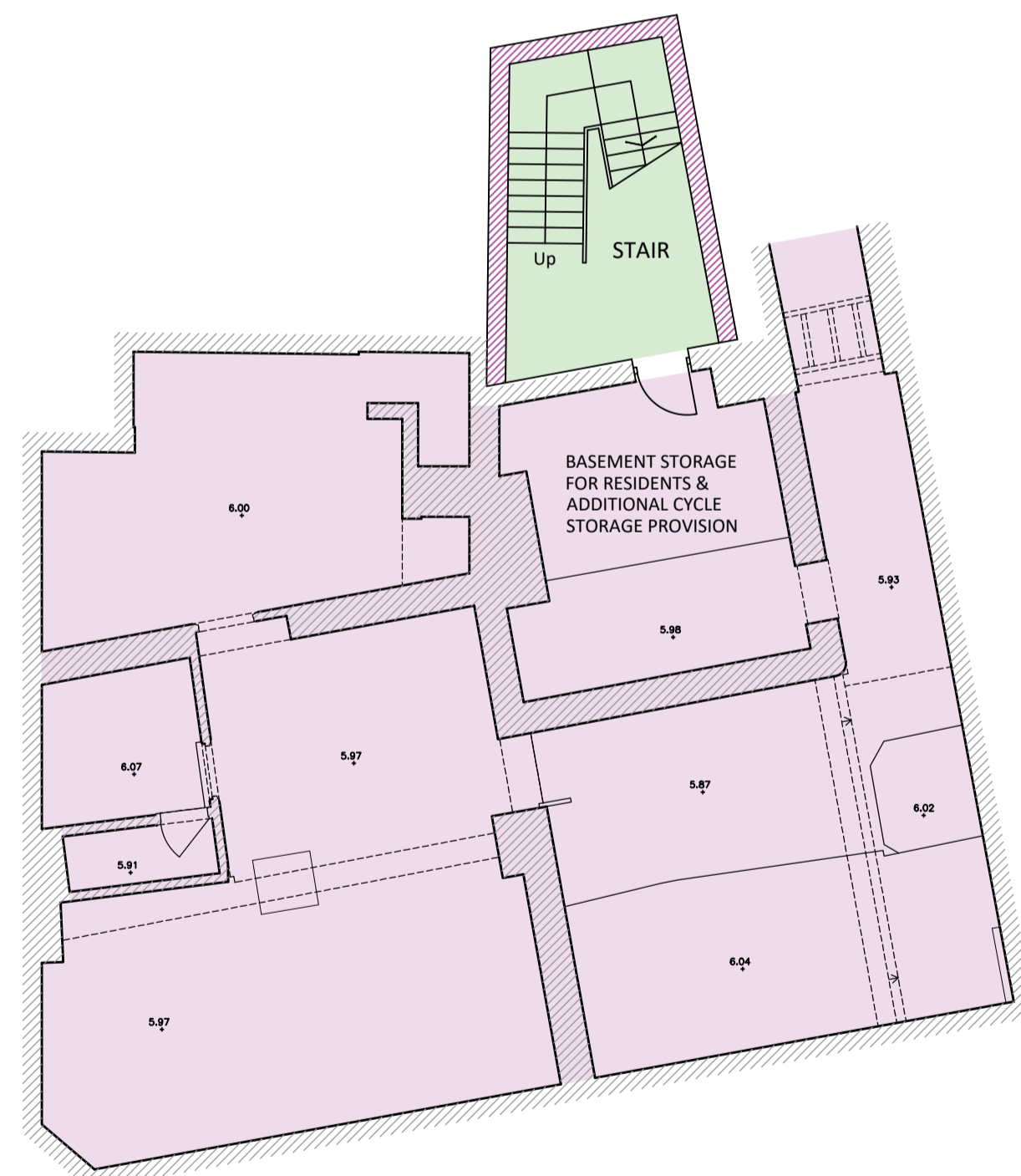
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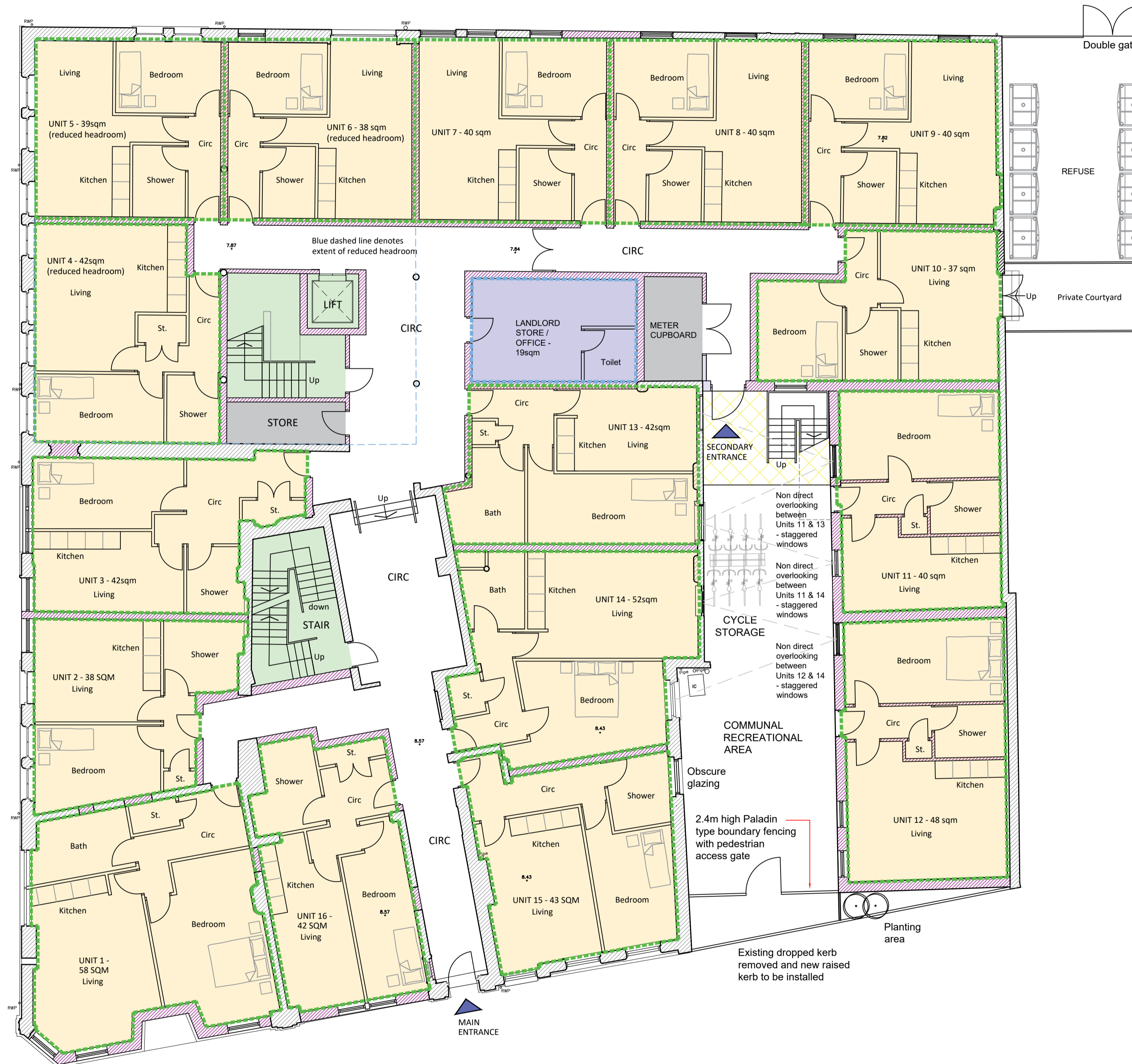
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LEGEND - GROUND FLOOR LEVEL

UNIT	Approx net m ²	Type
1	58	1 Bed 2p
2	38	1 Bed 1p
3	42	1 Bed 1p
4	42	1 Bed 1p
5	39	1 Bed 1p
6	38	1 Bed 1p
7	40	1 Bed 1p
8	40	1 Bed 1p
9	40	1 Bed 1p
10	37	1 Bed 1p
11	40	1 Bed 1p
12	48	1 Bed 1p
13	42	1 Bed 1p
14	52	1 Bed 2p
15	43	1 Bed 1p
16	42	1 Bed 1p



Basement Floor Plan as Proposed
 Scale @ 1 : 100



Ground Floor Plan as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	
C	14.11.22	Revision in line with L.A. Comments	
D	15.12.22	Revision in line with L.A. Comments	

INFINITY PROPERTY INVESTMENTS LTD

61-63 STOCKPORT ROAD, ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

Basement and Ground Floor Plans as Proposed

Drawing Number	Project number	873-01
P-08	Date	07.06.2021
Current Revision	Drawn by	DM
D	Checked by	OL3
	Scale @ A1	As indicated

STUDIO OL3
 ARCHITECTURAL DESIGN

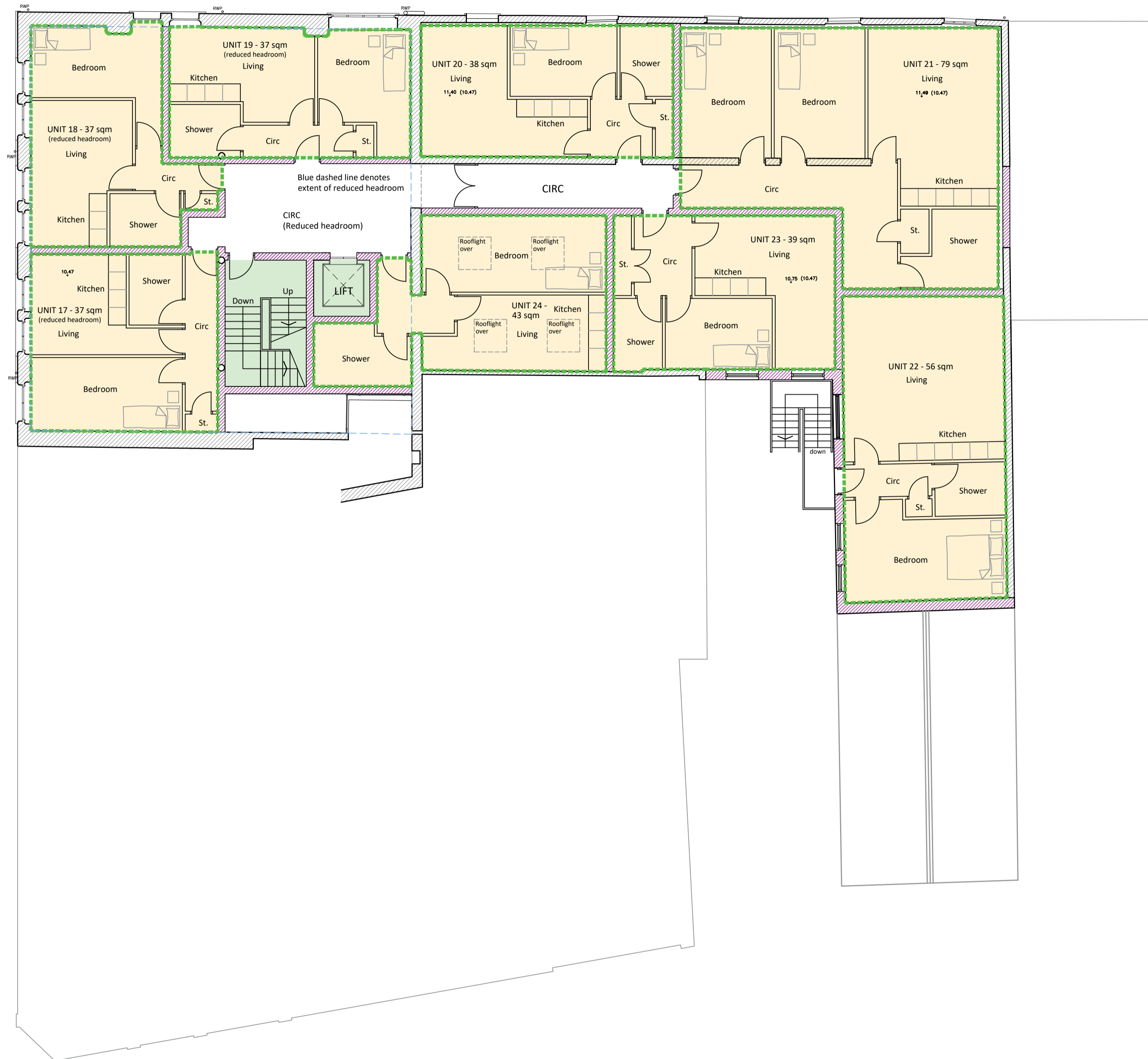
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LEGEND - MEZZANINE FLOOR LEVEL

UNIT	Approx net m ²	Type
17	37	1 Bed 1p
18	37	2 Bed 1p
19	37	1 Bed 1p
20	38	1 Bed 1p
21	79	2 Bed 4p
22	56	1 Bed 2p
23	39	1 Bed 1p
24	43	1 Bed 1p



Mezzanine Floor Plan as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

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 61-63 STOCKPORT ROAD,
 ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

Mezzanine Floor Plan as Proposed

Drawing Number	Project number	873-01
P-09	Date	07.06.2021
Current Revision	Drawn by	DM
B	Checked by	OL3
	Scale @ A1	As indicated

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 ARCHITECTURAL DESIGN

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LEGEND - FIRST FLOOR LEVEL

UNIT	Approx net m ²	Type
25	39	1 Bed 1p
26	38	1 Bed 1p
27	37	1 Bed 1p
28	42	1 Bed 1p
29	47	1 Bed 1p
30	42	1 Bed 1p
31	40	1 Bed 1p
32	56	1 Bed 2p
33	37	1 Bed 1p
34	37	1 Bed 1p
35	40	1 Bed 1p



First Floor Plan as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

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 61-63 STOCKPORT ROAD,
 ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

First Floor Plan as Proposed

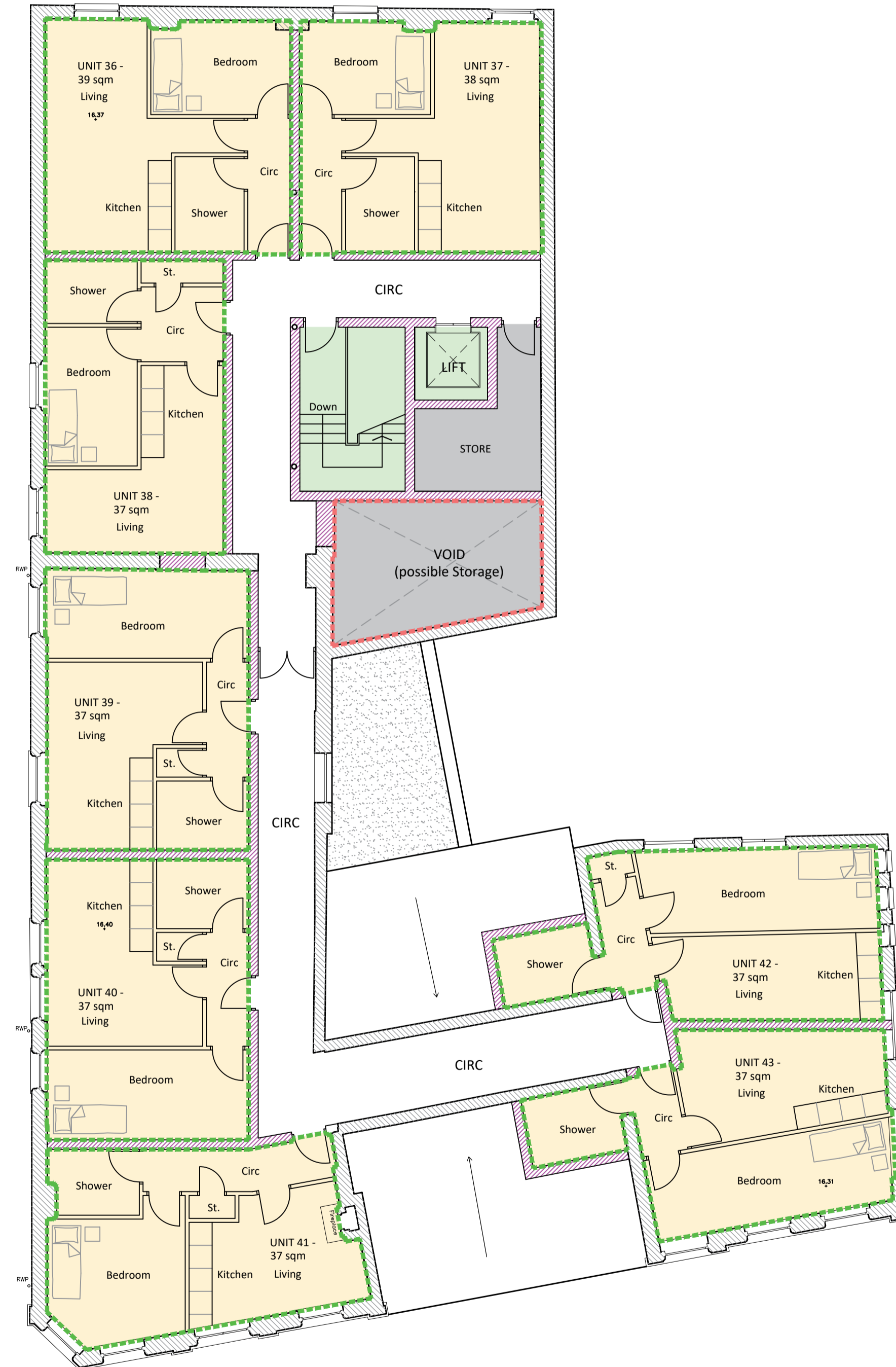
Drawing Number	Project number	873-01
P-10	Date	07.06.2021
Current Revision	Drawn by	DM
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LEGEND - SECOND FLOOR LEVEL

UNIT	Approx net m ²	Type
36	39	1 Bed 1p
37	38	1 Bed 1p
38	37	1 Bed 1p
39	37	1 Bed 1p
40	37	1 Bed 1p
41	37	1 Bed 1p
42	37	1 Bed 1p
43	37	1 Bed 1p

Second Floor Plan as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

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61-63 STOCKPORT ROAD, ASHTON-UNDER-LYNE

CONVERSION OF EXISTING BUILDING TO FLATS

Second Floor Plan as Proposed

Drawing Number	Project number	873-01
P-11	Date	07.06.2021
Current Revision	Drawn by	DM
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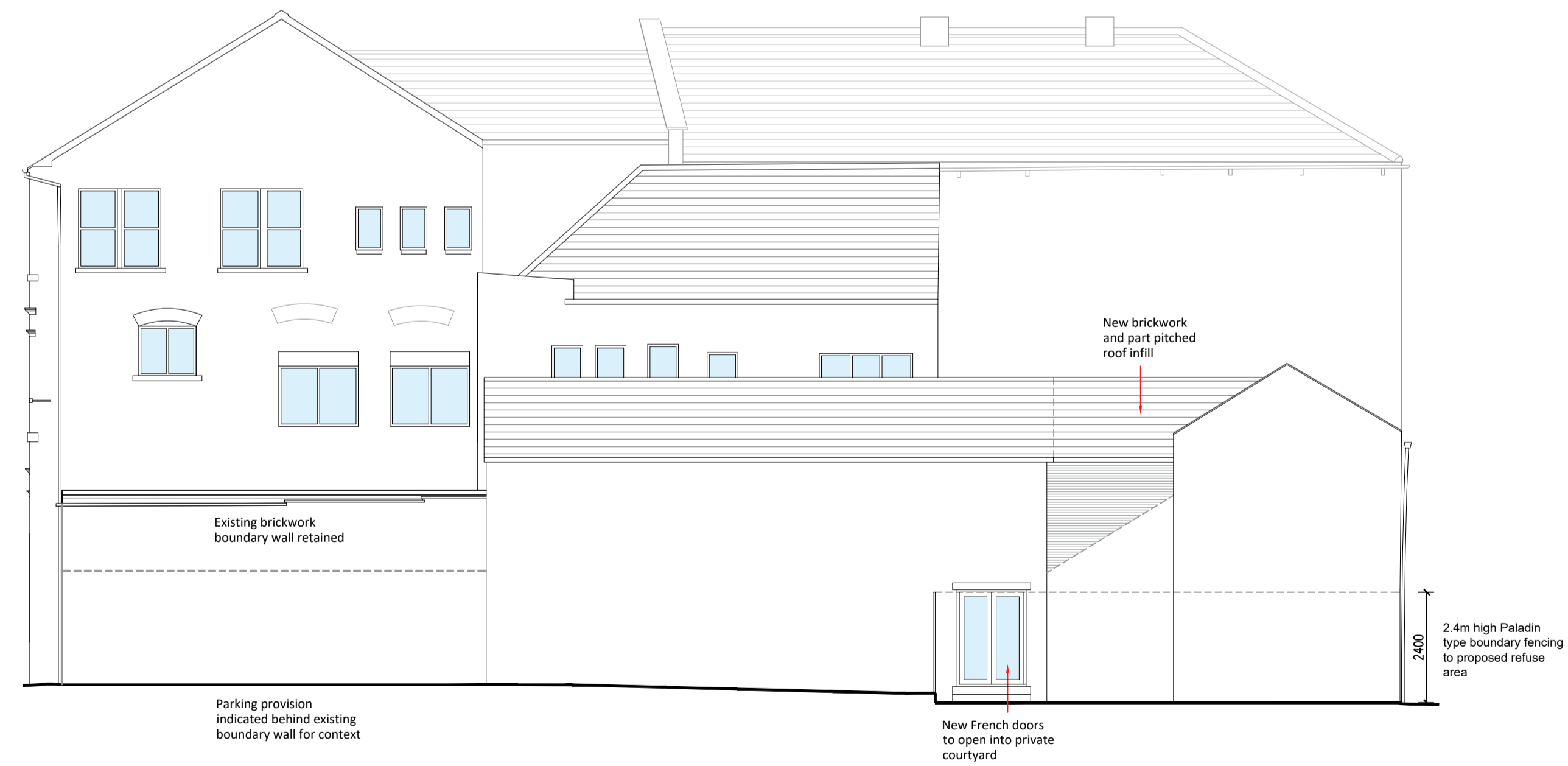
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Front Elevation as Proposed
 Scale @ 1 : 100



Gable Elevation as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

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CONVERSION OF EXISTING BUILDING TO FLATS

Front and Gable Elevations as Proposed

Drawing Number	Project number	873-01
P-13	Date	07.06.2021
Current Revision	Drawn by	DM
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Rear Elevation as Proposed
 Scale @ 1 : 100



Gable Elevation as Proposed
 Scale @ 1 : 100

PLANNING

No.	Date	Description	Issued by
A	16.05.2022	Scheme revision for planning	
B	09.11.22	Revision in line with L.A. Comments	

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CONVERSION OF EXISTING BUILDING TO FLATS

Rear and Gable Elevations as Proposed

Drawing Number	Project number	873-01
P-14	Date	07.06.2021
Current Revision	Drawn by	DM
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Application Number 21/01143/FUL

Change of use of building from storage and distribution (Use Class B8) to 43no. apartments (Use Class C3), including infill roof extension, external alterations, and car parking, following partial demolition.

Photo 1: Aerial view of site



Photo 2: View of the front elevation of the building viewed from Stockport Road



Photo 3: View of part side and rear of building viewed from Bollington Street/William Street junction



Photo 4: View of part of rear of building viewed from Bollington Street



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Application Number:	22/00510/FUL
Proposal:	Variation of conditions 2 (Approved Plans) and 18 (Cycle Parking); removal of condition 19 (Highway Works); and variation of S106 obligation to reduce affordable housing provision; of planning permission 20/00811/FUL for the conversion of existing building into 33 x 1 bedroom apartments.
Site:	Carson House Care Centre, 30 Stamford Street, Stalybridge, SK15 1JZ
Applicant:	Cassel & Fletcher Development Stalybridge Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	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 Carson House, a prominent building located on Stamford Street, within Stalybridge conservation area. The site is currently vacant, with the building last being used as a care home. The building is three storeys in height and is constructed of stone elevations with a slate tiled roof. The original (south eastern) section of the building displays significant architectural detail in the ecclesiastical style windows, the proportions of which emphasise the striking impact of the building on the street scene. The north western element of the building is a modern extension to the original building which replicates the gable features on the original part of the building.
- 1.2 A large area of hardstanding is situated in the rear (north eastern) proportion of the site, behind the former care home building. Vehicular access to the site is gained via Blandford Street which runs parallel with the south eastern boundary of the site. There are neighbouring residential properties on the opposite side of Blandford Street and the residential properties on George Street overlook the north eastern boundary of the site. There are also residential properties facing the building on the opposite side of Stamford Street to the south west of the site.

2. PROPOSAL

- 2.1 This section 73 (minor material amendment) application seeks planning permission for variation of conditions 2 (approved plans) and 18 (cycle parking), and removal of condition 19 (highway works) of planning permission 20/00811/FUL, which was approved in July 2021.
- 2.2 In terms of amendments to the approved plans, external alterations would relate primarily to the north east elevation of the building, with some amended window proportions at ground and first floor levels, in addition to roof lights at roof level. To the south east (Blandford Street) elevation, roof lights are again proposed, alongside small alterations to a ground and first floor window opening. The car park and servicing layouts, alongside the landscaped area, would be moderately altered.

- 2.3 The internal parts of the building would be reconfigured, with the same number of one bedroom apartments, 33, remaining as originally proposed.
- 2.4 Condition 18 of the previous permission required details of secured cycle storage provision to be provided, prior to their installation. The applicant has demonstrated through the supporting plans that 34no. cycle storage spaces would be provided, 10 within the courtyard area, and 24 within the lower ground floor, within a storage area.
- 2.5 Condition 19 of the previous permission required a scheme to be submitted for highway construction works. The applicant has submitted structural calculation details, for the retaining wall adjacent to the highway.
- 2.6 The previous permission secured 15% of the units on-site as affordable housing provision; alongside a financial contribution of £16,278.66, to be utilised towards improvements to the facilities in Stamford Park, including the upgrading of infrastructure such as footpaths and the formal entrances into the park. The applicant now proposes a variation to the affordable housing contribution, as set out within the supporting information. It is now proposed that an off-site affordable housing financial contribution of £112,700 should be provided, which equates to half (50%) of the originally secured contribution.

3. PLANNING HISTORY

- 3.1 20/00811/FUL – Conversion of existing building into 33 x 1 bedroom apartments – Approved July 2021.
- 3.2 21/00087/PLCOND – Application to discharge condition nos. 3 (contaminated land), 4 (CEMP), 5 (materials), 8 (landscaping), 10 (SuDS), 12 (noise), 13 (CIS), 14 (electric vehicle charging), 17 (biodiversity enhancements) of approved planning application 20/00811/FUL – under consideration.
- 3.3 21/01380/MATCH – Non-material amendment to planning application 20/00811/FUL including: removal of lift; installation of external fire escape; installation of smoke vents; retention of existing dormer window; and alterations to internal apartment configurations – Approved March 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.

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 of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- 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
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas

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 person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act that 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 was one letter of objection. The concerns raised within the letter of objection are summarised below:
- The development will cause issues of congestion, with a lack of parking available within the area and within the site;
 - The development will cause highway safety issues; and
 - The development will cause noise issues for surrounding residents.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority – No objection to the variation of conditions 2 and 18, and removal of condition 19.

8. ANALYSIS

- 8.1 In terms of the principle of development, planning permission was granted in July 2021 (ref: 20/00811/FUL) for the conversion of the existing building into 33 x 1 bedroom apartments.
- 8.2 The previous permission remains extant, and has been partially implemented, with conversion works commencing at the site in July 2021.
- 8.3 It is therefore considered that the principle of development has been previously established on this site, and this remains acceptable in this case.

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 External alterations to the building proposed through this application would be minimal when compared against the previously approved works. The majority of the alterations would take place to the north east elevation of the building, with some amended window proportions at ground and first floor levels, and addition of roof lights at roof level. The alterations would not unduly affect the character of the building or that of the surrounding area, with windows

of similar proportions to those already approved being proposed, and roof lights proposed within other areas of the building.

- 9.3 To the south east (Blandford Street) elevation of the building, roof lights again are proposed, alongside small alterations to a ground and first floor window opening. These would not affect the character of the building or the surrounding area.
- 9.4 In addition to alterations to the exterior of the building, it is proposed to moderately alter the car park and servicing layouts, and the landscaped areas externally. These do not affect the character of the site, and are discussed in further detail below.
- 9.5 In light of the above, it is considered that the building and site alterations are acceptable visually, not unduly altering the character or appearance of the building or area.

10. IMPACT UPON HERITAGE ASSETS

- 10.1 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.
- 10.2 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.
- 10.3 The site lies within the Stalybridge Town Centre Conservation Area.
- 10.4 It is not considered that any of the alterations proposed through this application would cause any additional harm to the Conservation Area, than the less than substantial harm that was identified through the previous application. It is therefore considered that the proposals would not require further assessment in this regard, and are acceptable with regard to heritage assets.

11. RESIDENTIAL AMENITY

- 11.1 The alterations proposed would not increase the size of the existing building, but would rather introduce and alter window openings, and reconfigure the internal layout of the proposed apartments.
- 11.2 The amended scheme would not alter the relationship between the proposed apartments and neighbouring surrounding uses, and therefore no detrimental impact upon the amenity of neighbouring dwellings would result.
- 11.3 The reconfigured internal layout would result in the same number of apartments, 33, and each would still contain one bedroom. The minimum floor area required for one bedroom units is 37 square metres, in accordance with the nationally described space standards. All but two of the apartments would comfortably exceed this minimum for single occupancy, with a number exceeding the 50 square metre minimum requirement for a one bedroom unit to be occupied by two people. Two of the units would not meet the 37 square metres minimum standard by less than 0.9 square metres, which given the constraints of the building is considered a negligible amount, and would allow the conversion scheme to be developed within the envelope of the existing building, whilst not unduly impacting the amenity of future occupiers.

11.4 In light of the above, the development is acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, and not causing undue noise and disturbance to residential uses.

12. HIGHWAY SAFETY & ACCESSIBILITY

12.1 Condition 18 of the previous permission required that, prior to first occupation of the development, details of secured cycle storage to be installed should be submitted to the Local Planning Authority (LPA) for review. This provision should include a minimum of 33no. cycle spaces.

12.2 The applicant has now proposed 34no. cycle storage spaces, 10 within the courtyard area, and a further 24 within the lower ground floor, within a dedicated store area. This accords with the requirements of the condition as explained above, and the LHA have confirmed this is acceptable.

12.3 The LHA has no objections to the alterations in the parking and servicing arrangements, proposed within the courtyard area. This element of the scheme is acceptable in this regard.

12.4 Condition 19 of the previous permission required that a scheme be submitted for highway construction works, to include surfacing details, details of works to reinstatement of redundant vehicle access points, details of any retaining structures, any areas of the highway network within the site to be constructed to adoptable standards (and their specification), and details of carriageway markings and signage.

12.5 The applicant has submitted a structural calculation for the retaining wall adjacent to the highway, and a ground investigation report which provides further detail of the same. These documents have been reviewed by the LHA, where the measures are sufficient to demonstrate that the highway is protected, from risk of a collapse of the wall for example. No further highway works are required, and it is considered that this is therefore acceptable to discharge condition 19.

12.6 Subject to updating of the recommended conditions, the proposals would not result in a detrimental impact upon highway safety.

13. VIABILITY, AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS

13.1 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.

13.2 Paragraph 57 goes on to state that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

13.3 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 of the UDP 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.

- 13.4 Policy H5 of the UDP identifies provision of open space and facilities, where there is a deficiency of children's play areas, informal local recreational open spaces or sports pitches in an area. Where it is not practical or desirable to accommodate some or all of the required open space and facilities as part of the development itself, the Council will seek an equivalent payment for the remainder or all of the provision.
- 13.5 The previous application secured 15% of the units on-site as affordable housing provision; alongside a financial contribution of £16,278.66, to be utilised towards improvements to the facilities in Stamford Park, including the upgrading of infrastructure such as footpaths and the formal entrances into the park.
- 13.6 The applicant has made a viability case to demonstrate that the proposed development would be unviable with the above required planning obligations, as have already been secured. An independent consultant was appointed to assess the viability evidence submitted by the applicant. The consultant assessed the applicant's evidence in accordance with the Planning Practice Guidance (PPG) on viability. For decision taking, the guidance essentially seeks to assess viability in a hypothetical world, rather than on individual circumstances, to provide a level playing field amongst developers. In this particular case, the independent consultant has assessed two possible scenarios – either the proposed apartments are sold on an individual basis, or as a single rental investment to a single investor. In either scenario, the independent consultant notes that the development would be regarded as unviable, or at best only marginally viable, before any planning policies are factored in. In other words, the level of return for the developer from this scheme is significantly below the minimum rate that the guidelines suggest are required to deliver a viable scheme, even before contributions are factored in. Technically, the proposal is therefore unviable as the developer return is below what would normally be tolerated.
- 13.7 The independent consultant notes that the viability guidance makes clear that there is no compulsion on the council to reduce its planning policy requirement simply because a scheme has underperformed compared to original expectations. The Council's role is not to mitigate any reduced profit/loss incurred by a developer once a scheme has been completed. Furthermore, the independent consultant also considers that an overpayment for the property was made, when compared against the original asking price. Whilst an overinflated price puts financial pressure on the applicant in terms of delivering a scheme, it is not the role of the Council to reduce planning policy requirements to mitigate a developer overpaying for a site.
- 13.8 Mindful of the above factors, however, the proposed development is unviable, and imposing the full contributions may increase the risk that the scheme will not be delivered. As the conversion is currently under way, it is important that it is continued and completed, including within the context of the current housing supply position in the borough. Paragraph 57 of the NPPF states the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. Having regard to all the circumstances in the case set out above, on balance it is considered that the viability case made by the applicant is sufficient.
- 13.9 The financial cost of a 15% on site affordable housing provision is the equivalent to a sum of £225,400 (plus CPI). Based on the above factors, a 50% reduction in the affordable housing contribution is appropriate (i.e. £112,700). This would reduce the viability burden on the applicant, whilst delivering affordable housing provision within the borough. The financial contribution to public open space upgrades would remain in place.
- 13.10 In light of the above, the reduced planning contribution is acceptable, in order to ensure the continued viability and delivery of the approved housing scheme. This reduced provision would be secured through an amended section 106 obligation.

13.11 The fundamentals of the viability case are accepted and accord with the guidance set out in the PPG. The application therefore accords with Policies H4 and H5 of the UDP, and the NPPF.

14. OTHER MATTERS

14.1 Recommended conditions are updated in order to reflect the information submitted and accepted as part of conditions 2 (approved plans) and 18 (cycle parking). Condition 19 (highways works) is no longer considered necessary, on the basis of the information submitted, and therefore is not recommended. Condition 1 (three year time limit) is no longer relevant as it is understood that conversion works have already commenced. The remaining conditions are proposed to match those originally imposed.

14.2 Objections have been received raising concerns regarding highway impacts and parking issues which would be caused by the development, in addition to noise and disturbance issues affecting neighbouring properties. It should be noted however that the principle of development, for 33 x one bedroom apartments in this location, has already been established and development has commenced. This application would not change the number of apartments proposed, and would not therefore intensify the development over that previously approved.

15. CONCLUSION

15.1 The application proposes minor external alterations to the building and site, and configuration of the internal parts of the building.

15.2 The physical alterations to the building, internally and externally, are considered to be acceptable with regard to visual amenity, not unduly impacting upon the character of the building, nor causing any harm to the Conservation Area.

15.3 The alterations to the building would not cause any undue impacts upon residential amenity, with the proposed development providing a good standard of amenity for future occupiers.

15.4 Details of cycle storage have been provided, which are considered to be acceptable and would encourage use of sustainable modes of transport, as an alternative to the private car.

15.5 Additional information has been provided regarding the retaining wall adjacent to the highway. This demonstrates that the integrity of the highway would be maintained, and it is considered that such a condition for highways works can be removed.

15.6 The viability case put forward by the applicant has been carefully considered. Following this review, the scheme would provide a reduced affordable housing contribution, and would continue to provide a public open space contribution. This would ensure planning policy contributions are provided, albeit at a lower rate than the policy requires, however would ensure that the viability of the scheme is adequate for the development to continue.

15.7 There are no objections to the proposals from the statutory consultees in relation to the proposals.

15.8 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 prior signing of a Section 106 Legal Agreement and the following conditions:

- 1) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
 - 1:1250 site location plan;
 - Proposed site plan (dwg no. BM/1021/STAM/BR03, rev. C);
 - Proposed site plan and plans (BM/1021/STAM/BR24);
 - Lower ground floor plan (dwg no. BMP/1021/STAM/BR23);
 - Proposed elevations (dwg no. BMP/0221/STAM/BR07, rev. C);
 - Proposed sections – sheet 1 (dwg no. BM/1021/STAM/BR08, rev. B);
 - Proposed sections – sheet 2 (dwg no. BPM/1021/STAM/BR09, rev. B).

Reason: In the interests of the visual amenities of the locality and in accordance with policies of the adopted TMBC UDP.

- 2) No development shall commence until a contaminated land screening assessment of the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include details of any necessary remediation works to be undertaken. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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

- 3) The development hereby approved shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) (undertaken by Rachel Hacking Ecology, rev. A), as submitted under application 21/00087/PLCOND. The measures detailed within the document shall be implemented on the relevant phase of construction/conversion works, and shall be retained as such throughout the duration of that phase of the development.

Reason: To ensure safe and adequate site access arrangements and protection of biodiversity having regard to Unitary Development Plan Policies H10, N3, N4, N5 and N7.

- 4) The development hereby approved shall be undertaken in accordance with the materials detailed on the approved plans, and the Door and Window Schedule – Sheet 1, as submitted under application 21/00087/PLCOND.

Reason: In the interests of visual amenity and to ensure the development integrates with the character of its surroundings having regard to Policies C1, C2 and H10 in the Tameside Unitary Development Plan.

- 5) The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved plans prior to the first occupation of any of the dwellings hereby approved and shall be retained free from obstruction for their intended use thereafter.

Reason: To ensure adequate car parking arrangements are provided having regard to Policies T10 and H10 in the Tameside Unitary Development Plan.

- 6) Notwithstanding the details shown on the approved plans, no part of the development hereby approved shall be occupied until details of the means of storage and collection

of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and the means of enclosure. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

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

- 7) The hard and soft landscaping of the site shall be undertaken in accordance with the Landscape Plan (dwg no. 21-279/001, rev. D), as submitted under application 21/00087/PLCOND. The approved hard and soft landscaping shall be completed prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interests of amenity having regard to policies C1 and H10 of the Tameside Unitary Development Plan.

- 8) The approved soft landscaping scheme to serve the development shall be implemented before the first occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved scheme which, within a period of five years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species.

Reason: In the interests of amenity having regard to policies C1 and H10 of the Tameside Unitary Development Plan.

- 9) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.

Reason: To ensure the site is appropriately drained having regard to Policy U3 of the Tameside Unitary Development Plan and requirements of the National Planning Policy Framework.

- 10) Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason: To ensure the external lighting to be installed is appropriate having regard to policies C1, T10 and H10 of the Unitary Development Plan for Tameside.

- 11) The development hereby approved shall be undertaken in accordance with the Noise Assessment Report (undertaken by Peak Acoustics, ref: NM19032111NR, dated 11.10.2021), as submitted under application 21/00087/PLCOND. The noise mitigation measures shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings, and shall be retained as such thereafter.

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

- 12) The development hereby approved shall be undertaken in accordance with the Crime Impact Statement (v1.0, dated August 2021), as submitted under application 21/00087/PLCOND. The crime prevention measures shall be implemented in accordance with the approved details, prior to the first occupation of any part of the development and shall be retained as such thereafter.

Reason: To ensure that opportunities for crime are minimised having regard to paragraph 127 of the National Planning Policy Framework and Policy H10 of the Unitary Development Plan for Tameside.

- 13) Prior to the first occupation of any of the dwellings hereby approved, electric vehicle charging points and their associated infrastructure shall be installed as per the details laid out on the approved plans. The electric vehicle charging points shall be retained as such thereafter.

Reason: To ensure a sustainable form of development having regard to the requirements of the National Planning Policy Framework and Policies H10 and T10 of the Unitary Development Plan for Tameside.

- 14) No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect breeding birds from the impact of the development having regard to Policy N7 of the Tameside Unitary Development Plan and the requirements of the National Planning Policy Framework.

- 15) Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above ground level. The visibility splays shall be retained as such thereafter.

Reason: In the interests of highway safety having regard to Policies H10 and T10 of the Tameside Unitary Development Plan.

- 16) The development hereby approved shall be undertaken in accordance with the Biodiversity Enhancement Scheme (undertaken by Rachel Hacking Ecology, dated August 2021), as submitted under application 21/00087/PLCOND. The enhancement measures detailed within the document shall be implemented during the relevant phase of construction/conversion works, and shall be retained as such throughout the duration of that phase of the development.

Reason: To ensure biodiversity enhancement measures are delivered by the development having regard to Unitary Development Plan policies N3, N4, N5 and N7.

- 17) The cycle parking spaces and storage facilities as detailed on the approved plans shall be provided prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

Reason: To ensure that secure cycle parking provision is provided having regard to policies H10 and T11 of the Unitary Development Plan for Tameside and the requirements of the National Planning Policy Framework.

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

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

Copyright of this drawing is vested in BPM Architectural and it shall not be copied or reproduced without written consent. Figures dimension only are to be taken from this drawing. DO NOT SCALE OFF THIS DRAWING. If in doubt ask.

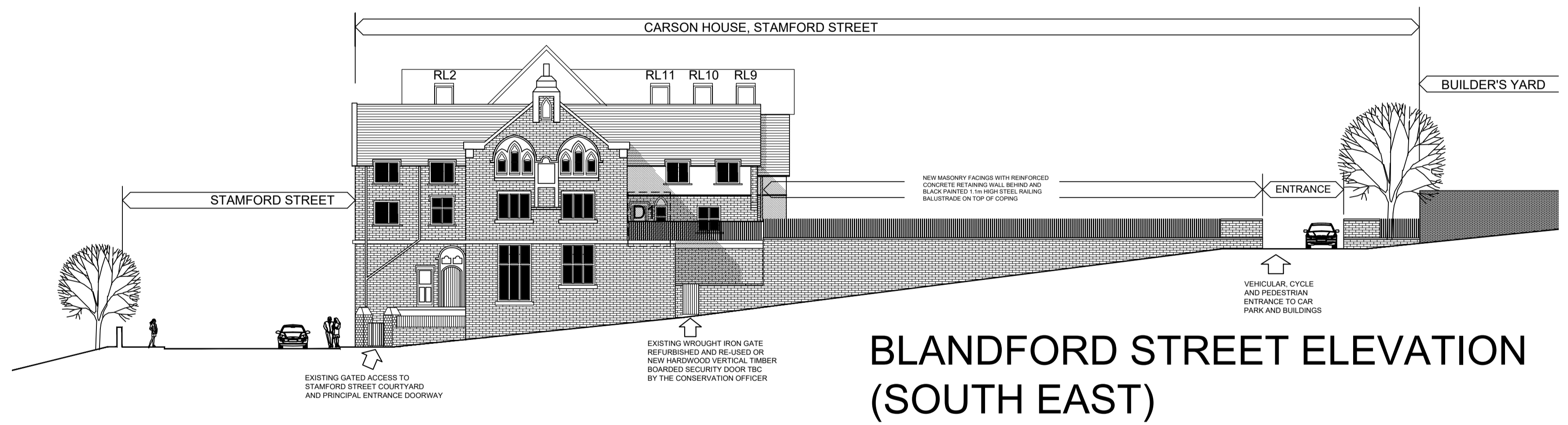
All contractors must visit the site and be responsible for taking and checking all dimensions relative to their work. BPM Architectural are to be advised of any variations between drawings and site conditions.

Electronic data drawings issued as 'read only' and should not be interpreted for measurement. All dimensions and levels should be 'read only' from those values stated in text, on the drawings.

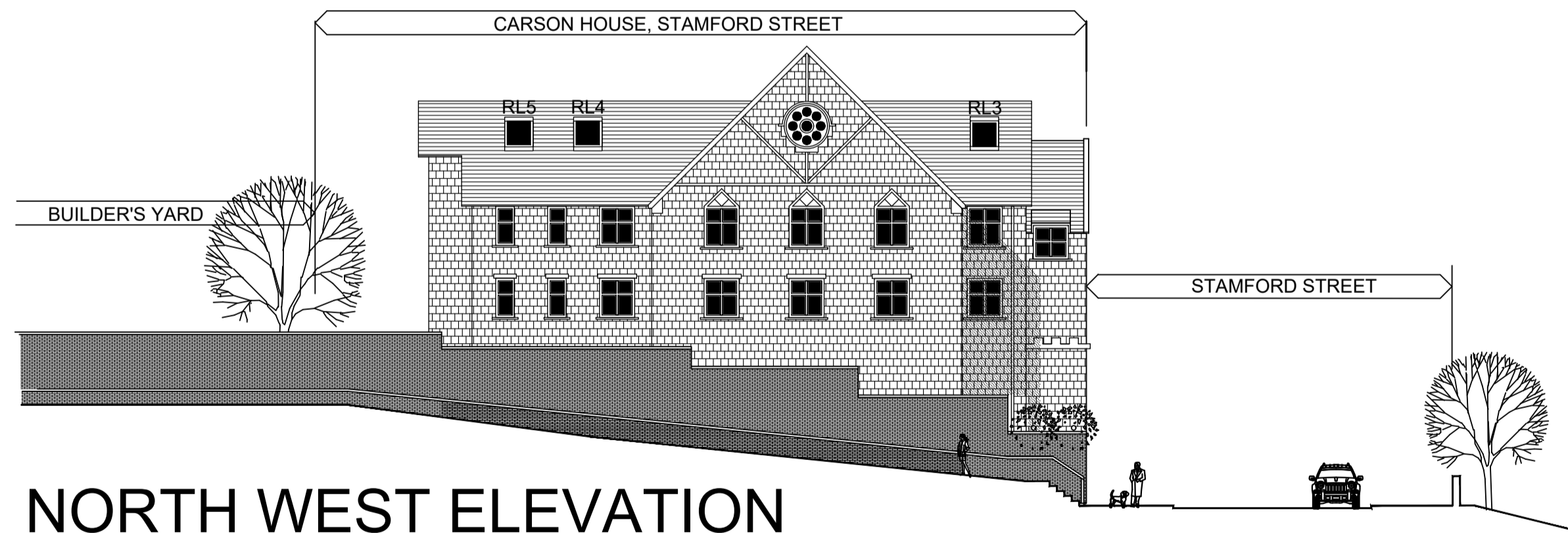
KEY PLAN



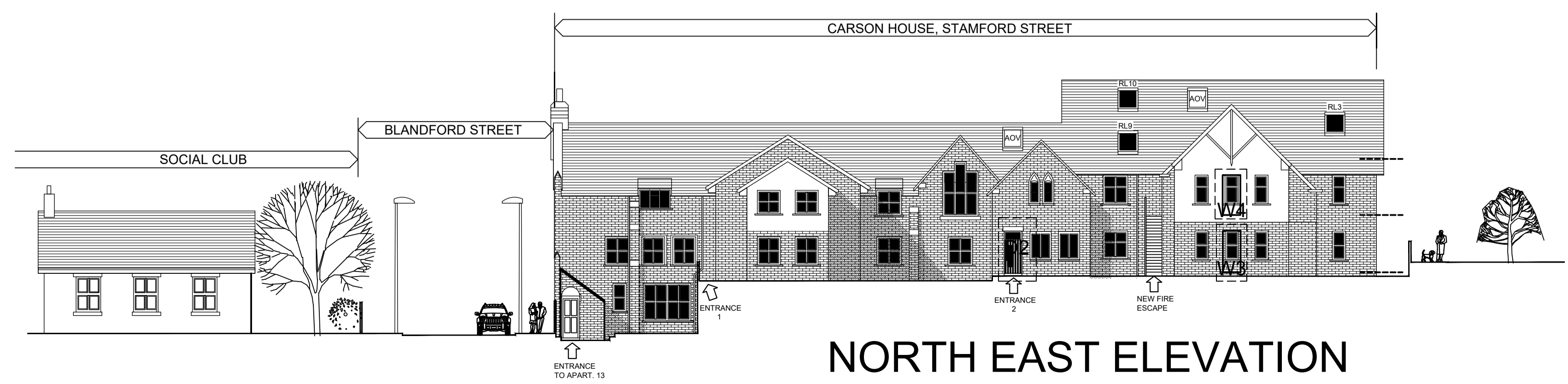
STAMFORD STREET ELEVATION
(SOUTH WEST)



BLANDFORD STREET ELEVATION
(SOUTH EAST)



NORTH WEST ELEVATION



NORTH EAST ELEVATION

- C 15/ 09/ 22 ROOFLIGHTS AMENDED
- B 01/ 09/ 22 CAR PARK ENTRANCE GATES REMOVED
- A 18/ 10/ 21 BUILDING RE-NAMED, LIFT REMOVED, FIRE ESCAPE ADDED TO REAR, EXISTING WINDOW ON 2nd FLOOR RETAINED, 2 x ROOF-LIGHTS ADDED, INTERNAL PLANNING AMENDED TO COMPLY WITH BUILDING REGULATIONS, SCHEDULE AMENDED TO 29x 1 BED APARTMENTS AND 4x STUDIOS, STORAGE ADDED TO LOWER GROUND FLOOR, ELECTRIC CAR CHARGING POINTS ADDED

REV. DATE DETAILS

BM ARCHITECTURAL DESIGNS
APARTMENT 8
224 GREAT CLOWES STREET
MANCHESTER M7 2ZS
TEL: 07415 493002

PROJECT: PROPOSAL FOR 33 APARTMENTS AT ST. GEORGE'S LODGE, STAMFORD STREET, STALYBRIDGE, SK15 1JZ

CLIENT: CASSEL AND FLETCHER PROPERTY MANAGEMENT LTD.

TITLE: PROPOSED ELEVATIONS

SCALE 1:200@A1 DATE: 10/2021 DRAWN: BM

STATUS: BUILDING REGULATIONS

DRAWING NO: BPM/0221/STAM/ BR07 REV: C

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HARD LANDSCAPING NOTES:

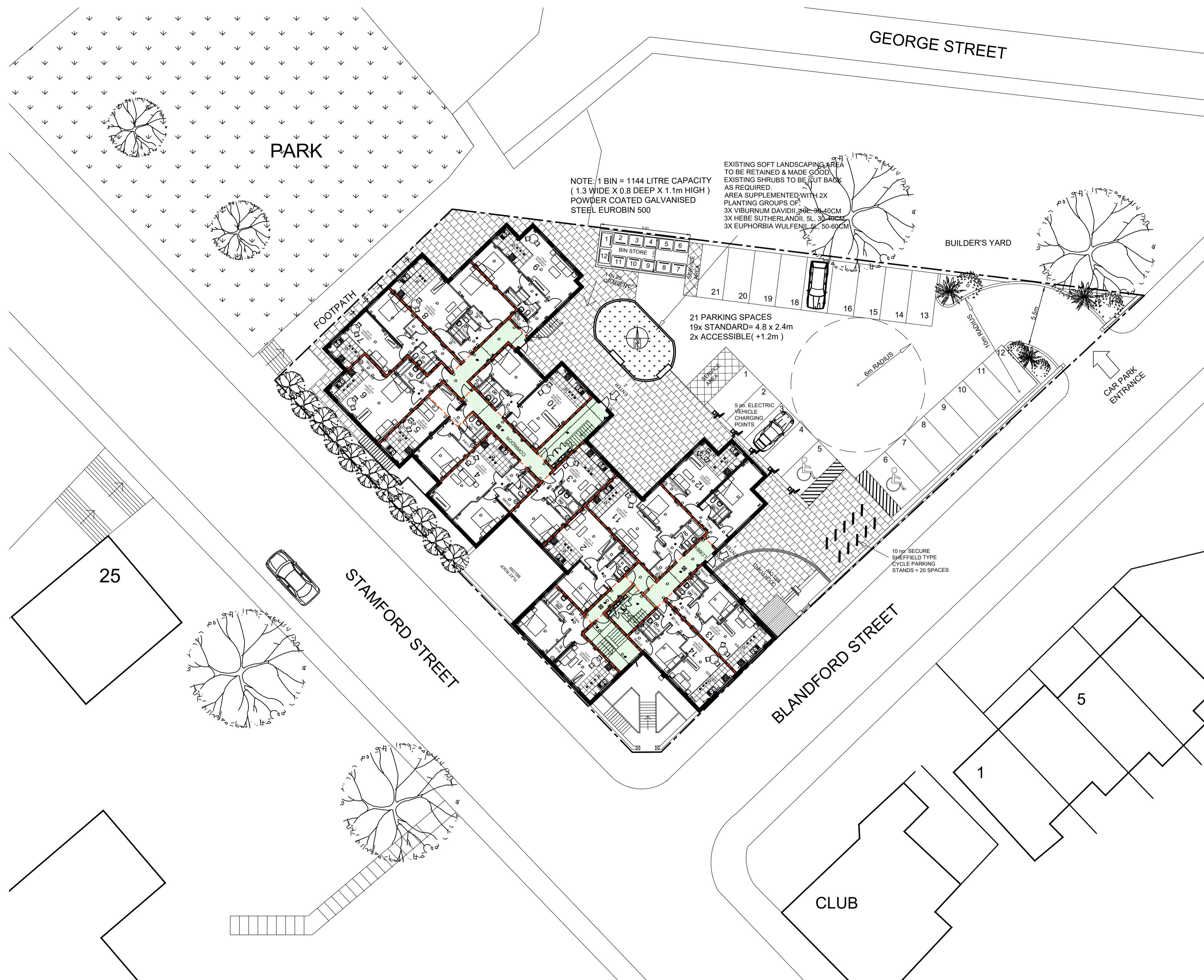
BOUNDARY TREATMENT

Section of new walling to Blandford Street. Reinforced concrete retaining wall faced in stone to match existing walls. As per Architects & Structural Engineers details. 1.1m steel railing balustrade on top of coping, railings to be painted black. All other boundaries to be retained and made good as required.

CAR PARK

Existing carpark to be retained and made good. New section of carpark to be blended into existing. New area of carpark to be formed with permeable 'black' Asphalt finish as indicated. Use MOT type 3 for sub base. Refer to 'Tarmac Ultradrive Porous' or similar. Planting beds at entrance to be edged with Marshalls 'Tegula Kerb sett' Pennant grey finish or similar.

Refer to S&J Garden Projects Drawing no.21-279 / 001 for Landscape Design



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All contractors must read the site plan in conjunction with the specifications and check all dimensions relative to their work. BM Architectural are to be notified if any variation between the site plan and specifications.

External site drawings issued as 'read only' and should not be interpreted for measurement. All dimensions and levels should be taken only from those values stated on the drawings.

CAR PARKING PROVISION	
NUMBER OF STANDARD ON SITE PARKING SPACES=	19
NUMBER OF EXTRA WIDE ACCESSIBLE=	2
TOTAL NUMBER OF SECURE ON SITE PARKING SPACES=	21
USING RATIO OF 0.6 SPACES / APARTMENT- APARTMENTS TOTAL=	33
ELECTRIC VEHICLE CHARGING POINTS= 20% PROVISION AS RECOMMENDED BY THE ENERGY SAVING TRUST	5

SECURE CYCLE PARKING PROVISION	
NUMBER OF ON SITE SECURE CYCLE PARKING SPACES=	33
USING RATIO OF 1 SPACE / 1 BEDROOM APARTMENT	

WASTE STORAGE AND COLLECTION STRATEGY	
NUMBER OF APARTMENTS=	33
TOTAL NUMBER OF PEOPLE USING RATIO OF 2.0/ APARTMENT=	66
NUMBERS OF BINS PROVISION=	
GENERAL WASTE	3
PAPER RE-CYCLE	1
PLASTIC / GLASS / METAL RE-CYCLE	1
NOTE: 1 bin = 1144 litre capacity (1.3 wide x 0.8 deep x 1.1m high) powder coated galvanised steel EUROBIN 500	

- C 02/09/22 BIKE STANDS RELOCATED
- B 12/05/22 EXTERNALS AMENDED
- A 18/10/21 BUILDING RE-NAMED, LIFT REMOVED, FIRE ESCAPE ADDED TO REAR, EXISTING WINDOW ON 2nd FLOOR RETAINED, 2 x ROOF-LIGHTS ADDED, INTERNAL PLANNING AMENDED TO COMPLY WITH BUILDING REGULATIONS, SCHEDULE AMENDED TO 25x 1 BED APARTMENTS AND 4x STUDIOS, STORAGE ADDED TO LOWER GROUND FLOOR, ELECTRIC CAR CHARGING POINTS ADDED

REV:	DATE:	DETAILS:
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BM ARCHITECTURAL DESIGNS
APARTMENT 8
 224 GREAT CLOWES STREET
 MANCHESTER M7 2ZS
 TEL: 07415 493002

PROJECT: PROPOSAL FOR 33 APARTMENTS AT ST. GEORGE'S LODGE, STAMFORD STREET, STALYBRIDGE, SK15 1JZ

CLIENT: CASSEL AND FLETCHER PROPERTY MANAGEMENT LTD.

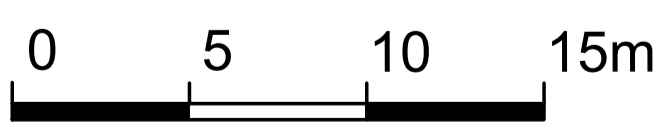
TITLE: PROPOSED SITE PLAN

SCALE: 1:200@A1 **DATE:** 10/2021 **DRAWN:** BM

STATUS: BUILDING REGULATIONS CHECKED

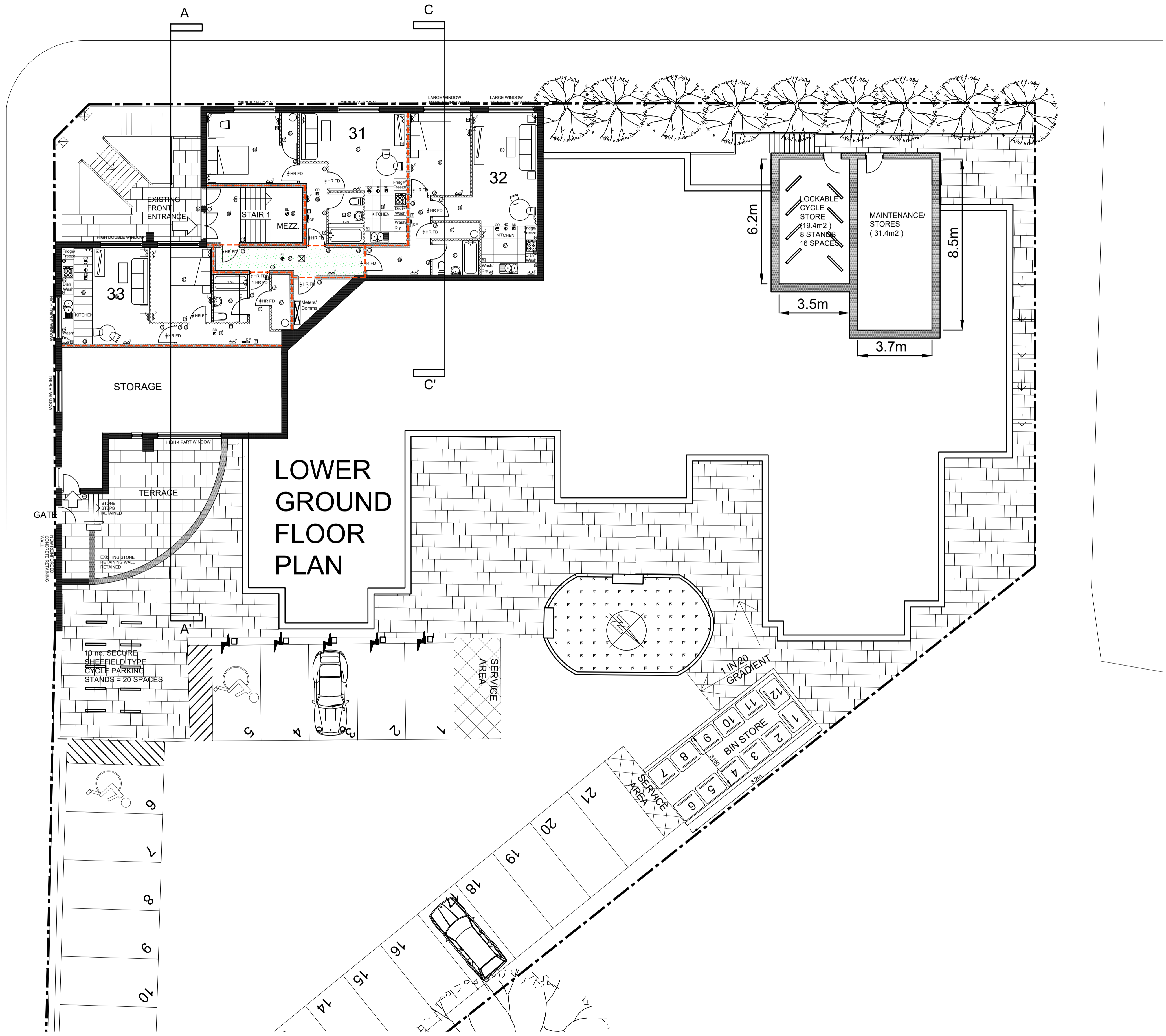
DRAWING NO: BM/1021/STAM/ BR03 **REV:** C

SITE PLAN
SCALE 1:200 @ A1



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REV: DATE: DETAILS:

BM ARCHITECTURAL DESIGNS
 APARTMENT 8
 224 GREAT CLOWES STREET
 MANCHESTER M7 2ZS
 TEL: 07415 493002

PROJECT: PROPOSAL FOR 33 APARTMENTS AT
 ST. GEORGE'S LODGE, STAMFORD
 STREET, STALYBRIDGE, SK15 1JZ

CLIENT: CASSEL AND FLETCHER PROPERTY
 MANAGEMENT LTD.

TITLE: LOWER GROUND FLOOR
 PROPOSED PLAN

SCALE: 1:50@A1 DATE: 02/2022 DRAWN: BM

STATUS: BUILDING REGULATIONS

DRAWING NO: BPM/1021/STAM/BR23 REV:

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Application Number 22/00510/FUL

Variation of conditions 2 (Approved Plans) and 18 (Cycle Parking); removal of condition 19 (Highway Works); and variation of S106 Obligation to reduce affordable housing provision; of planning permission 20/00811/FUL for the conversion of existing building into 33 x 1 bedroom apartments.

Photo 1: View of the north western section of the building, viewed from Stamford Street



Photo 2: View of the south eastern section of the building on the junction of Stamford Street and Blandford Street



Photo 3: View of the rear portion of the site from Blandford Street (south eastern boundary)



Application Number:	22/00940/FUL
Proposal:	Two-storey extension at rear.
Site:	3 Downing Close, Ashton-under-Lyne, OL7 9LX
Applicant:	Mr Frank Tinnirello
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision has been requested by a Member of the Council.
Background Papers:	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 16 November 2022. Members decided that the application be deferred, to allow officers to carry out a site visit in order to ascertain whether an unlawful change of use has occurred at the property following reports that the property is being used primarily for business purposes.
- 1.2 A full site visit was carried out at the property on 30 November 2022, including complete inspections of the main dwelling, attached garage to the side of the property and the detached outbuilding/garage to the rear of the property. It was observed that there was no evidence of the main dwelling, nor the attached garage to the side of the property being used for business purposes, with visible signs that the property is used as a dwelling. Within the detached outbuilding/garage to the rear, 1no. ice cream van was being stored, as well as the storage of stock in relation to an ice cream business.
- 1.3 It is acknowledged that there are ongoing enforcement matters and concerns regarding potential breaches of planning at the application site. This application, which is for a two-storey/single-storey rear extension, must be considered on its own merits, based upon the submitted information before officers.

2. SITE & SURROUNDINGS

- 2.1 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.
- 2.2 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.

3. PROPOSAL

- 3.1 The application seeks planning permission for the erection of a two-storey/single-storey extension to the rear of the property.

- 3.2 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 common boundary shared with 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.
- 3.3 The proposal will require the demolition of an existing conservatory.
- 3.4 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.
- 3.5 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 shared with no.10 Manor Farm Close at the first floor level.

4. PLANNING HISTORY

- 4.1 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.
- 4.2 22/00283/FUL – Two storey extension at rear – Refused 13.06.2022.

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.

Planning Practice Guidance (PPG)

- 5.4 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

- 5.5 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

- 5.6 Unallocated, within the Ashton Waterloo Ward

5.7 **Part 1 Policies:**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.5: Following the Principles of Sustainable Development

5.8 **Part 2 Policies:**

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

Supplementary Planning Documents

- 5.9 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

5.10 **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

- 5.11 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.

- 5.12 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).

- 5.13 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

- 5.14 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's 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.
- 5.15 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.

6. PUBLICITY CARRIED OUT

- 6.1 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.

7. SUMMARY OF THIRD PARTY RESPONSES

- 7.1 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 (Ward Member) 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:

On the basis of what has been submitted to the Council (an application for extensions to a single dwelling), other matters have been raised which are not material planning considerations.

- 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.

8. RESPONSES FROM CONSULTEES

8.1 No consultees were consulted on this application.

9. ANALYSIS

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

- The principle of the development;
- Design and local character;
- Residential amenity and
- Other matters (parking).

10. PRINCIPLE

10.1 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.

11. DESIGN AND APPEARANCE

11.1 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.

11.2 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.

11.3 The proposed removal of the existing single storey rear conservatory presents no concerns in terms of design and appearance.

11.4 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.

11.5 The proposed two-storey/single-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/single-storey rear extension being a subordinate addition overall.

- 11.6 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.
- 11.7 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.
- 11.8 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.

12. RESIDENTIAL AMENITY

- 12.1 Paragraph 130 (f) of the NPPF seeks to secure a high standard of amenity for all existing and future occupants.
- 12.2 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.
- 12.3 In addition, the 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.
- 12.4 The Council acknowledges the concerns/objections that have been raised by neighbouring residents.
- 12.5 It is noted that neighbouring property, no.2 Downing Close is set at a lower level in relation to 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.
- 12.6 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.

- 12.7 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.
- 12.8 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.
- 12.9 In light of the above, the separation distance and impact upon resident's amenity is fully policy compliant, meeting the standards and guidelines set out under SPD Policies RED2 and RED3 and Policy H10 of the adopted Tameside UDP and the NPPF.

13. OTHER MATTERS (HIGHWAYS)

- 13.1 Sufficient space for the parking of at least two vehicles will be retained to the front of the property, as well as the existing provision for parking the side and rear of the property. As such, it is not considered that the impact on the public highway would be severe as a result of the proposed scheme, in accordance with paragraph 111 of the NPPF.

14. CONCLUSION

- 14.1 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 three years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, 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 November 2022)
Existing Plans and Elevations 01 (received by the Council 21 September 2022)
Proposed Plans and Elevations 02 Rev F (received by the Council 3 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.

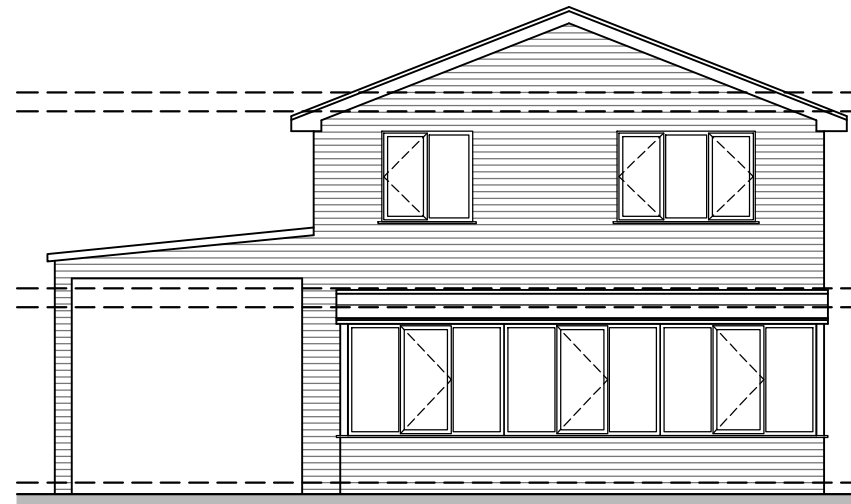
Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1: Townscape and Urban Form.

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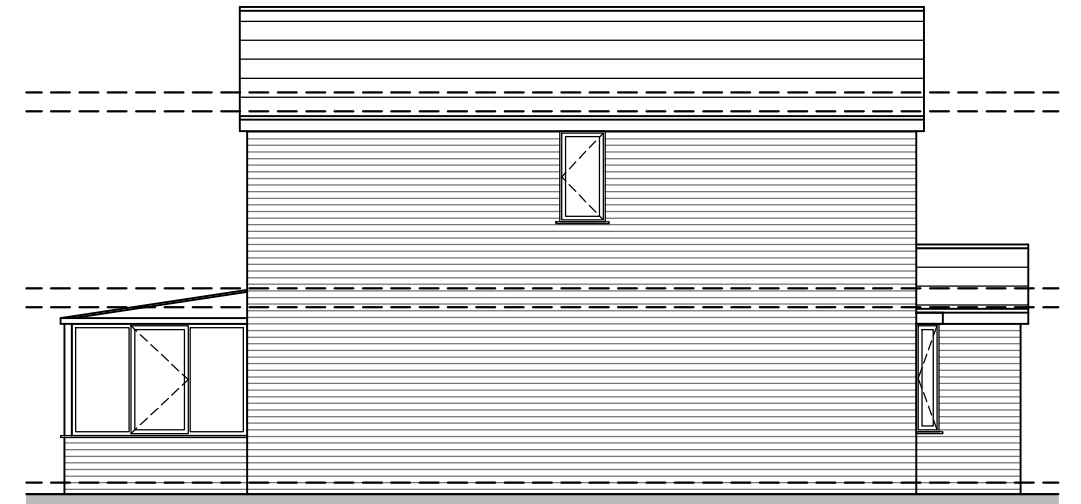
FRONT ELEVATION

1:100



REAR ELEVATION

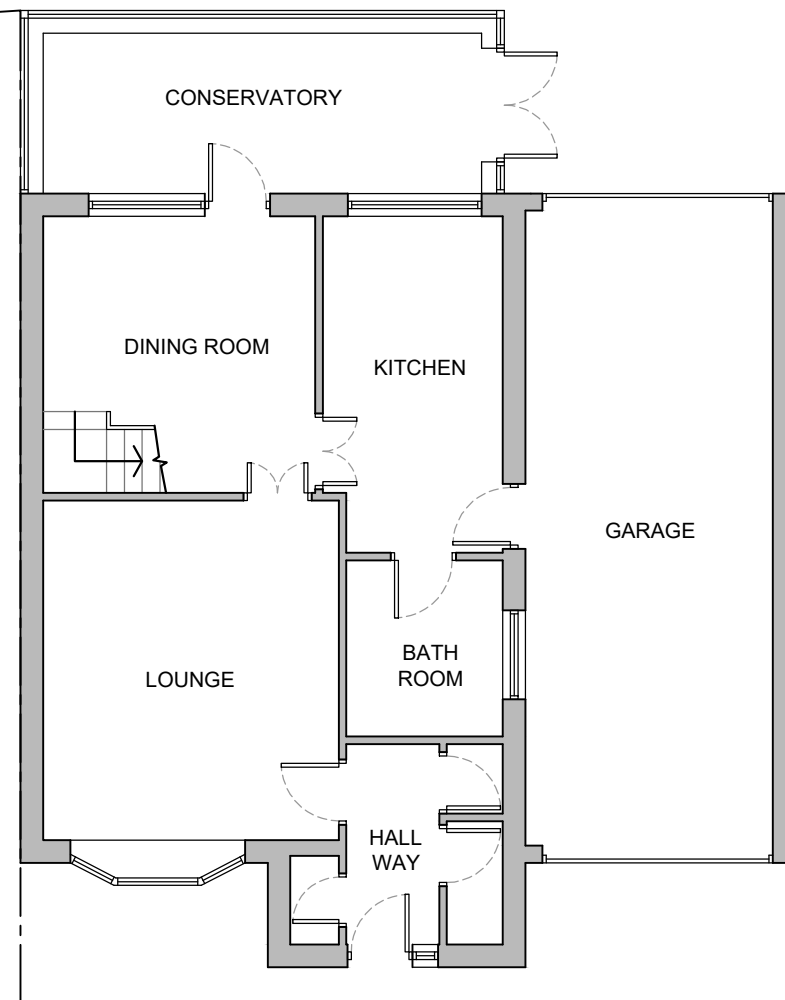
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SIDE ELEVATION

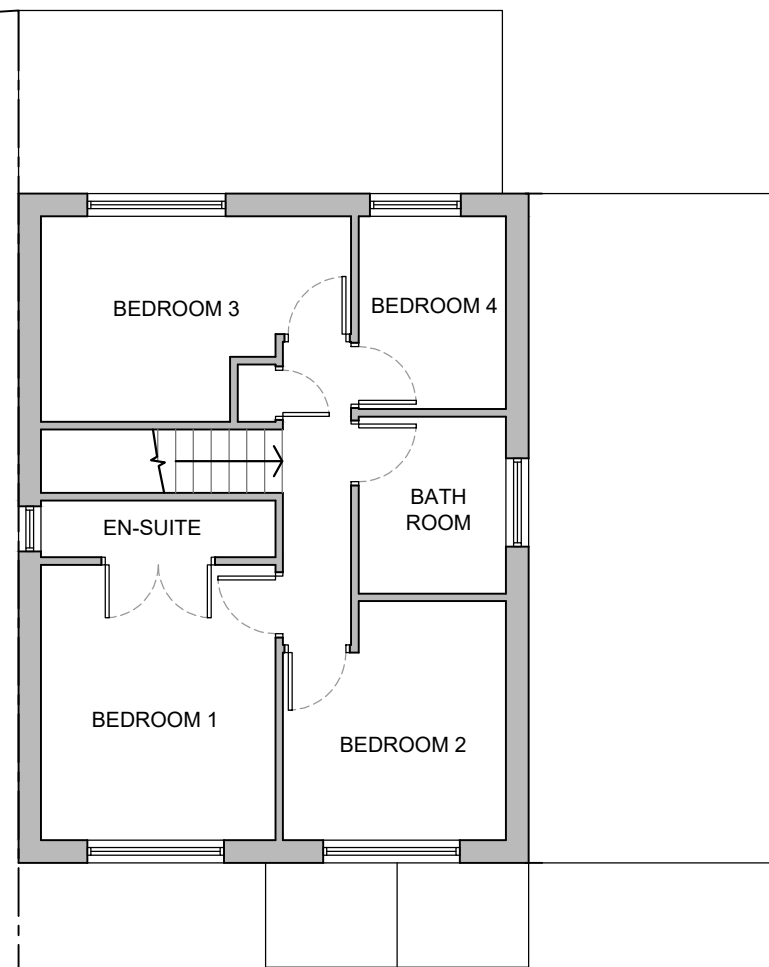
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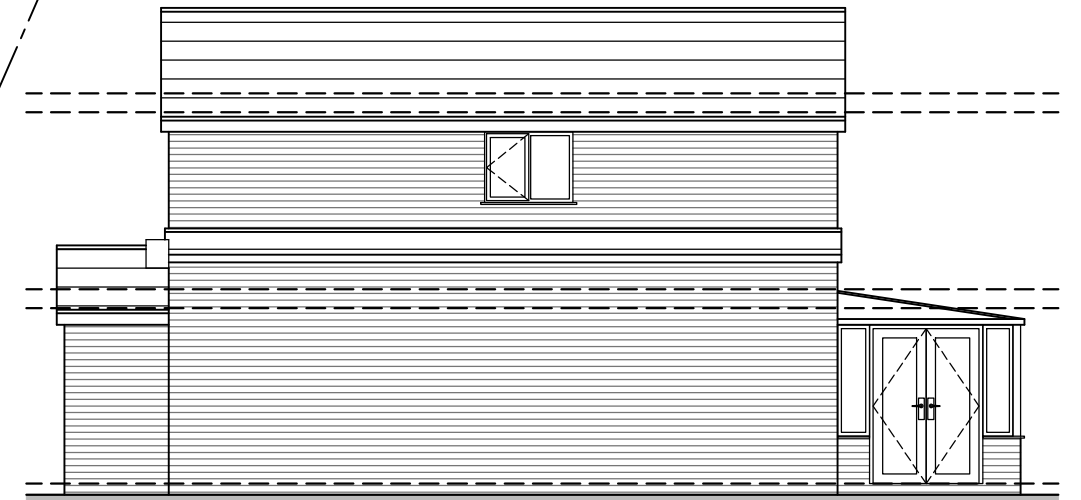
GROUND FLOOR

1:100



FIRST FLOOR

1:100



SIDE ELEVATION

1:100

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:

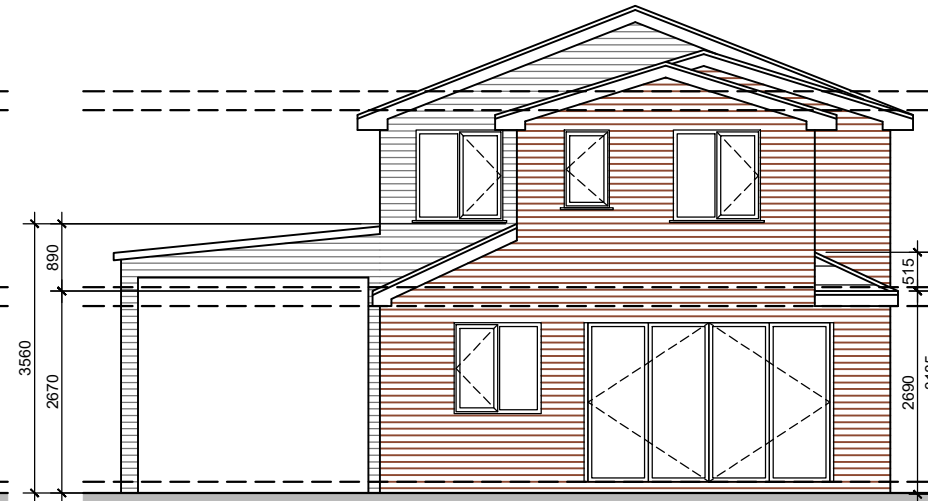
01 Existing Building

Scale:	Size:	Date:
1:100	A3	02/22

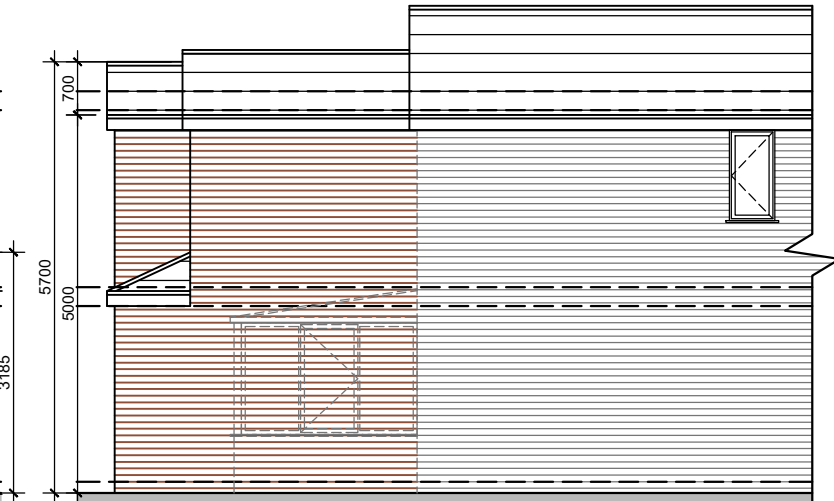
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FRONT ELEVATION
1:100

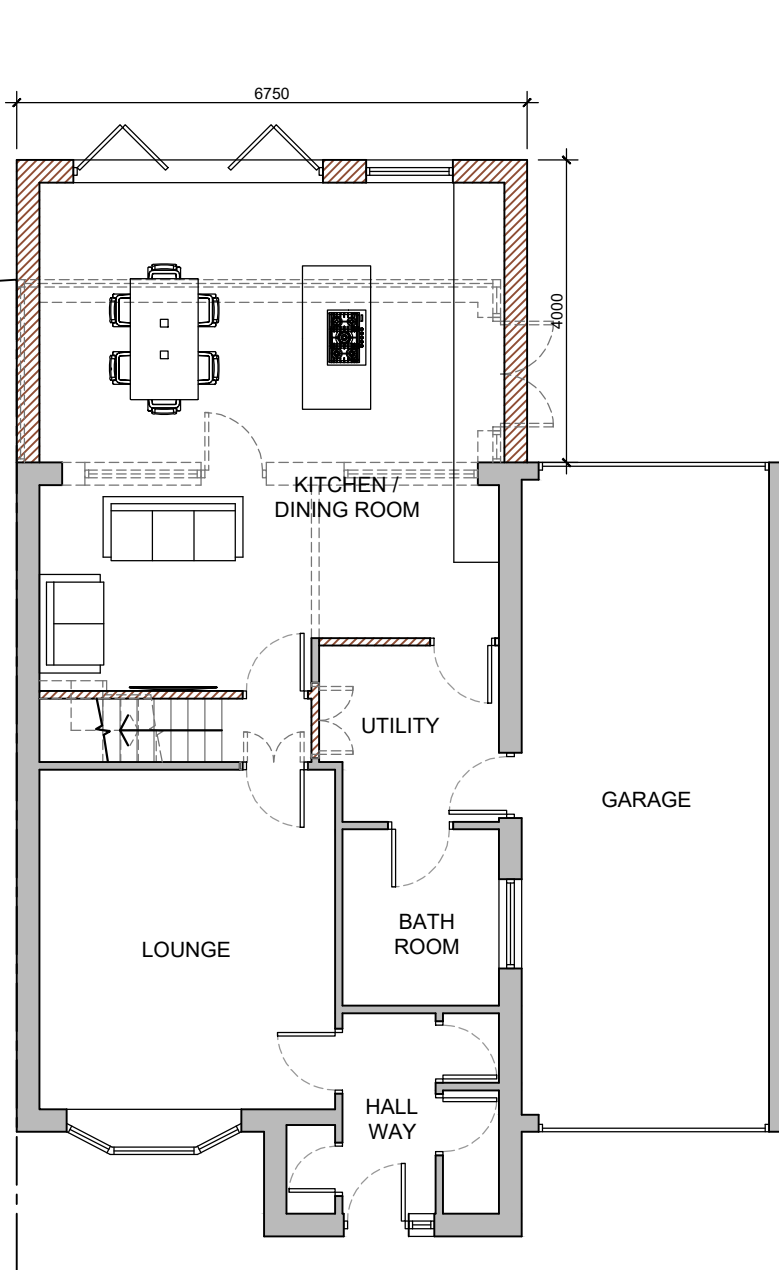


REAR ELEVATION
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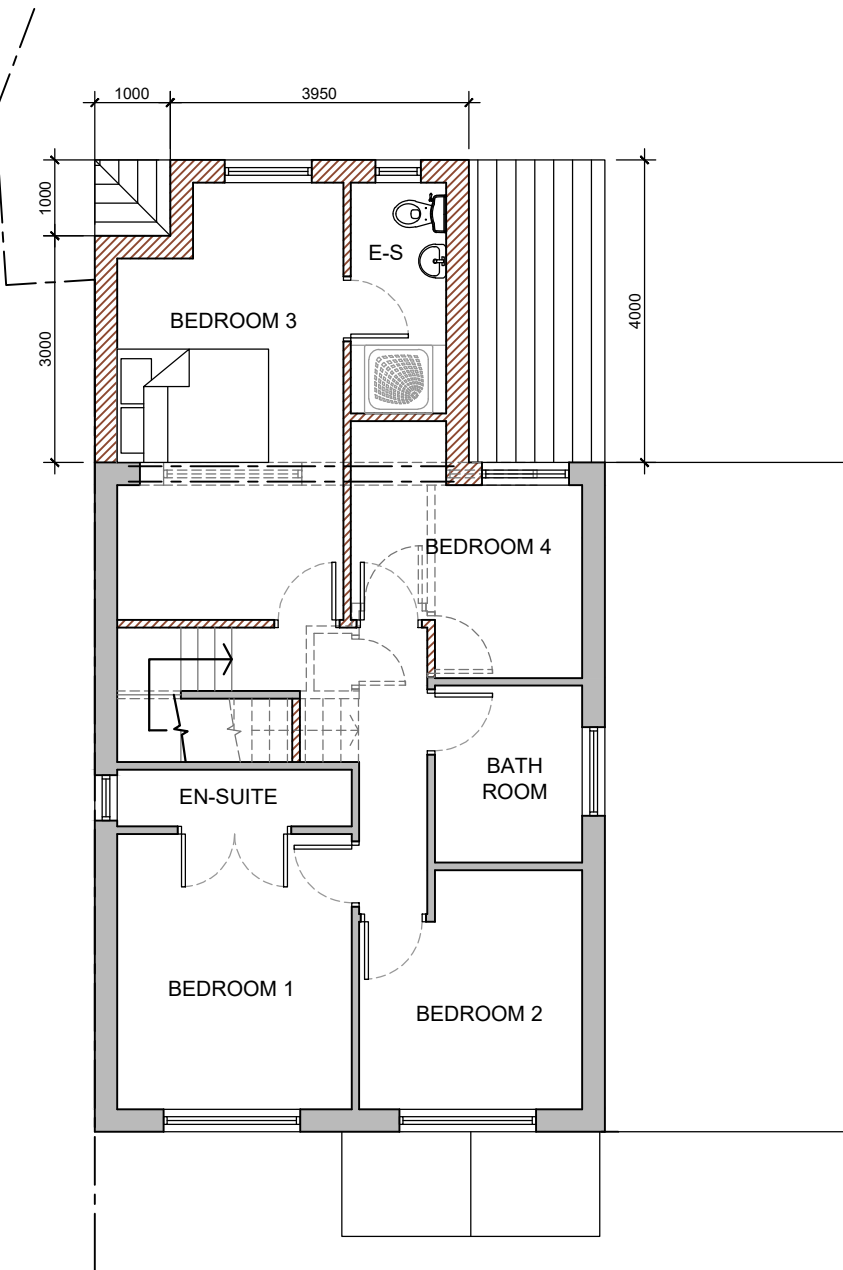


SIDE ELEVATION
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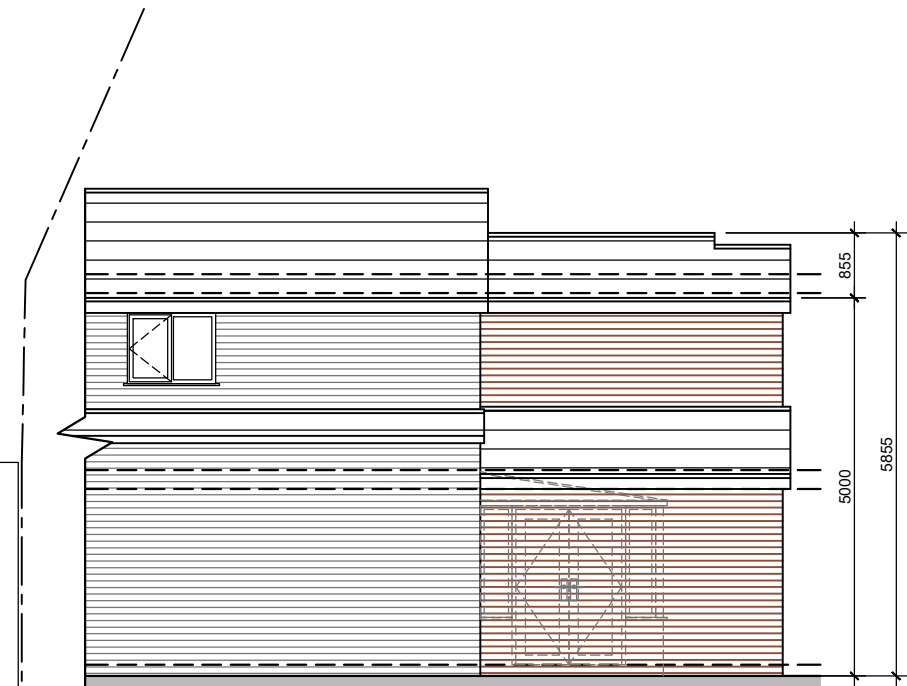
Page 87



GROUND FLOOR
1:100



FIRST FLOOR
1:100



SIDE ELEVATION
1:100

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:

**02 Proposed Building
REV F**

Scale: 1:100	Size: A3	Date: 10/22
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Appeal Decision

Site visit made on 7 July 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 January 2023.

Appeal Ref: APP/G4240/D/22/3298117

32 Uxbridge Street, Ashton-Under-Lyne, Tameside OL6 7DA

- 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 Boshier Ullah against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00153/FUL, dated 15 February 2022, was refused by notice dated 14 April 2022.
 - The application is for proposed first floor side extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the Appellant being Mr Boshier Ullah has been used according to the name used on the Council's Decision Notice in accordance with the name given within an email dated 4 May 2022. This name differs from that given on the original application form and is explained within the email from 4 May 2022.

Main Issues

3. The main issue is the impact of the proposal upon the living conditions of neighbours.

Reasons

4. The appeal property is a modern semi detached townhouse within what appears to be a relatively recent development. The architectural design of the area appears to include a modern interpretation of what I consider would be the traditional terrace aesthetic of this area except with the use of higher corner elements to buildings and modern well proportioned windows.
5. I saw on my site visit that within this recent development some of the garden areas appear relatively modest and the appeal site is no exception to this. Although the property has previously been extended to the side, the remaining garden is modest and is located to the side of the dwelling. I also notice that the neighbours garden to number 18 Layard Street, is also of a relatively modest size with its rear boundary skirting part of the rear elevation of the appeal property itself.

6. The layout of gardens therefore results in the situation of the appeal property only having one area of external amenity area to its side elevation with no windows to the rear.
7. The proposal before me seeks to expand the internal habitable space above the previous side extension so as to create a first floor containing two bedrooms. The bedrooms would have a window each, one facing to the front and the other facing to the rear.
8. In assessing this appeal I give great weight to the Appellant's personal; situation that requires extra space for their family. However, I am required by Local Plan Policy H10 of the Thameside Unitary Development Plan to weigh these personal benefits against the impact of any proposal upon the living conditions of neighbours.
9. In this case I consider that, primarily due to the layout of the plot boundaries and the orientation of the appeal property being to the south of its neighbour at number 18 Layard Street, that there would be some harmful impact upon the living conditions of neighbours.
10. The main impact would be through overshadowing of the rear garden of number 18 Layard Street through the infilling of what I consider is currently something of a valuable gap within the streetscene that allows both sunlight to reach the rear gardens here and allows a sense of openness. Through the infilling of this space with a first floor extension, the proposal would likely block much sunlight from the rear of number 18 therefore to the detriment of those living here.
11. Furthermore, the proposed rear, first floor window, would directly overlook this space and be located a very short distance from the common boundary at the rear. Although I saw on my site visit that the rear garden is open to some extent and divided by a fence, I consider that the proposal would introduce a harmful level of overlooking that would constitute something of an invasion of the neighbour's privacy while using their back garden.
12. In light of this the requirements of Policy H10 of the Thameside Local Development Plan which seeks to protect the living conditions of neighbours from such harmful interventions that could result in overlooking and overshadowing have not been met and subsequently the appeal must fail in this regard.

Conclusion

13. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR